

MEETING OF THE LICENSING SUB-COMMITTEE

held Thursday 23rd August 2012

PRESENT: Councillors John Robson (Chair), Jillian Creasy and Clive Skelton

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1. WELCOME AND HOUSEKEEPING ARRANGEMENTS

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. APOLOGIES FOR ABSENCE

2.1 No apologies for absence were received. Councillor George Lindars-Hammond attended as reserve Member but was not required to stay.

3. EXCLUSION OF THE PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. LICENSING ACT 2003: YEW TREE INN, LOXLEY NEW ROAD, SHEFFIELD, S6 4NG

5.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence, made under Section 34 of the Licensing Act 2003, for the premises known as the Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG.

5.2 Present at the meeting were Neal Pates (Environmental Protection Service), PC Lee Kaignin (South Yorkshire Police), PC Sue Fox (South Yorkshire Police), David Patetington (Counsel, on behalf of the applicant), Kimberley Chilton (Ford and Warren Solicitors, on behalf of the applicant), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Committee Secretary).

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

5.4 The Licensing Officer presented the report to the Sub-Committee, and it was noted that the applicant was Punch Taverns plc. Representations had been received from South Yorkshire Police and the Environmental Protection Service, and were attached at Appendices C and D to the report now submitted, respectively.

- 5.5 It was noted that the applicant had been satisfied prior to the hearing that condition 13 should remain on the premises licence, and therefore withdrew his original request to remove it.
- 5.6 PC Kaignin addressed the Sub-Committee, stating that there had been an incident at the premises on 22nd June 2012, whereby a function had been held at the pub, and a group of males from the party had been ejected for fighting. One of the group had retaliated by throwing a brick through the window of the pub.
- 5.7 PC Kaignin stated that if a new seating area was allowed outside the front of the pub, there would be more potential 'missiles' for intoxicated/ angry people to throw through the window, such as pub furniture, glasses, ashtrays and bottles.
- 5.8 PC Kaignin stated that there had been an increase in crime and anti-social behaviour in the local area, and he felt that the proposals for a new outside seating area would not be conducive to controlling this situation.
- 5.9 PC Kaignin added that the pub was on the junction of two busy roads, and that a new outside area could potentially be dangerous for this reason. He also expressed concerns over how the new area would be managed by staff. He added that the front door of the pub was closed and not in use at present, following a recommendation from the Environmental Protection Service (EPS), and he stated that the venue was currently 'managed very well'.
- 5.10 PC Kaignin commented that, at present, people smoked at the rear of the venue, and that a new front area would mean that people could smoke at the front of the premises as well, which could potentially increase the problem of groups gathering outside the front.
- 5.11 Mr. Patetington clarified that South Yorkshire Police believed the pub was very well managed, and also confirmed that PC Kaignin believed the staff had done the correct thing by ejecting the rowdy group of males from the party in June 2012, as earlier described. PC Kaignin stated that the pub had acted responsibly in this situation, but stated that the fact people had access to 'missiles' was the problem. PC Kaignin added that he believed that people would 'spill out onto the narrow pavement' if the new area was constructed. He added that there was currently a sign on the (closed) front door instructing patrons to access the pub from the rear, and he accepted that all customers followed these instructions.
- 5.12 Mr. Pates then addressed Members and stated that there had been several noise related complaints made about the Yew Tree public house over the last few years, and that these complaints had originated from two different households. He accepted that this was a relatively low number of complaints. The area around the pub was highly residential, and was mainly terraced housing,

- 5.13 Mr. Pates added that the non-use of the front door of the pub had seen a dramatic reduction in the number of noise complaints, and he added that the current management of the premises was extremely good. He believed a new outside seating area at the front of the pub was unnecessary, as he thought current arrangements for smoking round the back were adequate. He added that, since the premises had ceased using the front door, young people often gathered in the front outside area of the pub during the day, and he believed that this problem of congregating would be exacerbated by having permanent seating in the area.
- 5.14 Mr. Pates stated that he understood the current premises management were to finish their contract in the next few months, with the intention of moving on from the Yew Tree.
- 5.15 Mr. Patetington asked Mr. Pates what his qualifications were, and Mr. Pates outlined his qualifications relating to noise control. Mr. Pates accepted that he did not have any expertise in the field of venue management, other than advising venues about noise reduction and providing practical advice and support to landlords.
- 5.16 Mr. Patetington pointed out that no local residents had complained about the proposals. He added that the Police had acknowledged that the pub was well run and well managed, and that, in the incident described by the Police, the trouble-causing persons had been correctly ejected from the premises by staff. He added that there was no link from the premises to crime and antisocial behaviour in the locality.
- 5.17 Mr. Patetington added that the venue was about to undergo a major refurbishment, in order to increase its ability to serve food and become more family friendly. It was hoped the refurbishment would raise standards across the whole pub, and that it would be more appealing both inside and out.
- 5.18 Mr. Patetington stated that any structure built outside the pub in the proposed front area would be fully compliant with anti-smoking legislation in terms of its structure. He added that the front door would ideally be brought back into use; as having it permanently closed was proving bad for business, as the pub looked like it was not open.
- 5.19 In summary, PC Kaignin stated that he believed antisocial behaviour would increase if the licence variation were to be granted. Mr. Pates stated that effective sound proofing of the structure proposed for the front of the pub could be problematic in order to comply with smoking legalisation. Mr. Patetington stated that there was no evidence to link crime or anti social behaviour to the premises and he added that both EPS and South Yorkshire Police had acknowledged that the venue was well run and well managed. He added that the problem of people congregating outside the venue would be managed if the new seating area was created, rather than it being something outside of the venue's control. He added that it was

significant that no local residents were present at the meeting, and he believed all the problems presented at the hearing were purely speculation, and that the venue should be given the opportunity to thrive.

- 5.20 **RESOLVED:** That the public and press and attendees involved in the hearing 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.
- 5.21 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.22 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.23 **RESOLVED:** That the Sub-Committee (a) agrees to grant the variation to the Premises Licence in respect of the premises known as the Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG, subject to the modified conditions now made as follows:-
- (i) there shall be no amplified sound to the front of the premises at any time;
 - (ii) front lobby doors shall remain closed at all times, save for access and egress;
 - (iii) signs shall be erected reminding patrons to leave the premises quietly;
 - (iv) no alcohol to be consumed in the front external area after 2300 hours, 7 days per week, and
 - (v) conditions 8,9,10 and 17 shall be removed from the original premises licence, and
- (b) recommends that (i) the furniture used in the front outside area be movable, in order to be brought inside at night, and (ii) the Environmental Protection Service visit the premises after 3 months to conduct a noise test.
- 5.24 (The full reasons for the Sub-Committee's decision and the operating conditions will be included in the Notice of Determination.)