

Licensing Sub-Committee

Tuesday 30 July 2019 at 10.00 am

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillors Andy Bainbridge (Chair), Adam Hurst and Cliff Woodcraft
Ruth Mersereau (Reserve)

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact John Turner on 0114 273 4122 or email john.turner@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
30 JULY 2019**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Bassbox, 39 Snig Hill, Sheffield, S3 8NA**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

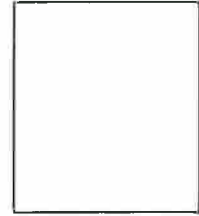
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 30th July 2019

Subject: Licensing Act 2003

Application for the Review of a premises licence for the premises known as:

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

Author of Report: Jayne Gough

Summary: To consider an application for the review of a premises licence submitted by the Environmental Protection Service, Sheffield City Council

Recommendations: That members carefully consider the application for review along with any other representations made and take such steps that the Committee consider necessary for the promotion of the Licensing Objectives

Background Papers: Attached documents

Category of Report: Open

LICENSING ACT 2003

Review of Premises Licence

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

1.0 PURPOSE OF REPORT

1.1 To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to Bassbox, 39 Snig Hill, Sheffield, S3 8NA.

2.0 THE APPLICATION

2.1 The application was made by the Environmental Protection Service on 12th June 2019.

2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-

- Prevention of Public Nuisance

2.3 The application form and supporting evidence is attached at Appendix 'A' which details further the grounds for the review application.

2.4 A copy of the current premises licence is attached at Appendix 'B'

3.0 REASONS FOR REFERRAL

3.1 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.

3.2 During the representation period, the Licensing Authority has also received representations from the following:-

- a) 10 x Local residents Appendix 'C'

3.3 The Licensing Service carried out a full premises inspection after receipt of the Review application on 15th June 2019 during night time enforcement duty when the premises were open and operational. It was found that there were 7 licence conditions being breached as well as issues with fire exits and emergency lighting. A copy of the inspection letter detailing the outcome of the inspection can be found at Appendix 'D'.

3.4 The applicant, Premises Licence Holder and public objectors have all been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this application. However additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

- 5.1 The Licensing Act 2003 at section 52(3) requires that the Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- 5.2 Section 52(4) states:

“The steps are –

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition added.”

- 5.3 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 5.4 The Licensing Act 2003 at section 52(11) states that:

“A determination under this section does not have effect –

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of.”

- 5.5 The Licensing Act 2003 at section 4(1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

- 5.6 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published Statement of Licensing Policy and any guidance issued by the Secretary of State under Section 182.

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'E'.
- 6.3 Attached at Appendix 'E' is the following: -
- a) a copy of the Notice of Hearing;
 - b) the rights of a party provided in Regulations 15 and 16;
 - c) the consequences if a party does not attend or is not represented at the hearing
 - d) the procedure to be followed at the hearing.

7.0 APPEALS

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates Court.

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the application for review along with any other representations made and take such steps as detailed in paragraph 5.2 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
 - b) exclude a licensable activity from the scope of the licence;
 - c) remove the designated premises supervisor;
 - d) suspend the licence for a period not exceeding three months;
 - e) revoke the licence; or
 - f) reject the application for review.

Steve Lonnia

Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

30th July 2019

Appendix A

The Application and supporting evidence

Gough Jayne (CEX)

From: Pates Neal
Sent: 12 June 2019 15:05
To: kathryn norris; sasha Lassu; licensingservice; Health Protection; Hague Julie; planningdc@sheffield.gov.uk; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; SYFIRE; Trading Standards; alcohol@homeoffice.gsi.gov.uk; DPHOffice
Cc: EPS.commercial; eps admin
Subject: LAC2003 Premises Licence Review Application – 'Bassbox'/Alegacy Ltd; 39 Snig Hill, Sheffield S3 8NA
Attachments: Bassbox - Review App Form.pdf; NEP-S80(N) - Bassbox (Alegacy Ltd) - 637528(1) + ltr.pdf; 637528 S.80 Breach Letter (2) - Bassbox.pdf; 637528 S.80 Breach Letter - Bassbox.pdf
Importance: High
Categories: Gareth Barrett, Emma Rhodes, Nina Hollis

This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.

FAO : All Responsible Authorities; Sheffield

RE: LAC2003 Premises Licence Review Application – 'Bassbox'/Alegacy Ltd; 39 Snig Hill, Sheffield S3 8NA

Dear All,

Please find the attached Premises Licence Review application, made on the basis of Public Noise Nuisance issues which persist at the above premises.

Attached is a copy of the application form, including case history details of the public nuisance issues and actions thus far by SCC Environmental Protection Service, Commercial Team; Responsible Authority for the Prevention of Public Nuisance under the Licensing Act 2003 (as amended). Also attached are three referenced supporting documents; S.80 noise abatement notice (inc. covering letter), and two breach notification letters.

A hard copy of this email and the attachments has also been posted to Alegacy Ltd, the premises Licence Holder, at the company's listed address.

Kind regards,

Neal Pates

Mr Neal Pates
Environmental Protection Officer

Sheffield City Council
Environmental Protection Service: Commercial Team
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel: +44 (0)114 273 4651

Mob: +44 (0)7785 628 038

Int: x 53588

Web: <http://www.sheffield.gov.uk/environmentalhealth>

Did you know?

Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.

Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road,
Sheffield, S9 3HD.

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Dominic Stokes, SCC Environmental Protection Service; Commercial Team Manager

(Insert name of applicant)

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the
premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description 'Bassbox' 39 Snig Hill	
Post town Sheffield	Post code (if known) S3 8NA

Name of premises licence holder or club holding club premises certificate (if known) ALEGACY LIMITED Company number 11021925 109 Buttermere Crescent Lakeside, Doncaster, United Kingdom, DN4 5PA

Number of premises licence or club premises certificate (if known) SY001173

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Dominic Stokes Commercial Team Manager SCC Environmental Protection Service 5 th Floor, North Howden House Sheffield S1 2SH
Telephone number (if any) 0114 273 4651 / 07711 153 248
E-mail address (optional) Dominic.Stokes@sheffield.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

Sheffield City Council's Environmental Protection Service (EPS) seek a review of the premises licence held by Alegacy Limited, who currently trade as 'Bassbox' at the premises located at 39 Snig Hill, Sheffield S3 8NA (ground floor; also known as 39-41 Snig Hill and 2-6 Bank Street, Sheffield S3 8NA). The review is sought on the basis of public nuisance arising from the licensable activities, and activities directly associated with licensable activities, conducted at the premises. EPS seek this review in their capacity of Responsible Authority for the Prevention of Public Nuisance.

Bassbox is a nightclub with an entertainment offer focused on bass-dominant music including drum & bass, dub, jungle, bassline, and similar genres. When open, the premises typically utilise the late hours of their licence to trade into the early hours, until 0300 to 0400 hours and later.

EPS have made repeated and protracted attempts to advise and engage with the Designated Premises Supervisor (DPS) Sasha Llassu, her partner (and sometime DJ/supervisor Richard James 'Jay' Swaryczewski, and Kathryn Norris, Mother of Ms Llassu and Director of Alegacy Ltd, the Premises Licence Holder (PLH). Whilst initially giving the impression of cooperation, it has become apparent that the business and the persons involved and responsible for the running of the business are either unwilling or unable to implement effective controls so as to prevent nuisance recurring.

Despite repeated attempts to provide support and assistance in improving physical and operational controls over noise breakout and transmission of noise, EPS continue to receive multiple complaints from a variety of persons affected. The noise issues include the airborne breakout of music noise affecting neighbours in the vicinity, the transmission structure borne flanking noise and vibration to occupiers in structurally connected dwellings (both above and to the side), and nuisance from the voices of customers using the rear external smoking area. EPS have 14 listed neighbouring complainants, and have also received complaint from the property management company for the adjacent building, 'The Fitzgerald'. Most of the affected residents are within The Fitzgerald, though there are a couple more on Bank Street, and one in a flat on the third floor of the building (separated by two floors of the commercial use; 'Quasar'). Attending EPS Night Time Enforcement Team (NTET) officers engaged in responsive and proactive visits to monitor and assess noise from the premises have also regularly and repeatedly witnessed intrusive and conspicuous levels of bass noise and vibration emitted from the front façade of the premises via the boarded up windows. These windows then resonate due to the bass-heavy content of the music, in a manner consistent with public nuisance.

NTET officers have repeatedly witnessed nuisance inside residents' bedrooms. The nuisance evidence provided by residents, and by attending NTET officers, has resulted in EPS making a determination of statutory nuisance and the service of a noise nuisance abatement notice under Section 80 of the Environmental Protection Act 1990 (as amended)¹. This S.80 notice was served on the DPS (Sasha Llassu) and PLH (Alegacy Ltd), dated 29th November 2018. The notice was not appealed, and is in force. Breaches of the abatement notice have subsequently been notified in writing to the subjects of the S.80 notice on two occasions; 04/04/2019²; 02/05/2019³.

These letters from EPS both notified of the breaches witnessed, and set out appropriate actions to a reasonable timescale, so as to assist in preventing further nuisance. To date the measures advised (all of which are also consistent with requirements imposed by the Licensing Act and specific Premises Licence conditions) have not been complied with in full. This is in spite of repeated and extensive efforts by EPS to support the business and encourage compliance.

Continued over...

¹ Appended by email

² Appended by email

³ Appended by email

EPS are now of the view that all conceivable efforts have been made to engage with, and support, the PLH & DPS of Bassbox in managing and reducing noise nuisance arising from the operations of the business, and in complying with their Premises Licence so as to achieve the core objective of the Licensing Act; The Prevention of Public Nuisance. Furthermore, that all reasonable and practicable measures, including those specified in conditions currently applied on the licence, have failed to achieve this required outcome.

Premises Licence conditions which continue to be breached;

- Annex 2; 24. All ventilation outlets serving licensed areas are to be acoustically baffled.
- Annex 2; 27. In the event that the investigation of complaints received evidences nuisance due to noise breakout from the premises then, notwithstanding any sound attenuation works already undertaken, a further scheme of sound attenuation works capable of preventing noise nuisance from the premises shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall then be installed as approved within an agreed timescale and shall thereafter be retained.

Premises Licence conditions which have not been exercised consistently, or effectively;

- Annex 2; 22. The designated premises supervisor or a nominated member of staff must take a pro-active approach to noise control, regularly and frequently checking that noise from patrons using the external areas of the premises, and any breakout of internal noise to such areas, is managed so as to prevent nuisance.
- Annex 2; 23. No amplified sound shall be played except through an in-house sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of Sheffield City Council's Environmental Protection Service.

In particular EPS wish to highlight that, following months of attempting to gain compliance with the 'limiter condition' no.23, including both protracted efforts to get an in-house sound system employed, and then to get a limiting system competently fitted, the limiter arrangement still fails to prevent nuisance, either due to deliberate misuse, malpractice, or general lack of effective control. EPS can attest that the system's set level was determined and overseen in a comprehensive exercise where breakout noise levels were established inside complainants' bedrooms, both within The Fitzgerald building, and in the top floor flat above the premises. Nevertheless, breakout noise has subsequently been witnessed inside these properties at levels clearly in exceedance of the agreed limits set and approved by EPS.

Also, that despite exhaustive efforts to support and encourage the business in engaging professional assistance in assessing the building's acoustic shortcomings, and specifying suitable remedial works, the PLH and DPS have wilfully resisted this requirement, as set out in condition no.27. Work done by EPS during the setting of the limiter system clearly established that the noise nuisance that has occurred, and continues to occur, has been due to both the breakout of airborne sound, and due to flanking transmission of **structure** borne noise and vibration. The structure borne element is a notoriously complex issue to resolve, particularly where high levels of low frequency noise are concerned. Whilst EPS has been able to provide some assistance in identifying the wall mounted bar area speakers as problematic, it is apparent that professional input is required to determine a scheme of works capable of allowing the club to operate as a 'bassline' music venue.

The PLH and DPS continue to resist this requirement to improve the sound insulation and attenuation, and fail to employ the limiter system as set and approved. As a result, instances of nuisance continue to recur, amounting to a public nuisance as defined in the 2003 Act.

Please provide as much information as possible to support the application (please read guidance note 3)

Brief Case History

EPS first started receiving noise complaints about loud 'bassline' style music breakout from the premises before it actually started trading on 5th October 2018.

The communications between EPS and Bassbox (via Sasha Llassu & Kathryn Norris) have been extensive and protracted, as has the associated correspondence with the multiple complainants. EPS can demonstrate that every effort has been made to notify the PLH & DPS of the public nuisance issues that have been ongoing, and to advise and assist the business in addressing these concerns so as to prevent the recurrence of the nuisance. Despite these efforts nuisance has continued. EPS advice has not been followed, and the operation of the business remains a matter of concern.

Prior to the club opening on 5th October 2018, EPS had already received four noise nuisance complaints and one councillor representation regarding the loud music played at the premises during 'refurbishment'. A further nine complainants came to EPS directly by the end of 2018. Complaints have continued consistently and frequently. EPS currently have sixteen complainants on file, with six households on active referral to our Night Time Enforcement Team (four in The Fitzgerald, one on Bank St, and the occupier of the top floor flat above the premises).

EPS served the S.80 abatement notice on 29th November (appended). This was based principally on nuisance directly witnessed by NTET officers responding to complaints received in relation to the two events prior, on 15th/16th November and 23rd/24th November 2018. Statutory nuisance was determined on both these occasions, and fell on a backdrop of multiple complaints alleging similar, noise logs submitted, and supporting evidence witnessed during proactive visits and assessments made by the NTET.

A couple of months followed where complaints continued to be received, whilst EPS attempted to gain compliance over the installation of an in-house sound system and the installation and setting of a limiter system. This exercise was provisionally completed on 7th February 2019. Following several more visits (and missed appointments), outstanding works and inspections were finally resolved, and the limiter setting approved on 28th March 2019.

Irrespective of the above, both during the limiter setting exercise and beyond, complaints have continued. Breaches of the abatement notice were formally advised to the complainant in two letters (as appended and referenced above). To summarise, nuisance in breach of the notice was witnessed inside complainant properties on; 25th January 2019; 29th/30th March 2019; 30th/31st March 2019; 25th/26th April 2019. This latter instance also introduced evidenced statutory nuisance from customer voices in the external rear smoking area. This has not yet been the subject of an abatement notice, though a warning has been issued.

During these nuisance events, attending NTET officers have repeatedly had to resort to contacting Ms Llassu directly during club night events, to request that music is turned down, and that patrons in external areas are controlled. NTET officers have noted that responses from Ms Llassu have frequently been very delayed, that music noise levels have not been significantly reduced, or that reduction has not occurred for over an hour from the initial contact, and that customer noise issues have not been effectively or promptly resolved.

EPS have consistently found the management arrangements at Bassbox to be confused. The role of Mr Richard James 'Jay' Swaryczewski has been unclear (described at times as a manager for the premises, but also directly responsible for the nuisances reported pre-opening, and at times also reported to EPS as 'sacked', both verbally by Ms Llassu and in writing by Mrs Norris).

Continued over...

Ms Llassu has at times appeared to wish to be compliant and helpful, but has consistently shown a lack of appreciation of what is required to control the business in a professional and effective manner, or to meet the obligations set out by the premises licence and the Licensing Act (as amended).

Email communications with Ms Llassu have been complicated by a failure to understand and respond appropriately to advice communicated. In the early months of the premises' trading, progress in resolving nuisance issues was thwarted by a general failure of Ms Llassu to attend meetings or deal with issues directly, preferring to delegate tasks to 'Jay'.

Communications with Mrs Kathryn Norris have been 'strained' and at times antagonistic, and generally failed to result in effective remedies to the nuisance issues ongoing. Mrs Norris has never been available to meet EPS at the premises or elsewhere.

EPS acknowledge the SCC Licensing Policy that applications for review should be a 'last resort', and that Responsible Authorities should work with a licence holder/DPS to agree clear objectives within a timetable. At this point EPS now regard this process as exhausted, and therefore seek a formal review by a Licensing Sub-committee, so as to prevent further public nuisance recurring.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
±	±	± ± ±

If you have made representations before relating to the premises please state what they were and when you made them

TEN objection by email dated 03/10/2018: TEN dates; 10-13/10/2018 22-0400 Drum & Bass Party.

TEN objection was to keep the event under the restrictions and controls imposed by the premises licence, due to numerous noise complaints received directly by Licensing Service, and by EPS.

Subsequently advised of a Late TEN Counter Notice, issued for 11-13/10/2018 (by email 04/10/2018).

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



SignatureDominic Stokes

Date **07/06/2019**
.....

Capacity **Applicant - Responsible Authority: Prevention of Public Nuisance**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Neal Pates Environmental Protection Officer SCC Environmental Protection Service 5th Floor, North Howden House City Centre	
Post town Sheffield	Post Code S1 2SH
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Neal.Pates@sheffield.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Business Strategy and Regulation

Director: Mick Crofts



Environmental Protection Service

5th Floor (North), Howden House, Union Street, Sheffield, S1 2SH

Email eps.admin@sheffield.gov.uk

Tel. (0114) 273 4651

Officer: Neal.Pates@sheffield.gov.uk

Tel: 07795 528 038

Ref: eps/637528

Date: 29th November 2018

Ms Kathryn Norris; Company Secretary
Alegacy Ltd
109 Buttermere Crescent 'Lakeside'
Doncaster
DN4 5PA

FAO: Ms Kathryn Norris; Company Secretary & Director (Alegacy Ltd) & Ms Sasha Lassu; Director (Alegacy Ltd) & Designated Premises Supervisor ('Bassbox')

Dear Ms Norris & Ms Lassu ,

**RE: 'STATUTORY NUISANCE ABATEMENT NOTICE (NOISE)' – S.80
Environmental Protection Act 1990 (as amended)**

Notice Refs: EPS/NEP/637528/2018 (1) & EPS/NEP/637528/2018 (2)

Please find the enclosed 'Abatement Notice' in respect of a statutory nuisance caused by loud amplified music played at the premises at 39-41 Snig Hill, Sheffield S3 8NA, currently trading as 'Bassbox'.

The notice is served upon Alegacy Ltd, as the company operating the premises and designated as the Premises Licence Holder of 'Bassbox' (Licensing Act 2003), and brought to your attention as Company Secretary and Director of Alegacy Ltd, and to that of Sasha Lassu as a Director of Alegacy Ltd. A copy of the notice is also served upon Ms Sasha Lassu at 34 Woodhouse Road, Doncaster DN2 4DG, as Designated Premises Supervisor of 'Bassbox' (Licensing Act 2003). In these respects you are deemed as the persons responsible for the premises from which the nuisance is occurring, and for its abatement.

The notice requires that you take action now to cease or cause to cease the nuisance caused by the playing of loud amplified music. The notice also provides **details** of your legal rights, and the penalties that may be incurred if you fail to abate the nuisance.

To assist you in the abatement of the nuisance, Sheffield City Council Environmental Protection Service (EPS) recommend you consider implementing the **following** improvements and controls. In addition to the nuisance evidenced to have been caused by loud amplified music, I would also draw your attention to the fact that the **vast** majority of the complainants who have contacted EPS about nuisance from Bassbox have also referred to disturbance caused by the use of the external rear **courtyard** used

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as a smoking area. The recommendations therefore also include some measures intended to assist you in addressing this likely source of nuisance.

Please note these recommendations are not intended to be exhaustive, and alternatives may prove suitable. Of course, you may simply elect to cease all such activities at the premises as may lead to nuisance being caused.

Suggestions to Assist in the Abatement of Nuisance at 39-41 Snig Hill

- All amplified music and sound should only be played via in-house sound system fitted with a sound limiting device, which must be capable of being set and secured in a tamper-evident manner.
- To allow sound to be broadcast in the manner typical of the 'Bassbox' trading style, details of a suitable scheme of sound insulation works based on the recommendations of a suitably qualified acoustics specialist should first have been submitted to, and approved in writing by EPS. The approved scheme should then be installed as approved in full before such use recommences.
- Such a suitable scheme of works must consider both airborne noise breakout pathways, and structure-borne noise transmission pathways.
- It is envisaged that a suitable scheme will also include an improved scheme of ventilation and/or climate control such that no un-attenuated through wall vents or duct outlet are retained.
- Development of an EPS approved Noise Management Plan (NMP) for the control of noise from customers using the external smoking area, customers awaiting access to the premises and those departing the premises. A suitable NMP should include;
 - Delegation of responsibilities for noise management and control.
 - Staff training protocol.
 - Procedures for external routine checks on noise breakout levels and customer behaviour when using outside areas of the premises.
 - Procedures for limiting and monitoring the number of customers allowed to be in the external smoking area at any given time.
 - A 'no drinks in external areas' policy.
 - Details of how, where and when SIA registered security staff will be employed to assist in the above.

Should you have any questions regarding the content or requirements of the enclosed notice, or require any further assistance, please do not hesitate to contact me directly.

Yours sincerely,



Neal Pates
Environmental Protection Officer

CC By Email; 

SHEFFIELD CITY COUNCIL

**ENVIRONMENTAL PROTECTION ACT 1990, Section 80
Abatement Notice in respect of Noise Nuisance**

**Alegacy Ltd
109 Buttermere Crescent 'Lakeside'
Doncaster
DN4 5PA**

(Company number 11021925)

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990, SHEFFIELD CITY COUNCIL being satisfied of the occurrence of a statutory noise nuisance under section 79(1)(g) of that Act at the premises known as **Bassbox, 39-41 Snig Hill, Sheffield S3 8NA** within the district of the said Council, arising from the playing of loud amplified music, and **HEREBY REQUIRE YOU** as the person(s) responsible for the premises from which the noise is or would be emitted **FORTHWITH** from the service of this notice, to abate the same and also **HEREBY PROHIBIT** the occurrence of the same and for that purpose require you to:

CEASE, OR CAUSE TO CEASE, THE PLAYING OF LOUD AMPLIFIED MUSIC AT SUCH A LEVEL AS TO CONSTITUTE A NUISANCE.

IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

IF without reasonable excuse you contravene or fail to comply with any requirement of this notice you will be guilty of an offence under section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine not exceeding level 5 on the Standards Scale, together with a further fine of an amount equal to one-tenth of that level for each day on which the offence continues after conviction. A person who commits an offence on industrial, trade or business premises will be liable on summary conviction to a fine not exceeding £20,000.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

DATED: 29th November 2018

Signed.....

Mr Neal Pates – Environmental Protection Officer.
(The officer appointed for this purpose)

Address for all communications:
Environmental Protection Service
5th Floor, Howden House, 1 Union St,
Sheffield S1 2SH

N.B. The person served with this notice may appeal against the notice to a magistrates' court within twenty-one days beginning with the date of service of the notice. See notes accompanying this notice.

A copy of this notice is also served to: Ms Sasha Lassu, 

The Statutory Nuisance (Appeals) Regulations 1995 provides as follows:-

APPEALS UNDER SECTION 80(3) of the ENVIRONMENTAL PROTECTION ACT 1990
("the 1990 Act")

2. - (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case -
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling with section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes,that the best practical means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the Control of Pollution Act 1974 ("the 1974 Act") (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

- (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being-
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,
 and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of the appeal the court may-
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall

be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority,

- (6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit -
 - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the court -
 - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

SUSPENSION OF NOTICE

3. - (1) Where -
 - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and-
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

- (2) This paragraph applies where -
 - (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
 - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Business Strategy and Regulation

Director: Mick Crofts



Environmental Protection Service

5th Floor (North), Howden House, Union Street, Sheffield, S1 2SH

Email eps.admin@sheffield.gov.uk

Tel. (0114) 273 4651

Officer: Dominic Stokes

Tel: (0114) 273 4651

Ref: eps/637528

Date: 4th April 2019

Ms Kathryn Norris; Company Secretary
Alegacy Ltd
109 Buttermere Crescent 'Lakeside'
Doncaster
DN4 5PA

FAO: Ms Kathryn Norris; Company Secretary & Director (Alegacy Ltd) & Ms Sasha Lassu; Director (Alegacy Ltd) & Designated Premises Supervisor ('Bassbox')

Dear Ms Norris & Ms Lassu,

RE: WITNESSED BREACHES OF A 'STATUTORY NUISANCE ABATEMENT NOTICE (NOISE)' – S.80 Environmental Protection Act 1990 (as amended)

'Bassbox'; 39-41 Snig Hill, Sheffield S3 8NA.

Notice Refs: EPS/NEP/637528/2018 (1) & EPS/NEP/637528/2018 (2)

Regarding the above notice served in duplicate upon Alegacy Ltd, as the company operating the premises and designated as the Premises Licence Holder of 'Bassbox', and upon Ms Sasha Lassu, as Designated Premises Supervisor of 'Bassbox'.

These notices were served on you both, as the persons responsible for the premises from which the nuisance occurs, and for its abatement. The wording of the notice required that action is taken to cease or cause to cease the nuisance caused by the playing of loud amplified music.

I write now to advise you of that, since the service of this notice, dated 29th November 2018 and which required the nuisance to be abated forthwith, further instances of noise nuisance have been witnessed by officers of the Council duly appointed for this purpose. These instances therefore constitute breaches of this S.80 Notice.

Please read this letter carefully, and in full. It contains important advice and recommendations. Failure to comply with the content of this letter may lead to prosecution and a substantial fine. It may also result in a review of your premises licence, where the terms and conditions could be substantially changed, or the licence revoked. There is a summary at the end, for clarity.

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Identified Breaches of the S.80 Notice

The breaches witnessed were caused by the playing of loud amplified music. The breaches were witnessed in a number of different residential properties.

Breaches occurred during the Friday and Saturday night events held this weekend on 29th and 30th March 2019, into the 30th & 31st respectively. Excessive bass breakout was witnessed inside a dwelling on Bank Street, and inside two apartments in The Fitzgerald, 1 West Bar. Attending officers communicated concern over the level of noise and the associated nuisance directly to the Designated Premises Supervisor Ms Sasha Lassu on both evenings, requesting that the noise be reduced. On both occasions music noise continued to cause nuisance for a significant duration (in excess of an hour), subsequent to the requests being made.

In light of the level of music noise breakout witnessed on these occasions, Environmental Protection Service (EPS) now have significant concerns that the sound limiter level set and agreed for the in-house sound system on 7th February 2019 was not maintained and controlling music noise breakout as agreed. This is despite the recent inspection of the limiter setting and confirmation of the removal of the three problematic wall-mounted speakers and single sub-woofer unit in the bar area of the premises, undertaken on 28th March 2019.

In addition to these recent breaches, I can also confirm that the abatement notice was also breached on 25th January 2019. This was witnessed inside the third floor dwelling in the building. Notification of this breach was delayed subject to confirmation with our legal team that this is a recognised and legitimate dwelling. EPS acknowledge that on this occasion, the breach was witnessed prior to the limiter setting having been agreed. However, the failure to set and agree the limiter prior to trading commencing was a clear breach of a condition of your Premises Licence, issued under the Licensing Act 2003 (as amended).

Secondary Nuisance Issues

The covering letter for the abatement notice dated 29th November 2018 also identified that the vast majority of the complainants who have contacted EPS about nuisance from Bassbox have also referred to disturbance caused by the use of the rear courtyard used as a smoking area. The letter included suggested control measures intended to assist in nuisance prevention. These included a recommendation that a Noise Management Plan should be developed, so as to mitigate noise from the use of the rear external smoking area.

All complainants who contacted the service over the course of last weekend, including those where attending officers witnessed statutory noise nuisance, also said that noise from customers' voices in the smoking area contributed to the nuisance they were experiencing. This was mentioned in text communications with the DPS on each night. Attending officers reported that, in each of the properties attended, the level of noise from the courtyard was audible within the complainants' bedrooms, even with their windows closed. With windows partially open, the noise from the smoking area was judged loud enough to prevent complainants sleeping and cause them to be woken. Reporters complained they were unable to have their windows open as they wished.

If these issues persist, it is likely that a second S.80 abatement notice will be issued which specifically requires noise nuisance arising from the use of the external smoking

area to be abated. To assist you in preventing this, it is now recommended that you submit a draft Noise Management Plan (NMP) to EPS, for review and approval. As a reminder, our advice on this topic was that a suitable NMP should address the control of noise from customers using the external smoking area, customers awaiting access to the premises and those departing the premises, and should include;

- Delegation of responsibilities for noise management and control.
- Staff training protocol.
- Procedures for external routine checks on noise breakout levels and customer behaviour when using outside areas of the premises.
- Procedures for limiting and monitoring the number of customers allowed to be in the external smoking area at any given time.
- A 'no drinks in external areas' policy.
- Details of how, where and when SIA registered security staff will be employed to assist in the above.

You should now submit a first draft at your earliest convenience, and within the next 14 days.

Premises Licence Requirements

Your Premises Licence includes the following condition;

27. In the event that the investigation of complaints received evidences nuisance due to noise breakout from the premises then, notwithstanding any sound attenuation works already undertaken, a further scheme of sound attenuation works capable of preventing noise nuisance from the premises shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall then be installed as approved within an agreed timescale and shall thereafter be retained.

Despite the assistance we provided with the setting of the limiter, and despite the advice provided in writing and during several visits to the premises, it is now apparent that noise problems continue to cause nuisance. You are therefore now advised that this condition is in force and must be complied with promptly, so as to prevent further public nuisance arising. You are advised that, to be approved, such a scheme of works must be based on the recommendations of a suitably qualified and experienced acoustic professional. Details of their recommendations must be submitted to Environmental Protection Service in a written report, before implementation.

We are not able to make specific recommendations regarding a suitable acoustic consultant. However, I can advise that you can search for a professional using either of these two websites;

<https://www.ioa.org.uk/find-acoustics-specialist-or-supplier>

<http://www.association-of-noise-consultants.co.uk/members-search/>

Summary of key points covered in this letter

- Statutory Nuisance caused by music noise from Bassbox has been witnessed. This means that the S.80 Noise Abatement Notice served on Bassbox has been breached.
- Further breaches of the S.80 Notice will result in the matter being referred to our legal team, and prosecution for the offence may result. The maximum fine for each offence, on conviction, is £20,000.
- Public Nuisance, in terms of the Licensing Act 2003, is also evidenced. Continued nuisance, or failure to comply with licence conditions intended to prevent nuisance, will result in a request for your licence to be reviewed.
- To avoid enforcement actions in relation to Statutory and Public Nuisance you should, within the time periods specified;
 - Now - Reduce the music noise level at all future events, so as to prevent further noise nuisance from occurring.
 - Commence within 14 days; Complete with 28 days - Consult with us over the development of a Noise Management Plan to deal with noise from customers in external areas.
 - Commence within 14 days; Complete with 3 months - Engage a professional noise consultant so as to implement an approved scheme of sound insulation works, to reduce music noise breakout from the premises.

Should you have any questions regarding the content of this letter, or require any further assistance in adhering to the requirements and advice given, please do not hesitate to contact me directly.

Yours sincerely,



Dominic Stokes
Commercial Team Manager
Environmental Protection Service

CC By Email;



CC By Post; Ms Sasha Lassu



Business Strategy and Regulation

Director: Mick Crofts



Environmental Protection Service

5th Floor (North), Howden House, Union Street, Sheffield, S1 2SH

Email eps.admin@sheffield.gov.uk

Tel. (0114) 273 4651

Officer: Dominic Stokes

Tel: (0114) 273 4651

Ref: eps/637528

Date: 2nd May 2019

Ms Kathryn Norris; Company Secretary
Alegacy Ltd
109 Buttermere Crescent 'Lakeside'
Doncaster
DN4 5PA

FAO: Ms Kathryn Norris; Company Secretary & Director (Alegacy Ltd) & Ms Sasha Lassu; Director (Alegacy Ltd) & Designated Premises Supervisor ('Bassbox')

Dear Ms Norris & Ms Lassu,

RE:

1. **FURTHER WITNESSED BREACH OF A 'STATUTORY NUISANCE ABATEMENT NOTICE (MUSIC NOISE)' – S.80 Environmental Protection Act 1990 (as amended)**
2. **NOTIFICATION OF A STATUTORY NUISANCE: (NOISE FROM USE OF THE EXTERNAL REAR COURTYARD SMOKING AREA)**

'Bassbox': 39-41 Snig Hill, Sheffield S3 8NA.

Notice Refs: EPS/NEP/637528/2018 (1) & EPS/NEP/637528/2018 (2)

Following my last letter on this topic, dated 4th April 2019 and notifying breaches of the existing noise abatement notice for the Bassbox premises, I now write to advise you of a further witnessed breach. This was caused by music noise breakout from the premises on the evening of Thursday 25th April, into the early hours of Friday 26th April 2019. This nuisance was again witnessed directly, inside a complainant's bedroom, by SCC Environmental Protections Service's Night Time Enforcement Team (NTET), who also advised you of the same directly, at the time of the nuisance occurring.

In addition to the matter of this breach of an existing abatement notice, I must now also inform you that noise from customers using the external rear courtyard smoking area of the Bassbox premises was also witnessed as causing a statutory nuisance. As this is not covered by the current notices in force (which relate to music noise breakout), **please take this as formal notification of a further separate nuisance.**

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Large print versions of this letter are available by telephoning 0114 273 4651

This notification is provided for the purpose of persuading you, as the appropriate person(s), to abate the nuisance or prohibit its occurrence, in accordance with the provisions of Section 80(2A)(b) of the 1990 Act.

You must now, within 7 days of this notification, take suitable steps to prevent this further nuisance occurring. Failure to do so shall result in the service of a further abatement notice, specific to this nuisance issue.

Please read this letter carefully, and in full. It contains important advice and recommendations. Failure to comply with the content of this letter may lead to prosecution and a substantial fine. It may also result in a review of your premises licence, where the terms and conditions could be substantially changed, or the licence revoked. There is a summary at the end, for clarity.

Identified Breaches of the S.80 Notice

The breach witnessed on Thursday 25th April was caused by the playing of loud amplified music. It was witnessed in one of the adjoining residential properties, in 'The Fitzgerald' building. This follows on from the breaches that occurred during the Friday and Saturday night events held on 29th and 30th March 2019, as notified in my letter of 4th April 2019. Attending NTET officers again communicated concern over the level of noise and the associated nuisance directly to the Designated Premises Supervisor Ms Sasha Lassu, requesting that the noise be reduced. Again, music noise continued to cause nuisance for a significant duration (almost an hour), before a response was gained.

Additional Nuisance Issue – Noise from Smoking Area

On the same evening, NTET officers also witnessed nuisance caused by persons using the designated smoking area to the rear of the premises, and also overlooked by bedrooms in The Fitzgerald. Officer notes state that "At 23:46 two people entered the smoking area – screeching and shouting, no visible security." This is contrary to the draft Noise Management Plan prompted by advice given in my last letter (finalised NMP version yet to be agreed).

You should take note that statutory nuisance was witnessed despite the number of persons in the smoking area being below the 20 person maximum suggested in your draft NMP. This highlights the need for security staff to be vigilant, and to control noise in this area at all times.

At 01:18, subsequent to the officers having texted to advise of noise nuisance, a second resident at The Fitzgerald contacted the NTET to also complain of having been woken by noise from Bassbox, and complaining of loud noise from the smoking area in particular.

In my last letter, I advised you that, if these issues persist, it is likely that a second S.80 abatement notice will be issued which specifically requires noise nuisance arising from the use of the external smoking area to be abated. You were advised to prepare a Noise Management Plan for EPS approval, and to include measures to mitigate noise from the external smoking area. Whilst we have received a first draft of this, EPS are yet to receive an amended version reflecting the revisions and additions advised as necessary for the NMP's approval.

Premises Licence Requirements

As advised in my last letter, your Premises Licence includes the following condition;

27. In the event that the investigation of complaints received evidences nuisance due to noise breakout from the premises then, notwithstanding any sound attenuation works already undertaken, a further scheme of sound attenuation works capable of preventing noise nuisance from the premises shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall then be installed as approved within an agreed timescale and shall thereafter be retained.

You were advised at that time that, to be approved, such a scheme of works must be based on the recommendations of a suitably qualified and experienced acoustic professional. Details of their recommendations must be submitted to Environmental Protection Service in a written report, before implementation.

You have since indicated in emailed correspondence that you do not intend to engage a professional to advise you on an appropriate scheme of works. Also, that you intend to undertake an unapproved scheme of works, contrary to EPS advice.

It remains our view that the works you are proposing will, in all likelihood, be ineffective. It wouldn't be appropriate to endorse such a flawed approach by attending to inspect progress, as requested in your recent email.

Reminder of Key Action Points

- There is now 1 day remaining until the expiry of the advised deadline for agreeing an EPS-approved Noise Management Plan (NMP). You should forward a revised NMP immediately.
- The revised NMP should include changes consistent with advice emailed to you on 18th April 2019.
- Noise from the smoking area must be effectively controlled. Further nuisance from this source will result in the service of a second, additional noise abatement notice, specific to this issue.
- Continued failure to prevent nuisance from music noise break out serves to highlight that a scheme of sound insulation works is necessary. If you continue to fail to adhere to the requirements of condition no.27, and a suitable scheme of works is not agreed, EPS will seek a review of your premises licence.
- All requirements, and imminent enforcement actions relating to the existing noise abatement notice served upon you, remain as advised in my last letter to you.

Should you have any questions regarding the content of this letter, or require any further assistance in adhering to the requirements and advice given, please do not hesitate to contact me directly.

Yours sincerely,



Dominic Stokes
Commercial Team Manager
Environmental Protection Service

CC By Email; [REDACTED]

CC By Post; Ms Sasha Lassu
[REDACTED]
[REDACTED]

Appendix B

Current Premises Licence

Licensing Act 2003 Premises Licence

Issue No: 12

SY001173 PR

LOCAL AUTHORITY



Licensing Service
Place Portfolio
 Block C Staniforth Road Depot
 Staniforth Road
 Sheffield
 S9 3HD
 Tel: 0114 2734264
 Email: licensing@sheffield.gov.uk
 Website: www.sheffield.gov.uk/licensing

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Bassbox

39 Snig Hill, Sheffield, S3 8NA.

Telephone 0114 2687788

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
B. Exhibition of films (Indoors)			
	Sunday	10:00am	4:00am
	Monday	10:00am	4:00am
	Tuesday	10:00am	4:00am
	Wednesday	10:00am	4:00am
	Non Standard Timings:		

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be

Licensing Act 2003 Premises Licence

Issue No: 12

SY001173 PR

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity	Day	Time From	Time To
B. Exhibition of films (Indoors) continued ...			
		shown.	
	Thursday	10:00am	4:00am
	Friday	10:00am	4:00am
	Saturday	10:00am	4:00am
C. Indoor sporting event			
	Sunday	10:00am	4:00am
	Monday	10:00am	4:00am
	Tuesday	10:00am	4:00am
	Wednesday	10:00am	4:00am
	Thursday	10:00am	4:00am
	Friday	10:00am	4:00am
	Saturday	10:00am	4:00am
	Non Standard Timings:		
	To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.		
E. Performance of live music (Indoors)			
	Sunday	10:00am	6:00am
	Monday	10:00am	6:00am
	Tuesday	10:00am	6:00am
	Wednesday	10:00am	6:00am
	Thursday	10:00am	6:00am
	Friday	10:00am	6:00am
	Saturday	10:00am	6:00am
F. Playing of recorded music (Indoors)			
	Sunday	10:00am	6:00am
	Monday	10:00am	6:00am
	Tuesday	10:00am	6:00am
	Wednesday	10:00am	6:00am
	Thursday	10:00am	6:00am
	Friday	10:00am	6:00am
	Saturday	10:00am	6:00am
G. Performance of dance (Indoors)			
	Sunday	10:00am	6:00am
	Monday	10:00am	6:00am
	Tuesday	10:00am	6:00am
	Wednesday	10:00am	6:00am
	Thursday	10:00am	6:00am
	Friday	10:00am	6:00am
	Saturday	10:00am	6:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)			
	Sunday	10:00am	6:00am
	Monday	10:00am	6:00am
	Tuesday	10:00am	6:00am
	Wednesday	10:00am	6:00am
	Thursday	10:00am	6:00am
	Friday	10:00am	6:00am

Licensing Act 2003 Premises Licence

Issue No: 12

SY001173 PR

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity	Day	Time From	Time To
H. Entertainment of a similar description to that falling within E, F, or G (Indoors) continued ...			
	Saturday	10:00am	6:00am
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	5:00am
	Monday	11:00pm	5:00am
	Tuesday	11:00pm	5:00am
	Wednesday	11:00pm	5:00am
	Thursday	11:00pm	5:00am
	Friday	11:00pm	5:00am
	Saturday	11:00pm	5:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	10:00am	5:30am
	Monday	10:00am	5:30am
	Tuesday	10:00am	5:30am
	Wednesday	10:00am	5:30am
	Thursday	10:00am	5:30am
	Friday	10:00am	5:30am
	Saturday	10:00am	5:30am

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	10:00am	6:20am
Monday	10:00am	6:20am
Tuesday	10:00am	6:20am
Wednesday	10:00am	6:20am
Thursday	10:00am	6:20am
Friday	10:00am	6:20am
Saturday	10:00am	6:20am

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Alegacy Limited
109 Buttermere Crescent, Lakesidee, Doncaster, DN4 5PA.
norris_kathryn@hotmail.com

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Alegacy Limited

11021925

Licensing Act 2003 Premises Licence

Issue No: 12

SY001173 PR

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Sasha LASSU

34 Woodhouse Road, Doncaster, DN2 4DG.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No: LN/201700902

Issued by: Doncaster

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED


Restricted

LICENCE DATES

Licence first effective date: 24 November, 2005

This Premises Licence shall be in force from: 28 September, 2018

Issue date of this licence: 6 February, 2019



Steve Lonnia

Head of Licensing Services

On behalf of Sheffield City Council (Issuing Licensing Authority)



**Licensing Act 2003
Premises Licence**

Issue No: 12

SY001173 PR

ANNEXES**Annex 1A - Mandatory Conditions****Mandatory Condition 1 (Section 19 ss 2)**

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence -

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 1B - Mandatory Condition effective from 28th May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.-(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to

ANNEXES continued ...

refer to the effects of drunkenness in any favourable manner;
(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.-(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that-
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 - Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
4. When dancing is to take place on the premises in an area not previously approved for dancing by the authority, at least 14 days notice must be given to Environmental and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use and dancing must not take place in that area unless approved by the authority.
5. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
6. A permanent fixed residual current device (RCD) must protect the electrical supply serving all amplified music equipment used for the purpose of live public music.
7. The designated premises supervisor, or some other such person, will be assigned to act as lead safeguarder for children's issues at the premises.
8. Text/Radio pagers must be in use at all times door supervisors are deployed. The pager link will be activated, made available and be monitored by the DPS at all times that the premises are open to the public. All instances of crime and disorder will be reported via text/radio pager link by the DPS or nominated representative to an agreed Police contact point.

ANNEXES continued ...

9. No customers carrying open or sealed vessels shall be admitted to the premises at any time that the premises are open to the public.
10. Once an hour after 24:00, a staff member or door supervisor will make external sweeps to check that noise from the premises is not audible.
11. No externally mounted wall speakers are permitted.
12. All doors and windows will be kept closed after 22:00 hours except for the purposes of access and egress and in the event of an emergency.
13. Telephone numbers for taxi firms will be displayed in prominent locations.
14. Staff and/or door supervisors will ensure that people do not congregate outside the premises.
15. Smokers will be requested not to congregate on Bank Street.
16. No drinks in open containers shall be taken off the premises or beyond the doors located on Bank Street.
17. At least 1 door supervisor per 100 customers or part thereof will be deployed from 21:00 hours until 15 minutes after the premises close. A minimum of 2 door supervisors will be deployed from 22:00 hours. Door supervisors will use a counting device to determine level of customers within the premises and monitor and manage occupancy levels.
A minimum of 2 door supervisors will be located at each point of exit 30 minutes prior to the premises closing until 15 minutes after the premises closes in order to aid the swift dispersal of customers away from the area. Door supervisors will request dispersing customers to be mindful of the nearby noise sensitive premises.
18. There shall be no public access to the stage area, save for participation of a performance or similar.
19. The two raised area on either side of the dance floor are for performers only.
20. The premises licence holder shall prominently display notices on all building exits reminding patrons to leave the premises and use external areas quietly, so as not to disturb neighbours.
21. Doors intended to function as part of an acoustic lobby shall not be propped open at any time.
22. The designated premises supervisor or a nominated member of staff must take a pro-active approach to noise control, regularly and frequently checking that noise from patrons using the external areas of the premises, and any breakout of internal noise to such areas, is managed so as to prevent nuisance.
23. No amplified sound shall be played except through an in-house sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of Sheffield City Council's Environmental Protection Service.
24. All ventilation outlets serving licensed areas are to be acoustically baffled.
25. Exits intended for emergency use only shall not otherwise be left open.
26. The venue door supervisors or a designated member of staff are to control noise from patrons, and those persons wishing to enter who are outside and in close proximity to the premises, so as to prevent nuisance.
27. In the event that the investigation of complaints received evidences nuisance due to noise breakout from the premises then, notwithstanding any sound attenuation works already undertaken, a further scheme of sound attenuation works capable of preventing noise nuisance from the premises shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall then be installed as approved within an agreed timescale and shall thereafter be retained.
28. An incident log book will be kept at the premises and made available to the Police or other responsible authority on request.

ANNEXES continued ...

29. There will be a written drugs policy. Regular drug searches will be carried out and the results recorded in a log book.
30. Draught beer, cider and spirits will be supplied in polycarbonate drinking vessels after 20:00 hours.
31. No drinks will be taken onto the dance floor and signage will be displayed and the area monitored.
32. No under 18's are permitted into the premises after 19:00 hours.
33. A challenge 25 policy is to be in force, acceptable forms of identification will be passport or photocard driving licence.

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

Specific conditions converted from the Public Entertainment Licence

1. Capacity

1) The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed: -

Area	Capacity
The whole of the premises	400

Annex 3 - Conditions attached after a hearing by the licensing authority

1. Internal bottle bins will not be emptied after 23:00 and before 09:00 hours Monday to Friday and 10:00 hours Saturday & Sunday.

Annex 4 - Plans

Plan Reference: 008025/021
Date: 24th November 2005

NEW PLAN REF:
Boardwalk (Fuel) New Plan
06/01/2014

Appendix C

10 x Local resident objections

Gough Jayne (CEX)

Subject: FW: Bass box night club snig hill

-----Original Message-----

From: Rebecca McEwan
Sent: 27 June 2019 08:35
To: licensingservice
Subject: Bass box night club snig hill

To whom this may concern,

I am writing to confirm that I am not in support of Bass Box night club having a licence. I live in The Fitzgerald apartments right next to it and the noise has been terrible. I have called the noise enforcement team out multiple times in the early hours of the morning. This not only has disturbed me but has had a knock on effect on my working day etc.

In addition to the noise of music, cars are usually revving outside playing music, which I believe to be mostly the owner of the club, who is very rude and loud when outside my flat. This all happens at all hours, mostly from 7/8am or 1-4am.

I strongly oppose them having a licence. If you need further information please don't hesitate to contact me.

Kind regards,

Rebecca McEwan

Sent from my iPhone

Gough Jayne (CEX)

Subject:

FW:

From: Elizabeth Goodman

Sent: 03 July 2019 13:18

To: licensingservice

Subject:

Good afternoon

I am emailing regarding the night club Bassbox on Snig Hill, Sheffield.

I live in the Fitzgerald apartments next to the nightclub and have noise pollution concerns. Regularly on a Friday and Saturday night the noise levels are too loud which causes a lot of disturbance for my household. Not only is it the music which is too loud, there is also disturbance caused by people in the rear courtyard.

Please respond at your earliest convenience regarding this matter.

Kind regards

Elizabeth Goodman and Tom Brown

Gough Jayne (CEX)

Subject: FW: Bassbox: 39-41 Snig Hill, S3 8NA

From: Milly Wilson
Sent: 10 July 2019 21:35
To: licensingservice; Pates Neal; eps admin
Subject: FW: Bassbox: 39-41 Snig Hill, S3 8NA

Dear Sirs

We write to provide an update on noise complaints in relation to Bassbox night club.

The club seems to only host events once or twice per month. As a result the frequency of the noise problem has reduced. Nonetheless, the problems persist.

The smoking area continues to be an issue. Customers are outside until the early hours of the morning. They are regularly very loud and at times their behaviour is inappropriate. As explained below, the location of the smoking area means customers are right outside the bedroom / living room windows of South facing flats at the Fitzgerald.

The music is still audible inside the Fitzgerald flats. The bass from the music that is played at the club makes the flat vibrate. This persists into the early hours of the morning.

The managers /owners of the club are often heard coming and going from the premises on nights when the club is not open to the public. They regularly have loud conversations outside the rear entrance and on occasion arguments have broken out. On Sunday 30 June 2019 there was a very loud and aggressive argument outside the rear of the club. There were 4 or 5 people arguing loudly at approximately 11pm. The argument was close to turning into a physical fight and at one point a loud and aggressive dog appeared to attack someone. One of the individuals involved has been identified as a senior member of staff at the club. Not only was this a distressing incident to witness, it was also a noise disturbance in its own right.

We are aware from conversations with other residents at the Fitzgerald that we are not the only ones experiencing these problems. We trust appropriate action will be taken in reviewing the license for the premises.

Many thanks

Ed Allan and Milly Wilson

From: Eddy Allan
Sent: 10 July 2019 18:20
To:
Subject: Fwd: Bassbox: 39-41 Snig Hill, S3 8NA

Sent from my iPhone

Begin forwarded message:

From: Pates Neal <Neal.Pates@sheffield.gov.uk>
Date: 10 October 2018 at 16:25:49 BST
To:
Cc: "Rhodes-Evans Emma (CEX)" <Emma.Rhodes-Evans@sheffield.gov.uk>
Subject: FW: Bassbox: 39-41 Snig Hill, S3 8NA

Dear Mr Allan,

You will see from Emma's reply below that I am currently working to address the concerns you've described, and a lot of work has already been done in this context. I will be a good point of contact for you and other residents regarding this issue.

SCC Environmental Protection Service; Commercial Team are the Responsible Authority for the Prevention of Public Nuisance under the terms of the Licensing Act, and are empowered to deal with Statutory Nuisances from commercial sources under the Environmental Protection Act. EPS should therefore be the first point of contact for complainants. We actively investigate nuisance complaints, and lead on any necessary enforcement actions resulting. I am the EPS officer with primary responsibility for commercial premises in S3, which includes the Bassbox premises operating at 39 Snig Hill, adjacent to 1 West Bar.

So, in this context I have been involved with the new operators at the premises, both in terms of addressing recent noise complaints, and as a Responsible Authority in the context of recent consultations over premises licencing issues.

The louder music noise issues prior to last Friday were due to some ill-advised testing and unauthorised use of the premises during its refurbishment. I hope I have now addressed this with the club's new Premises Licence Holder (PLH). I have also overseen the setup of the sound system and provided advice on limiting its output. There are still some issues to resolve here, and it remains to be seen if all issues can be bottomed out. However, the level used on Friday is much lower than that originally intended by the PLH, hence the lower level you commentating your email.

I am also aware that the use of the smoking area is problematic, and that more work is needed. The PLH has acknowledged this, and we are seeking improvements. Again, this is a matter under review and the **outcome** is yet to be assessed.

Complainant feedback will certainly help to inform the regulatory **process** and the actions we can take to help neighbours with ongoing concerns. You can always contact me directly to discuss this, or to pass on information, either by phone or email. I have also **attached** a pro forma log sheet which can be completed and returned to EPS for my attention, to **provide** evidence of noise nuisance. This should be signed and dated prior to returning, which you can do by post or email.

I have also **referred** some complainants to the EPS Night Time **Enforcement** Team (NTET). This team works in the evenings and until around 0200 hours, and can be **accessed** by those who have had a specific referral to the service. When referred, you can call them directly to **advise** of ongoing nuisance and to request a visit to your home to allow for a direct **assessment** of the noise intrusion. This evidence is very helpful, both in resolving problems, and in supporting enforcement **actions**, when required. If you would like to be referred to the NTET **service please** do let me know and I will do this for you. I will need to have your full address and a contact telephone/mobile number. This will of course be confidential and subject to **normal** data controls for your privacy.

Finally, can I add that the information which I know to have been circulated on **posters** in the Fitzgerald building was done without EPS consultation, and the **information** is mostly **incorrect** or unhelpful. Calling 101 over noise issues is not **advised**, as the police will simply **advise** it is a Council issue, and will be unlikely to respond. If you do require a police response over any **associated** criminal **activity** you must stress this to the call handler. Do not use the SCC Environmental **Services** number on the poster to report noise issues, as they do not deal with noise.

To clarify; noise and other nuisance from the Bassbox premises may be reported to the Council quoting case ref. EPS/NEP/637528 to;

Sheffield City Council
Environmental Protection Service; Commercial Team
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel. (0114) 273 4651
eps.admin@sheffield.gov.uk

EPS Commercial Officer; Neal Pates
Tel. 07505 555 826
Neal.Pates@sheffield.gov.uk

You are, of course, at liberty to also contact your landlord/property manager, and any other public or private party you feel may assist you personally.

Kind regards,

Neal Pates

Neal Pates
Environmental Protection Officer

Sheffield City Council
Environmental Protection Service; Commercial Team
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel: +44 (0)114 273 4651
Mob: +44 (0)7795 528 038
Int: x 53588
Web: <http://www.sheffield.gov.uk/environmentalhealth>

Did you know?

Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.
- specialist cleaning services involving the removal of bodily fluids, used needles and other noxious materials.
- pest control including individual treatments and annual contracts.
- bird proofing involving the installation of nets or spikes.

Our rates are competitive. Call 0114 2930356 now for a personalised service.

<http://www.sheffield.gov.uk/pestcontrol>

From: Rhodes-Evans Emma (CEX)
Sent: 09 October 2018 17:11
To: Pates Neal
Subject: FW: Bassbox: 39-41 Snig Hill, S3 8NA

Dear Mr Allan

I hereby acknowledge receipt of your e-mail. I am sorry to hear that you have cause to complain regarding a premises licensed by Sheffield City Council.

I have forwarded your e-mail to the Environmental Protection Service who are the responsible authority for investigating allegations of noise breakout from licensed

premises. I am aware that Neal Pates, Environmental Protection Officer has received other complaints regarding this premises, therefore I have forwarded your email directly to him to investigate which I hope is acceptable.

I can assure you that Enforcement Officers from the Licensing Service will also carry out a visit to the premises to ensure compliance with the licence and any imposed conditions.

If you continue to experience any further noise breakout from this premises, I would encourage you to report this to the Environmental Protection Service directly via e-mail to eps.admin@sheffield.gov.uk or telephone (0114) 273 4651. I have also attached the link to the relevant web page regarding commercial noise for your information which I hope you will find of use.

<https://www.sheffield.gov.uk/home/pollution-nuisance/commercial-noise>

Should you wish to discuss this further, please do not hesitate to contact me by email.

Kind Regards

Emma

Mrs Emma Rhodes-Evans

Licensing Enforcement / Technical Officer

Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

Telephone: 0114 2734264 Fax: 0114 27 35410

Email: Emma.Rhodes-Evans@sheffield.gov.uk or licensing@sheffield.gov.uk.

Website: www.sheffield.gov.uk/business-economy/licensing

From: Eddy Allan

Sent: 08 October 2018 17:31

To: licensing@sheffield.gov.uk

Cc:

Subject: Bassbox: 39-41 Snig Hill, S3 8NA

Dear Sir/ Madam

I would like to report a noise nuisance in relation to the establishment - 'Bassbox', Snig Hill Sheffield.

I am a resident in the Fitzgerald building, S3 8PQ, which is situated next to the club. The layout of the club is such that the rear entrance and smoking area backs out alongside the windows to numerous flats including my own. Unfortunately this has caused noise nuisance, not only in the form of music from the club, but also from people using the smoking area.

I am aware that the club opened last Friday (5 October). I presume the noise nuisance prior to this date to be sound/ equipment checking.

I was advised to set out a noise log, which I have done below:

10pm Friday 14 September - Extremely loud music, audible over TV/ music in the flat. Audible with windows shut. Bass from the music causing a vibration through the building.

10 pm Monday 17 September - Extremely loud music, audible over TV/ music in the flat. Audible with windows shut. Base from music causing a vibration through the building.

Friday 5 October (open night) 11 pm - 3 pm (approx) Music audible, although noticeably quieter than on the previous 2 occasions.

Smoking area noise 11pm - 3pm (approx) very loud. As stated above, our flat backs onto the smoking area - people are therefore almost outside our window. Lots of shouting - the usual noise from a club smoking area.

Saturday 6 October - no complaint

Unfortunately the noise makes it very hard to sleep / relax and it goes late into the night due to the nature of the club. It seems as though some efforts are being made to reduce noise from the music. I presume this is a result of existing complaints. However there are still noise concerns.

It seems that in particular, consideration needs to be given to the location of the smoking area, which is currently directly outside people's windows. This noise is understandable hard to control once people are out there.

Happy to answer further questions if needed. I have deliberately not included my address or telephone number because I would prefer it if these details were not disclosed to the owners/ management of the club. However I will provide them under a separate cover if needed.

Many thanks

Ed Allan

Sent from my iPhone

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Gough Jayne (CEX)

Subject: FW: Bassbox nightclub

From: Oliver Cohen
Sent: 07 July 2019 17:54
To: licensingservice
Subject: Bassbox nightclub

To whom it may concern,

I am one the the residents from The Fitzgerald apartment block which is next to 'Bassbox'. I believe that they are due a licensing review and I would like to put my thoughts forward.

Unfortunately Bassbox has caused me considerable difficulties since moving into my apartment last September. When they hold a club night I can always hear their music - usually from 10pm all the way through until they close.

Regardless of the volume of their music, they also use a large amount of bass. This vibrates through my apartment and is enough to keep me awake. I have bought a white noise machine and earplugs for the volume but nothing can help me sleep through the bass.

Furthermore when their patrons leave the club, they are very loud and often shout and scream as they walk down the road. I know that this is not necessarily the fault of Bassbox, but I believe that they do have a duty of care to ensure people leave safely and quietly.

I work long hours, night shifts and weekends as well. With this in mind sleep is very important and Bassbox has regrettably had a large and negative impact on mine. I don't believe I have managed to sleep through a night when they have held a club night.

Thank you for taking my thoughts into consideration, I would be happy to answer any further questions on the matter

Regards

Dr Oliver Cohen

Gough Jayne (CEX)

Subject: FW: Written Representation - "Bassbox" - Hearing: 30.07.2019

From: Georgia Mann
Sent: 08 July 2019 12:44
To: licensingservice
Subject: Written Representation - "Bassbox" - Hearing: 30.07.2019

Dear Sir/Madam

I am a resident of an apartment located in the Fitzgerald building, which is adjacent to the Bassbox nightclub. The nightclub has had an extremely negative impact on my life.

I am out of the country on 30 July 2019, so I will unfortunately be able to attend the hearing in person, therefore I would like to relay in writing how this nightclub has affected me personally.

I work as a patent attorney, and I have a very demanding job. Furthermore, I am also in the process of sitting qualification exams (one of which I actually failed and now have to retake), meaning my weekends are set aside for exam preparation and more importantly rest. The vibrations and volume from the music, the level of noise from drunk night clubbers outside my bedroom window, and the numerous fights that have gone on near the smoking area of the club have woken me up on numerous occasions, and some even took place on a Thursday evening. I cannot stress enough how difficult it is to work to the best of my ability and lead a happy life on minimal sleep. Being woken up at around 11 to midnight, and struggling to get back to sleep until closure of the club (anywhere from between 4 and 6 am), and having to then go into work at 8-9am and do an 8 hour day (minimum) is almost impossible.

I have had a lot of contact with the NET (Night-time enforcement team), who have actually been to my apartment numerous times, and were themselves shocked and disgusted by what I had to endure. Reports of the disturbances have been recorded with the NET Neal Pates of the council. I also want to note that I have been disturbed whilst all windows are completely shut and whilst having earplugs in. Closed windows and earplugs help a little with volume levels naturally (but not much), but they do **nothing** for the continual heavy bass vibrations. Moreover, if we have hot summer nights here (like we did last year during the heat wave), and I am unable to open my windows at night, I will struggle to sleep in the room not only from the noise, but from discomfort caused by extreme heat. With the windows open it is honestly like I am actually in the club itself.

Moreover, my apartment is not even as close as it could be to the night club building, so I dread to think how bad it is for some residents located closer.

I kindly ask that you take my comments into consideration. As mentioned above, I have made several complaints to the NET and they made official reports, which have a more detailed account of the disturbances. I understand that Neal Pates has copies of these reports if you need.

I regret that I cannot attend the hearing. I would have definitely attended in person if I was in the country. If more information is required from me, please let me know.

I look forward to hearing from you in due course following the conclusion of the hearing.

Kind regards

Georgia

[Dr Georgia Mann](#)

Gough Jayne (CEX)

Subject: FW: Representation - Pending Application - Basebox, 39 Snig Hill, Sheffield S3 8NA

From: Becky Fox

Sent: 09 July 2019 23:44

To: licensingservice

Subject: Representation - Pending Application - Basebox, 39 Snig Hill, Sheffield S3 8NA

Attachments available until 8 Aug 2019

Dear Sirs

I would like to put myself forward as a resident in an adjoining building to Basebox to make representations regarding the ongoing noise problems. This noise nuisance has been going on since before the nightclub opened last year (due to noisy works to prepare the building - works which have continued when the night club is closed for example on Bank Holidays) and is a problem every time the nightclub is open (worst in the summer months when windows are open). As late as last Saturday noise caused by customers using the rear fire escape as a smoking area (in addition to the base of the music emanating from the club itself) caused severe nuisance and disrupting my sleep. It has become so bad I am spending as many weekends away from the flat as possible due to the noise.

I attach videos giving a flavour of the types of noise nuisance caused by the nightclub. I also attach previous complaints (or at least those I can put my hands on). Is there any further information you need at this point?

Kind regards
Becky Fox

[Click to Download](#)

Copy_emails.eml
84 KB

[Click to Download](#)

IMG_0532 3.mov
168.1 MB

[Click to Download](#)

IMG_0530.mov
28.5 MB

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IMG_0181 3.mov
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IMG_0180 3.mov
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IMG_0178 3.mov
82.9 MB

[Click to Download](#)

IMG_1062 2.mov
142.5 MB

[Click to Download](#)

IMG_1035.mov
51.8 MB

Gough Jayne (CEX)

Subject: FW: ESP/NEP/637528
Attachments: IMG_2104.mov; FW: Automatic reply: Noise nuisance report (12.1 KB)
Importance: High

From: Becky Fox
Subject: ESP/NEP/637528
Date: 16 April 2019 at 21:38:01 BST
To: eps.admin@sheffield.gov.uk
Cc:

Dear Neal

I write further to this ongoing complaint.

I was shocked to discover from Adam Davies from Bright Willis (copied), who manages The Fitzgerald, that you are no longer pursuing this matter. I understand that you have recently spoken to Adam. I had presumed that this matter was being dealt with or at least that investigations were continuing. I had expected to receive a further update.

The matter is in no way settled. The music from the venue together with the noise of the patrons of the venue congregating on the fire escape to the rear of the property is intolerable, to such an extent that I have been spending most weekends away from the flat. This cannot be an equitable solution.

I do not think I can put it any simpler than EVERY time the venue is open the noise is disruptive.

Surely, the premises licence was not valid throughout all of the time the premises were closed? Therefore, the premises licence was granted and is being allowed to continue despite continued disruption to the numerous residential properties in the surrounding area.

As you requested, I have sent through numerous further updates regarding the noise complaint. I understand that other residents have done this too. I have received no response to any of my emails. I attach again my last update from two weeks ago demonstrating the noise coming from the fire escape, on this occasion at 3 am in the morning. Surely the premises licence does not permit the fire escape to be used in this way? I worry that the noise will only become worse as the weather improves. Further, I attach the automated response acknowledging receipt of my email. I probably have copies of my earlier emails and videos saved if needs be.

I look forward to hearing from you with an update. This matter cannot be allowed to continue.

Kind regards
Becky Fox

Sent from my iPhone

Gough Jayne (CEX)

Subject: FW: Bassbox nightclub Snig Hill

-----Original Message-----

From: Ashleigh Trimble
Sent: 21 June 2019 13:44
To: licensingservice
Subject: Bassbox nightclub Snig Hill

Hi there, I noticed a sign regarding the above premise and licensing issue due to noise nuisance. I have contacted yourself and the environmental team about this premise many times before. It regularly has loud music and people outside shouting and disturbing sleep Friday and Saturday nights until 6am. I find the owners/managers extremely rude and creating a lot of rubbish out the back. When I have had a conversation with them about it they are aggressive and very disrespectful.

I am an emergency medicine doctor and do not work a regular 9-5 Monday-Friday job and I have went into work at the weekend sleep deprived as a result of this nightclub. It is not what I expect of a residential area. I realise a degree of noise is expected in the City Centre but not to the point I am woken up regular at 2,3,4,5,6 am by music, shouting, loud cars revving and playing music. I am totally opposed to this kind of venue in a residential area.

I would also like to add, the sign informing residents of licensing issues is lying on a wall and is hard to see to inform residents they can question this premise. I think it should be better documented to residents so they can have a voice on this venue in this area. I found out about this from a workman working in my block of flats about the sign lying on the pavement.

Given the area surround this venue is becoming more residential with future flats under construction, I urge you to consider the overall impact this could have on the saleability and economic growth threat this club poses.

There is a late night bar (open until 2am) beside this venue which has now opened. There has not been one bit of trouble or noise from here so I question again why Bassbox has been causing such issues since late September last year. The management have no regards whatsoever to people living in this area and I am not alone in this thinking having spoken with other people in similar work hours to myself.

I would be grateful if more could be done by the council to question the license of this venue further.

I look forward to hearing your response.

Many thanks
Ashleigh

Sent from my iPhone

Gough Jayne (CEX)

Subject:

FW: Bassbox

For me, it was within their premises. The gates were open and people removing various equipment (I said to EPS it looked like lighting, cables and assume DJ equipment). I actually thought currently, Bassbox had a license for a Sunday evening? So surely this can still be counted as noise nuisance and people were directly going in and out of the back club entrance.

Apologies for video quality but best I could do under the circumstances!

Many thanks
Ashleigh

Sent from my iPhone

> On 1 Jul 2019, at 11:29, Pates Neal <Neal.Pates@sheffield.gov.uk> wrote:

>

> Hi Ashleigh,

>

> I can see that the events videoed caused you disturbance. However, it is not clear who the video is showing, and the vehicle registration plate is not visible. The activity is taking place outside the premises, and is not directly linked to licensable activities on that evening.

> I would advise that the most effective mechanism for you to communicate your views over the activities of the premises is via the anticipated review hearing. My advice would be to stick to highlighting issues which are directly relevant to Licensing concerns.

>

> If you do wish EPS to look into the specifics of the content of the video forwarded, I'd recommend that you provide a written account of what you feel the video is capturing, as it's not too clear, especially with the resolution being low and the flashing light on the van going all the time.

>

> Kind regards,

>

> Neal

>

> Mr Neal Pates

> Environmental Protection Officer

> EPS: Commercial Team

> Sheffield City Council

> Tel: (0114) 273 4651

> Mob: 07795 528 038

> Int: x 53588

>

> -----Original Message-----

> From: Ashleigh Trimble

> Sent: 30 June 2019 23:19

> To: NTETAdmin; Pates Neal

> Cc: licensingservice

> Subject: Bassbox

>

> I didn't think the enforcement team would come out in time to hear this but I have videoed this and I think this is disgraceful for a Sunday evening. I have been woken up by this tonight. Hopefully video sends in full. It is disgraceful this place continues to behave like this in amongst a residential area. The video is over 20 minutes long but I have sent the beginning which I hope shows you the main points of this. There is a child in a car and the language is terrible even for me to listen to.

>

> Many thanks

> Ashleigh

>

> This Email, and any attachments, may contain non-public information and is intended solely for the individual(s) to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this Email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this Email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Sheffield City Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this e-mail

Gough Jayne (CEX)

Subject: FW: Licensing Hearing: Bassbox

From: Amber Shepherd
Sent: 10 July 2019 17:55
To: licensingservice
Subject: Licensing Hearing: Bassbox

Hi,

I wish to make a representation in respect of the review of the licence of Bassbox on Snig Hill.

I am a resident of Fitzgerald apartments, and have been continually disturbed by noise from the club, not only music but also customers of the establishment who made loud noise in the smoking area to the reverse of the property. I have also been informed that allowing customers outside of the reverse of the building is against the licensing requirements.

I have called the Night enforcement team on multiple occasions to report disturbance, and they will have records of this. This has prevented me from sleeping and also woken me up in the night.

Beyond the acute impact of the noise, the opening of the club has impacted on the enjoyment of my house. I am a first time buyer and have been concerned about the impact of this on my house prices. The Fitzgerald development has been advertised with the help to buy scheme, which should give first time buyers assurance of their investment, as you would not expect a government scheme to appeal to first time buyers if their investment is not secure.

I hope you will take my concerns into account,

Do let me know if you require anything further,

Many thanks,

Amber Shepherd

Appendix D

Licensing Enforcement letter

Licensing Services
Business Strategy & Regulation
Place Portfolio
Block C Staniforth Road Depot
Staniforth Road
Sheffield S9 3HD



Tel: 0114 2734264
E-mail: licensing@sheffield.gov.uk
Ref: LIC/SY 1173 PR – ERE/GB
Date: 19th June 2019

Kathryn Norris / Sasha Lassu
Alegacy Limited
109 Buttermere Crescent
Lakeside
Doncaster
DN4 5PA

Dear Ms Norris / Ms Lassu,

Licensing Act 2003 – Licensing Enforcement Visit following an application to Review the Premises Licence by Environmental Protection Service.
Re: Bassbox, 39 Sniq Hill, Sheffield, S3 8NA

I refer to the above premises, and a recent visit made on 15th June 2019 by officers Emma Rhodes-Evans and Gareth Barrett at approximately 22:40pm, facilitated by Sasha Lassu, Designated Premises Supervisor.

During the visit I requested to view the current Premises Licence and Premises Summary, however the Summary was not displayed and the full Premises Licence with attached conditions was not available for inspection on site as required under the Act. The only reason that officers were able to check compliance of the conditions imposed on the licence on this occasion, was that we had taken a copy of the full premises licence to the visit.

Please note that under section 57 of the Licensing Act it states:

- (2) *“The holder of the premises licence must secure that the licence or a certified copy of it is kept at the premises in the custody or under the control of –*
- (a) *the holder of the licence, or*
 - (b) *a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.”*
- (3) *“The holder of the premises licence must secure that-*
- (a) *the summary of the licence or a certified copy of that summary, and,*
 - (b) *a notice specifying the position held at the premises by any person nominated for the purposes of subsection (2),*
- are prominently displayed at the premises”*

You are able to request a duplicate copy of the above if you are unable to locate these documents. There is a £10.50 charge for a copy of the Licence and Summary to be re-issued to you.

During the visit, the conditions under Annex 2 of the Premises Licence were discussed with staff. It was noted that you are not compliant with Conditions 10,13,14,15,20, 29 & 31 of your premises licence conditions:-

10. "Once an hour after 24:00, a staff member or door supervisor will make external sweeps to check that noise from the premises is not audible".

Sasha informed officers that she was carrying out regular external checks of the premises and if noise breakout was evident she would request the music to be turned down by the DJ. Officers advised to keep a log of when checks were being carried out as this is currently not being recorded and therefore cannot be evidenced.

13. "Telephone numbers for taxi firms will be displayed in prominent locations.You must ensure that you are fully complaint with the above conditions".

14. "Staff and/or door supervisors will ensure that people do not congregate outside the premises".

15. "Smokers will be requested not to congregate on Bank Street"

Officers noted that during the visit, several customers were standing on Bank Street near the entrance to the premises to smoke rather than the designated smoking area located to the rear of the premises. This was not being managed by Security Staff who we had to speak with to advise them of this condition and request that they managed this area accordingly.

20. "The premises licence holder shall prominently display notices on all building exits reminding patrons to leave the premises and use external areas quietly, so as not to disturb neighbours".

Officers noted that there was only 1 sign displayed throughout the premises which was placed on the inside of the door to the main area of the venue.

29. "There will be a written drugs policy. Regular drug searches will be carried out and the results recorded in a log book".

A copy of the written drugs policy was not available and the log book could not be produced, therefore there is no evidence that regular drug searches are being carried out as required.

31. "No drinks will be taken onto the dance floor and signage will be displayed and the area monitored".

Ladies Toilets

There are 3 ladies toilets located through the internal door to the left hand side of the bar area. The lock was missing from the 1st cubicle door and the 3rd cubicle door was unable to be fully closed or locked.

Disabled Toilet

The disabled toilet located next to the gents was out of order. Sasha advised that the sink was broken and the door was in fact nailed shut to prevent access.

Fire Exits & Escape Routes

The Emergency lighting was not illuminated throughout the premises. Emergency lighting should be provided in order to light escape routes adequately to allow people to escape from the premises should the mains power fail in the event of fire.

The fire exit door leading onto Bank Street was locked and not operational as both doors could not be fully opened due to the placement of the CCTV camera.

You advised officers that the fire exit next to the bar area was not in operation following advice from the fire officer, however fire exit signs were still displayed.

The fire exit located next to the stage leading to the smoking area was blocked by a barrier being placed in front of the doors and the 2nd sets of doors leading onto the escape route were locked.

The above points require your immediate attention to ensure compliance with the premises licence. Officers will be re-visiting the premises to check that the above points have been actioned. I have reported the issues regarding the toilets and fire exits to the relevant Responsible Authorities which are South Yorkshire Fire & Rescue Service and Health Protection Service. The officers may contact you directly in due course to discuss points raised under their remit

Please note that officers may re-visit your premises in the near future to ensure compliance of the above conditions.

Should you wish to discuss the visit or require any further advice, please contact me on the number above or by e-mail.

Yours faithfully

Emma Rhodes-Evans
Licensing Enforcement and Technical Officer
Licensing Service

Appendix E

Hearing Notices / Regulations / Procedures

Notice of hearing to consider an application for review of premises licence and any relevant representations

Dominic Stokes c/o Neal Pates
Environmental Protection Service
Sent via email

Emailed: neal.pates@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

During the consultation period the Council has received representations from Environmental Protection Service and several members of the public.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **Tuesday 30th July 2019 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 12th July 2019

Signed Jayne Gough
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.
Email – licensing@sheffield.gov.uk

NOTES

Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority

Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the authority may specify, but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

LICENSING ACT 2003

Premises: Bassbox, 39 Snig Hill, Sheffield, S3 8NA
Type of App: Review of a premises licence
Hearing Date: 30th July 2019

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

To **Licensing Service,
Sheffield City Council
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

I **Dominic Stokes c/o Neal Pates**

Of **Environmental Protection Service, Sheffield City Council**

hereby confirm that I have received the Notice of Hearing dated **12th July 2019** and notify you as follows **(please complete)**:

I intend to attend the hearing at 10.00 am on Tuesday 30th July 2019.

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I do not intend to be represented at the hearing by:.....

I consider the hearing to be unnecessary because:
.....

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
 - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
 - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
 - (a) section 167(5)(a) (review of premises licence following closure order),
 - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
 - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Licensing Act 2003 – Hearing Procedure (REVIEW) – Regulation 7 (1)

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
 2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
 3. The Chair will ask the applicants and other parties to formally introduce themselves.
 4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
 5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked by Members the applicant and other parties.
 - (c) The Licensing Officer will introduce the applicant for review (or his/her nominated representative) who will be asked to detail the application.
 - (d) Members may ask questions.
 - (e) The Licensing Officer will in turn introduce representatives for the other Responsible Authorities and Interested parties who will be asked to detail their relevant representations
 - (f) Members may ask questions
 - (g) With the leave of the Chair the licensee or his representative may cross examine the representatives of the applicant for review and the other Responsible Authorities and Interested Parties.
 - (h) The licensee (or his/her nominated representative) will then be asked to respond to the application and to any other representations made.
 - (i) The licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (j) The applicant will then be given the opportunity to sum up the application.
 - (k) The representatives of the Responsible Authorities will be given the opportunity to sum up
 - (l) The licensee will be given the opportunity to sum up
 - (m) The Licensing Officer will then detail the options.
 - (n) There will then be a private session for members to take legal advice and consider the application.
 6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
 - 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

Notice of hearing to consider an application for review of premises licence and any relevant representations

Alegacy Limited
109 Buttermere Crescent Lakeside
Doncaster
DN4 5PA

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

During the consultation period the Council has received representations from the Environmental Protection Service and several members of the public.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **Tuesday 30th July 2019 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 12th July 2019

Signed: Jayne Gough
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Rebecca McEwan
Sent via email

Emailed: [REDACTED]

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

During the consultation period the Council has received representations from Environmental Protection Service and several members of the public.

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Dated 12th July 2019

Signed Jayne Gough
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.

Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Dr Oliver Cohen
Sent via email

Emailed: [REDACTED]

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

Bassbox, 39 Snig Hill, Sheffield, S3 8NA

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Notice of hearing to consider an application for review of premises licence and any relevant representations

Dr Georgia Mann
Sent via email

Emailed: [REDACTED]

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Notice of hearing to consider an application for review of premises licence and any relevant representations

Elizabeth Goodman and Tom Brown
Sent via email

Emailed: [REDACTED]

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Ed Allan and Milly Wilson
Sent via email

Emailed: [REDACTED]

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Notice of hearing to consider an application for review of premises licence and any relevant representations

Becky Fox
Sent via email

Emailed: [REDACTED]

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Notice of hearing to consider an application for review of premises licence and any relevant representations

Ashleigh Trimble
Sent via email

Emailed: [REDACTED]

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Amber Shepherd
Sent via email

Emailed: [REDACTED]

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