

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 16 October 2018**

**PRESENT:** Councillors Josie Paszek (Chair), Dawn Dale and Douglas Johnson

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Andy Bainbridge, with Councillor Dawn Dale attending in his place. Councillor Lisa Banes attended the meeting as a reserve Member, but was not required to stay.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LICENSING ACT 2003 - SITE GALLERY, 1 BROWN STREET, SHEFFIELD, S1 2BS**

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Site Gallery, 1 Brown Street, Sheffield, S1 2BS (Ref. No. 100/18).

4.2 Present at the meeting were Judith Harry (Executive Director, Site Gallery, Applicants), Dave Palmer (Operations Manager, Site Gallery, Applicants), Sam Craggs and Chris Palmer (Soundbytes Media Limited, Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that two public objections had been received to the application, and were attached at Appendix 'B' to the report. Mr Stephenson stated that two conditions, which had been requested by the Environmental Protection Service, had been agreed by the applicants prior to the hearing. The two objectors who had submitted representations had been invited to the meeting, with one attending the hearing.

4.5 Chris Palmer stated that, whilst not wishing to be disruptive on the basis that he fully supported the applicant's role as an arts enterprise, he was, however, very concerned about sound transference from the events and activities undertaken at

the Site Gallery, which would have a detrimental effect on him and the other tenants in the building. He stated that he was the manager of the Foundry Recording Studio which, together with two other recording studios, were situated in the same building. As the building comprised one physical structure, sound transference was a major problem. Mr Palmer referred specifically to a re-opening event held at the Gallery a few weeks ago, following extensive construction and refurbishment works, which had resulted in him suffering losses and interruption to his business over a period of 18 months. He pointed out that not all the works promised had been undertaken. He referred to a clause in the Site Gallery's lease (Section 29.2) requiring that the Gallery should not cause any loss, damage or inconvenience to other occupants of the building, and believed that this application would go against this. The three recording studios in the building had been there for 30 years, and provided excellent facilities for recording artists, and that, due to the fluidity of the music industry, his studio, which was used predominantly for recording music and voiceovers, was required to be available for use 365 days a year. He pointed out his studio's proximity to the Site Gallery's facilities on the plans included in the report, indicating that there was only a corridor separating the studio and the Gallery's project space. When the Site Gallery located to the building, in the late 1980s, it was not envisaged that there would be any problems in terms of sound transference, but the increasing number of different events and activities being held in the Gallery was impacting on the operation of the studio. Mr Palmer concluded by stating that the three recording studios had been constructed to such a specification so as to ensure the acoustics were correct, and no consideration had been given, at that time, to potential issues of sound transference.

- 4.6 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, and from Clive Stephenson and Judith Harry, it was stated that it wasn't simply a case of installing sound-proofing to the wall on the corridor, as different types of sound-proofing materials were required for different sounds, which would require extensive works. Whilst the business had been affected during the building works over the last 18 months, on completion of the works, in March 2018, the business had not been seriously affected by the day to day activities of the Site Gallery. However, the owners of the three recording studios were concerned at the potential increase in events and activities, including at weekends, which would adversely affect their operations. The objectors had not been able to offer any solutions in terms of sound-proofing measures during the planning stage of the works as they had not been informed about the change of use of the building. Chris Palmer believed that the solution to the problems would involve the installation of an appropriate level of acoustic treatment to the inside of the Gallery's project space. The second condition, agreed between the Environmental Protection Service and the applicants, relating to noise limits with regard to noise breakout from the building to the site boundary, was not relevant as the affected parties were all in the same building. The main noise from the Gallery being transferred to the recording studios was a 'droning' noise through the amplified PA system. There were no real problems with regard to people simply talking, with the main concerns focusing on the noise from the special events held at the Gallery. The Gallery's two main performing spaces were pointed out on the plan in the report, and which comprised a large gallery area and a smaller project space, which was situated very close to the Foundry Recording Studio, only being

separated by a corridor. The Gallery staff and people attending events and activities at the Gallery could also hear sound emanating from the three recording studios. A large number of the recording sessions were requested at very short notice, and were sound critical. The objectors believed that if the premises licence was granted, this would provide a free reign for the Site Gallery to hold other activities, thereby causing further problems for the recording studios and, in a worst case scenario, forcing them to relocate elsewhere.

- 4.7 Judith Harry stated that, whilst the premises had an existing premises licence, this application was being made on exactly the same terms, but simply to cover the new footprint of the Gallery, following the recent extension. The Site Gallery had been at its current location since the late 1980s, but recently had to close to the public in March 2017, to allow for extensive construction works, being funded by grants from the City Council and Arts Council, to take place. The Gallery comprised an international contemporary arts space, specialising in moving image, new media and performance. The Gallery, which was an educational charity, worked with early career to established artists, to commission new work, produce solo and group shows, deliver residencies, performances, events and community programmes, and was one of the core artistic partners in the City. The Gallery was open from Tuesday to Saturday, 11.00 to 18.00 hours, and following its re-opening in March 2018, it was now open on Sundays, from 11.00 to 16.00 hours, and until 20.00 hours on Thursdays. Following the construction works, there was now a large scale Gallery, a dedicated project space and a café and shop, which opened from 08.00 hours on weekdays and 09.00 hours on weekends. There were also 14 units within the building, which were let out to other artistic partners. The project space held approximately 80 people, and comprised a flexible area, which delivered talk-screening workshops and other group activities. There was a further studio, holding approximately 40 people, which was mainly used as a meeting area. There were 10 staff members, which included a dedicated Operations Manager, an in-house Technician and a dedicated Duty Manager, who was always on site. The Technician always provided advice for external users. There were no plans to deliver anything different from what had been on offer previously, and there had been no objections to the application from any of the responsible authorities. The construction plans had been shared with the managers of the three recording studios and the construction workers had been asked to be mindful of the operations in the recording studios whilst undertaking the works. It was accepted that due to the nature of the recording studios, there would always be issues with regard to sound transference, but, it was considered, with the co-operation of all the tenants within the building, and adherence to the Gallery's Management Plan, the tenants would be able to continue their operations without any major problems. Every effort would be made to ensure that all internal doors were kept closed and it was hoped that following the appointment of a new Buildings Manager, who was very pro-active, the number of problems would be kept to a minimum. Ms Harry concluded by stating that, due to its nature, the Gallery would need to continue using the spaces within the building for a wide range of activities, some of which could be noisy.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from Chris Palmer, it was stated that it had not been anticipated that there would be any problems in terms of sound transference and, as part of

the construction works, acoustic experts had been employed, and who had recommended the installation of a new door and an acoustic door, at locations indicated on the plan. Extensive works would be required, including the floors, walls and ceilings, to ensure that the Gallery's spaces were totally sound-proof. It was envisaged that there would be live music at the Gallery no more than 12 times a year. A group had been established during the building works, to monitor the progress of the works, and listen to the views of the other tenants in the building, but this had now been disbanded. The new Buildings Manager, employed by the Council, was keen to facilitate something like this going forward. It was the view of the applicants that, as nothing had changed following the construction works, there was not likely to be any problems in terms of sound transference. The Gallery's programme in terms of the project space was changed every 4 to 6 weeks, and there was a large variety of activities and events held in this space, some of which were noisy. There were plans to hold more talks and discussions in this area, as well as plans to hire out the space to other organisations, including Hallam University. The project space was also used to screen a number of different films, and it was always the aim to attract new audiences to such events. The Gallery and project space were used to host events as part of other festivals in the City, such as DocFest and Tramlines. There were no plans to hold any events in the evening beyond the standard opening hours and whilst the Gallery could host events with DJs, mainly as part of the young people's programmes, it was not envisaged that this would be a regular event. There were no plans to hold any more than 12 events a year when amplified sound would be used, and the notice in respect of such events would be 4 to 6 weeks in advance. The in-house Technician would either set up the equipment for such events, or provide advice to external users, and would be mindful of noise levels. Whilst the applicants were mindful that some of the activities and events held at the premises may adversely affect the operation of other tenants in the building, this is what the Gallery had always done, and was funded to do. There had been many occasions when events and activities held at the Gallery had been adversely affected by sound transference from the recording studios, but the Gallery, whilst apologising to people attending such activities or events, had simply just got on with it.

- 4.9 Chris Palmer summarised his representations.
- 4.10 Judith Harry summarised the case on behalf of the applicants.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a premises licence in

respect of the premises known as Site Gallery, 1 Brown Street, Sheffield, S1 2BS (Ref. No. 100/18), subject to the two conditions agreed between the Environmental Protection Service and the applicants, and a further condition, as follows:-

Any activities or events in the project space where amplified music is played, such music is to go through a noise limiter, at a limit to be set by the Environmental Protection Service, after considering the tenants and make-up of the building.

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

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