

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 February 2014

PRESENT: Councillors Clive Skelton, Neale Gibson and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - FUEL (FKA THE BOARDWALK) AND TWIST (FKA UNDER THE BOARDWALK), 39 SNIG HILL, SHEFFIELD S3 8NA

4.1 At the start of the meeting, it was decided that both cases be considered at the same time.

4.2 The Chief Licensing Officer submitted two reports to consider an application for the variation of premises licences, made under Section 35 of the Licensing Act 2003, in respect of Fuel (fka The Boardwalk) and Twist (fka Under the Boardwalk), 39 Snig Hill, Sheffield S3 8NA.

4.3 Present at the meeting were Peter Downing, Tim Gaubert, Patrick Herbert and David Staniland (Objectors), Patrick Robson (Solicitor acting on behalf of Mr. Staniland), Chris Colcomb and Jason Turner (Applicants) and Abigail Hickinbottom (Counsel for the Applicants), Neal Pates (Environmental Protection Service), Matt Proctor (Senior Licensing Officer), Clive Stephenson (Principal Licensing Officer), Marie Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.5 Matt Proctor presented the report to the Sub-Committee and it was noted that two objections had been received and were attached at Appendix D to the report. Mr. Proctor added that various conditions have been agreed with the Environmental Protection Service and the representation was withdrawn. Relevant correspondence was attached to the report at Appendix C, with the agreed conditions outlined on page C1 to the Appendix.

- 4.6 Patrick Robson, Solicitor acting on behalf of Mr. Staniland, who is the landlord of an apartment adjacent to the premises, stated that the proposal to serve alcohol into the early hours of the morning on weekdays and until 6.00 a.m. at weekends, could pose a very real and significant threat to the wellbeing and safety of persons living in the apartments, causing excessive noise, public nuisance and possible anti-social behaviour by people entering, leaving or congregating and smoking outside the apartments. Mr. Robson added that the building is a listed building within the Bank Street Conservation Area so there are restrictions on modifications to windows, preventing them from being double glazed or shuttered.
- 4.7 Patrick Robson went on to state that whilst his client is not against the night-time economy, public nuisance can be caused to those living and working within the area and that similar bars within the city centre do not have residential properties nearby. He requested that the conditions contained within the Licensing Policy are strictly adhered to, and that further conditions be placed on the licence i.e. that queuing for entrance into the club does not take place along Bank Street, but down Snig Hill; that there is a specific "last entry" time; a designated smoking area to the rear of the premises and clarity on the dispersal policy and refuse collection.
- 4.8 In response to questions from Members of the Sub-Committee, David Staniland responded by stating that the building had only recently been converted into apartments and the first tenancy was to commence on the 1st March. He added that he had insulated the exterior walls and windows with acoustic materials, and had had to commission a 72-hour sound survey as a condition of being granted planning permission by the Environmental Protection Service. He further added, that at the time of purchasing the premises, the nightclub was never very busy and he did not think it would cause any problems.
- 4.9 Tim Gaubert, of Favell, Smith and Lawson, Solicitors, stated that the Solicitors currently trade from Number 16 Bank Street. He said that he fully supports the objections made by Mr. Staniland and his main concern is regarding noise, as his firm regularly see clients during office hours, and if there was a significant increase in noise levels during the day, it would be very distracting to both parties. He asked for clarification on the hours of operation during the day and if there was to be a designated smoking area, where it was to be situated as the office block backed onto the rear of the premises. He went on to add that his firm are considering possible redevelopment of their offices into residential premises and that this application for Fuel and Twist could have a significant bearing on this.
- 4.10 Patrick Herbert, objector, stated that he worked for a company called Jaguar Estates, property developers and investors and are looking to convert into residential use number 18-20 Bank Street, which was a listed building. He further stated that changes to the law passed through Parliament last year, allow for office use to be converted relatively easily and that office use is no longer a primary aspect in the city centre, and more properties are being considered for residential use. He also concurred with the objections previously stated.
- 4.11 David Staniland then asked the Environmental Protection Officer present for clarification regarding the differing postcodes of adjacent premises, i.e. Snig Hill is

S3 and Bank Street is S1 and whether this had any bearing on planning applications.

- 4.12 Neal Pates, Environmental Protection Officer stated that he felt confident that any of the issues raised had been resolved, that he was not aware of any planning applications pending, and that the conditions agreed with his Service were appropriate to prevent public nuisance. If problems arose regarding noise nuisance and complaints were received, there would be a review of the licence.
- 4.13 At this stage in the proceedings, Abigail Hickinbottom, Solicitor for the applicants, asked for a short adjournment whilst she consulted with the applicants regarding information that had arisen during the meeting. An adjournment of 15 minutes was agreed and Abigail Hickinbottom, Chris Colcomb and Jason Turner left the room.
- 4.14 Abigail Hickinbottom, Chris Colcomb and Jason Turner then returned and the meeting re-commenced.
- 4.15 Abigail Hickinbottom said that, during the adjournment, her clients had agreed the following conditions:-
1. 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 Designated Premises Supervisor (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.
 2. No customers carrying open or sealed vessels shall be admitted to the premises at any time that the premises are open to the public.
 3. Once an hour after 00:00, a staff member or door supervisor will make external sweeps to check that noise from the premises is not audible.
 4. No externally mounted wall speakers permitted.
 5. All doors and windows will be kept closed after 22:00 except for the purposes of access and egress and in the event of an emergency.
 6. Telephone numbers for taxi firms will be displayed in prominent locations.
 7. Staff and/or door supervisors will ensure that people do not congregate outside the premises.
 8. Smokers will be requested not to congregate on Bank Street.
 9. No drinks in open containers shall be taken off the premises or beyond the doors located on Bank Street.
 10. In the case of Fuel, at all times, and in the case of Twist on Fridays and Saturdays, at least 1 door supervisor per 100 customers or part thereof will be

deployed from 21:00 until 15 minutes after the premises close. A minimum of 2 door supervisors will be deployed from 22:00. Door supervisors will use a counting device to determine the 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.

The Applicant also amended their application so that it was to cover on sales only and the sale of alcohol would cease at 05:30.

- 4.16 Abigail Hickinbottom stated that the applicants had applied for the variation to the licence so that the nightclub could be competitive with other clubs in the city centre and said that due to the location of the premises, as had been alluded to, it was not the case of a nightclub moving into a residential area, but the other way round as the premises had been run as a nightclub over a significant number of years.
- 4.17 Chris Colcomb, Group Manager, Forbidden Leisure Limited, then addressed the hearing and stated that he had operated similar types of business in Hull and Nottingham over a number of years, and in similar locations to this, where there were residential properties within 10 metres of the licensed premises and he had always worked closely with local businesses, residents and local authorities to ensure that there was no nuisance caused, but if complaints were received, they were resolved as soon as possible. He added that in Nottingham, the mobile phone number of the bar manager was made available to local residents so that if there was any cause for complaint, the manager would be made instantly aware of it and could act appropriately.
- 4.18 In response to questions from Members of the Sub-Committee, Chris Colcomb stated although the current licence for the premises is from 10.00 a.m., there is no intention to open the bar during the day, but it would be open daily from 5.00 p.m. He added that there is to be a designated smoking area at the rear of the property which would enable the door staff to supervise and check it regularly. Chris Colcomb felt that due to the bar closing at 6.00 a.m., large numbers would not be leaving at one specific closing time, but would be more staggered and that the music level would be reduced nearer closing time. Chris Colcomb informed members that an experienced Designated Premises Supervisor was moving to Sheffield from Hull and that all the door staff employed by the company were in-house staff and not hired from an agency.
- 4.19 In response to comments and questions from the objectors, Chris Colcomb informed the hearing that it was intended that Fuel would be open for four days per week and Twist would be open seven days per week and the number of door staff would be dependent upon the number of persons inside both premises and that door staff would encourage customers to queue down Snig Hill, and not along Bank Street. He also added that no bins would be emptied during the night

and that he would try to arrange for deliveries and refuse collections to be at the best possible times during the day for all concerned.

- 4.20 Matt Proctor reported on the options open to the Sub-Committee.
- 4.21 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.21 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.22 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.23 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for the variation of the premises licence in respect of Fuel (fka The Boardwalk) and Twist (fka Under the Boardwalk), 39 Snig Hill, Sheffield S3 8NA, be granted in the terms requested, subject to the conditions agreed with the responsible authorities and the following additional conditions:-
- (a) no customers shall be permitted entry after 03:30;
 - (b) internal bottle bins will not be emptied after 23:00 and before 09:00 Monday to Friday and 10:00 Saturday to Sunday; and
 - (c) in relation to Twist, existing condition numbers 2, 4, 5, 6 and 8 are duplicitous and are to be removed. In relation to Fuel condition numbers 2, 4, 5, 6, 8, 9 and 12 are duplicitous and are to be removed.

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