

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 September 2021

PRESENT: Councillors Karen McGowan (Chair), Neale Gibson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Roger Davison 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 - MS MISTRY'S, 250-254 LONDON ROAD, SHEFFIELD, S2 4PA

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Ms Mistry's, 250-254 London Road, Sheffield, S2 4PA (Ref No. 76/21).

4.2 Present at the meeting were Sheena Patel (Applicant), Chris Grunert (John Gaunt and Co, Solicitors, for the Applicant), Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from one interested party, but they were not in attendance at the meeting.

4.5 Chris Grunert stated that the premises were situated at the junction of Sharrow Lane and London Road, and would be focusing on the sale of Indian tapas-style food. He referred to the plan in the report, indicating that the premises were modest in size, and had seating for a maximum of 18 customers. The proposed opening hours applied for were 11:00 to 23:00 hours, with the premises to be cleared of customers by 23:30 hours, or possibly earlier, dependent on the number of customers. Mr Grunert referred to other licenced premises in the area, indicating that such premises had similar opening hours, and the proposed

- opening hours for Ms Mistry's had been based on such times. The applicant was very familiar with the area, having lived there for 15 years. With regard to the representations, Mr Grunert stated that given the nature of the business, there would be a gradual dispersal of customers, and given the maximum number of customers allowed in at any one time, noise nuisance was not likely to be an issue. He also stressed that any misbehaviour by customers, either on, or within the immediate vicinity of, the premises, would be dealt with by staff. Mr Grunert also referred to the conditions offered by the applicant, and set out in the report. In response to further concerns raised, he stated that a full fire safety risk assessment would be undertaken, the noise and fumes with regard to the extractor fan would be strictly monitored, and that it was not expected that the roller shutters would be used on a regular basis.
- 4.6 Sheena Patel stated that as the premises would primarily be food-led, she did not envisage any problems with drinking. She wished to promote the diversity of the food on offer, and would mainly be targeting passing custom.
- 4.7 In response to questions from Members of the Sub-Committee, it was stated that whilst a full noise survey had been undertaken with regards to the flat above the premises, sound-proofing measures had already been undertaken by the landlord, which had met all required standards. There was only one entrance/exit, and the applicant had been informed that one toilet would be sufficient for the size of the premises. The objectors lived further up the road, and there was a clear gap between the premises and their property. The initial plan was to open around 16:30 hours, and if the demand was there, to open earlier, around dinnertime.
- 4.8 Mr Grunert summarised the case on behalf of the applicant, adding that the applicant planned to apply for a personal licence.
- 4.9 Jayne Gough outlined the options available to the Sub-Committee.
- 4.10 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.
- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage of the proceedings, the meeting was re-opened to the attendees.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in the terms requested, in respect of the premises known as Ms Mistry's, 250-254 London Road, Sheffield, S2 4PA (Ref No. 76/21).

(NOTE: The full reasons for the Sub-Committee's decision will be included in the

written Notice of Determination.)

5. LICENSING ACT 2003 - DORE CLUB, TOWNHEAD ROAD, SHEFFIELD, S17 3GA

- 5.1 5.1 The Chief Licensing Officer submitted a report on an application made under Section 84 of the Licensing Act 2003, for the variation of a club premises certificate in respect of the premises known as Dore Club, Townhead Road, Sheffield, S17 3GA (Ref No. 70/21).
- 5.2 Present at the meeting were Alistair Reed (Applicant), Ben Williams (Barrister, for the Applicant), Nigel Parsons, Kim Royds and Jenny and Michael Woolhouse (Objectors), Chris Grunert (John Gaunt, Solicitors, representing Jenny and Michael Woolhouse), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Maire-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that 26 public objections had been received, together with eight letters of support for the application, and which were all attached at Appendix 'E' to the report. All persons making representations had been invited to attend the meeting, with those listed above, together with other interested parties, being in attendance. Ms Gough added that the suggested conditions proposed by the Environmental Protection Service prior to the hearing had now been agreed by the applicants.
- 5.5 Nigel Parsons stated that he had supported the Club, and had been a member, for a number of years, but was objecting to the proposed variation on the grounds that he considered recent behaviour by the Trustees inconsiderate. During lockdown, the Club had applied for, and had been granted, planning permission for the erection of a gazebo in the premises' grounds. It was not intended that this would be used for smoking, but when the Club re-opened after lockdown, ashtrays were placed on tables under the gazebo. There had been a number of incidents of noise nuisance caused by members drinking and smoking under the gazebo and in the outside area, late into the evening. Previously, there had only been a few tables outside, which were used for special occasions, such as classic car shows and gala days. The gazebo was sited just yards from one neighbour's property, and whose family had been particularly affected by the noise and smell of smoke. With regard to those residents supporting the application, Mr Parsons stated that some of them lived so far away from the Club that they were never going to be affected by the noise. Dore Village had always been a very quiet, residential neighbourhood, but things had changed in recent years, with residents being affected by the smell of smoke and noise nuisance from members drinking outside the Club, and by the sound of taxis arriving and departing. Mr Parsons referred to two recent functions held on the premises, one of which had been a wedding reception, and which had caused specific problems for those residents living within the immediate vicinity of the Club.

- 5.6 In response to questions from Members of the Sub-Committee, Mr Parsons stated that the gazebo had been erected during lockdown, and first used in May 2021. There had been a party at the Club, which had been held when the Club was not licensed to allow drinking outside, and which had resulted in noise nuisance into the early hours of the morning, and. A further event, a wedding reception, had been held using a Temporary Event Notice, and video evidence had shown people outside, talking loudly and shouting, up to 23:00 hours. Mr Parsons stated that he could see the gazebo from his kitchen window, and confirmed that up until the three above-mentioned events had been held, there had been no problems of noise nuisance connected to the operation of the Club. Those residents objecting to the application believed that the suggested closing time of the external area, of 21:00 hours, was still too late.
- 5.7 Kim Royds, who had lived directly opposite the Club for two years, stressed that the area used to be a quiet, residential neighbourhood, but they have been recently affected by noise from the Club on a number of occasions. She referred specifically to when football matches had been televised at the Club, and doors left open, which had resulted in noise emanating from the premises. Mrs Royds expressed concern as to what children walking past or going to recent nearby shops, could be exposed to. She also referred to problems of car parking outside the Club, particularly when functions were being held.
- 5.8 In response to questions from Councillor Neale Gibson, Mrs Royds stated that whilst they were affected by the noise from the Club, they had not complained, but just slept in their back bedroom. She added that she would like the Club to use the large space to the rear of the premises for car parking, particularly when larger functions were being held.
- 5.9 Chris Grunert, representing Jenny and Michael Woolhouse, stated that his clients lived in the property directly next door to the Club, and the gazebo was situated approximately two metres from one of their rear bedrooms. Their main objection related to the change to allow the consumption of alcohol in external areas. They were objecting to the changes although the Club had operated for more than 19 years, since they had lived there, without any problems. They were also concerned at the lack of clarity as to exactly what the Club were asking for as part of the application, and made reference to the fact that the external areas had been used for the consumption of alcohol on two occasions, when the licence did not allow for such use. Mr Grunert referred to the conditions agreed prior to the hearing, stating that Jon Round (Environmental Health Officer) had compared the premises to licensed premises on Ecclesall Road, which was clearly not a fair comparison due to the quiet, tranquil nature of Dore Village. According to Club rules, there had never been permission for external drinking, and it was not clear, as part of the application, as to precisely what was being requested in terms of the use of the external areas. Reference was made to the two events held unlawfully at the Club, which had included drinking outside, and had resulted in neighbours being affected by noise and the smell of smoke. Mr Grunert stated that the Club had failed to address a number of issues, or respond to concerns raised by local residents, which had resulted in a lack of trust between the two parties. He concluded by stating that there was a potential for the Club opening nine hours a day, with neighbours being affected by noise nuisance and the smell

- of smoke. That was clearly a lack of trust and reasonableness on the part of the trustees.
- 5.10 Michael Woolhouse stated that the Club had a quarter of an acre of land, and they had chosen to site the gazebo two metres from his son's bedroom window. This had resulted in the family being affected by noise and the smell of cigarette smoke. He added that the new Club Committee was not concerned about the views of its neighbours, but was were simply concerned about making more money.
- 5.11 In response to questions from Councillor Neale Gibson, Mr and Mrs Woolhouse confirmed that the video they had submitted had been taken at 21:30 hours, and that the lighting on the gazebo was very bright and lit up some of their rooms. They stated that they had lived in their property for 19 years, and that past relationship with the Club had generally been fine, apart from a few issues regarding the use of the extension.
- 5.12 Ben Williams, on behalf of the applicants, stated that the concerns raised related mainly to potential fears, which was not relevant grounds under the Licencing Act 2003. He referred to the relaxation of the Government's social distancing rules in April 2021, which had resulted in licensed premises being forced to exploit the use of their outdoor areas. The Club had not done anything unlawful during this period. It was stressed that no representations had been received from the responsible authorities, and that the view was of the local residents, specifically those claiming the Club had acted unlawfully, had been distorted as a result of them not fully understanding the licencing laws. Mr. Williams stated that applying for the variation would actually improve the situation for local residents, as it would result in the premise being regulated, therefore allowing for stricter monitoring. He stressed that there would be no changes to how the Club was currently operating, and that the gazebo was only likely to be used during the summer months. He made reference to the fact that there had only been problems of noise nuisance on three occasions following the lockdown, and that there were no plans to host wedding receptions, or any other large functions, on a regular basis. If the Club broke any rules regarding the use of external areas, anyone would be able to request a review of the club premises certificate. Mr Williams stated that there was no documented evidence of the Club having treated local residents badly, and that anyone could contact the Club, via its website, to raise any concerns. The Club had undertaken a lot of work on behalf of the local community, including organising gala days and classic car shows.
- 5.13 In response to questions from Members of the Sub-Committee, Jayne Gough and Chris Grunert, it was stated that there were spaces for approximately 40 vehicles in the car park, the current membership of the Club was 144 and the capacity of the premises was 200, with there rarely being more than 12 customers present on any one night. The wedding reception held at the Club had been a one-off event, and had been the Club's Bar Manager's wedding, who wanted to invite his friends and relatives to the Club. Whilst the Club organised gala days and classic car shows, it had no plans to host large events on a regular basis. The Club apologised if it had not responded to residents' concerns in the past, but it was stressed that it had co-existed with the local community for several years, without

- any problems, and would welcome dialogue with them to discuss any concerns. The gazebo had been erected following the granting of planning permission, but the Club had not consulted with local residents on this. Little other work had been undertaken in the external areas, other than the laying of stones slabs under the gazebo. The gazebo had been erected purely to provide shelter for those customers wishing to smoke, and those wishing to drink outside when the weather was bad. The intention of the extension, which comprised a narrow corridor, was to create a beer cellar/storage area. It was expected that the external area would be used sporadically by customers during the winter months, dependent mainly on the weather. The Club was seeking to allow for the consumption of alcohol outside. The Club had no record of any formal complaints having been received from local residents.
- 5.14 In response to further questions, it was stated that the Club would be wanting to arrange snooker tournaments and cards nights every now and then. The membership of the Club's Committee had changed a number of times over the years, but had remained the same for the last three years. The new club premises certificate would allow for off-sales from the premises. Whilst it was not clear how many tables there were outside, it was envisaged that drinking would only take place in the external garden area as this was where the tables and chairs were situated. The number of customers in the beer garden varied dependent on the weather. Mr Reed stated that, as far as he was aware, he had not received any emails from local residents regarding their concerns. Despite the concerns raised about the Club's attitude towards its neighbours, there was no evidence to suggest that it would not wish to engage with them in the future. Each club member was allowed to sign in two guests. Fire safety regulations would not allow for any more than 200 people in the premises at any one time. There was also no evidence to show that the Club would choose to use the extension area for special functions.
- 5.15 Ben Williams summarised the case on behalf of the applicants.
- 5.16 Chris Grunert summarised the case on behalf of Mr and Mrs Woolhouse, citing a number of suggested conditions the Sub-Committee may wish to place on the club premises certificate, details of which were circulated at the hearing.
- 5.17 Ben Williams stated that it was too late for the Sub-Committee to consider the conditions now mentioned, and that they should have been included as part of the representations, to allow for all parties to raise questions thereon.
- 5.18 Jayne Gough outlined the options available to the Sub-Committee.
- 5.19 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussions take 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.
- 5.20 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the

application.

5.21 At this stage in the proceedings, the meetings was re-opened the attendees.

5.22 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the grant of a club premises certificate in respect of the premises known as Dore Club, Townhead Road, Sheffield, S17 3GA (Ref No. 70/21), subject to:-

(a) the conditions agreed with the Environmental Protection Service prior to the hearing, as follows:-

- (i) No loudspeakers shall be fixed externally, nor directed to broadcast sound outside the building at any time; and
- (ii) Any outside seating area shall only be used by members and guests for consumption of food and drink between 12:00 and 21:00 hours n any day of the week; and

(b) the additional conditions, as follows:-

- (i) The premises must take all reasonable steps to ensure that patrons consuming food and drink in the external area remain seated at all times;
- (ii) The premises must take a pro-active approach to monitoring noise in the external area, and must make regular checks; and
- (iii) A valid contact telephone number must be made freely available, and should be published on the website for residents to contact the premises during opening hours, should they be experiencing any noise nuisance.

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

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