

MEETING OF THE LICENSING SUB-COMMITTEE

held 6th September 2012

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond and Vickie Priestley

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 An apology for absence was received from the Chair, Councillor John Robson.

3. EXCLUSION OF THE PUBLIC AND PRESS

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on agenda item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING ASSISTANT APPLICATION

5.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Street Trading Assistant Badge (Ref. No. 70/12).

5.2 Present at the meeting were the applicant and his uncle, Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

5.3 The Deputy Chair of the Sub-Committee outlined the procedure which would be followed during the hearing.

5.4 Kathy Stockdale presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, although they were not present at the hearing.

- 5.5 RESOLVED: That further to the information contained in the report now submitted, and the representations now made, the application now made for a Street Trading Assistant Badge be granted (Ref. No. 70/12).

(At this stage in the proceedings the public and press were re-admitted to the meeting.)

6. **LICENSING ACT 2003 – STEEL HOUSE, 53-59 WEST STREET, SHEFFIELD, S1 4EQ**

- 6.1 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, in respect of the premises known as the Steel House, 53-59 West Street, Sheffield, S1 4EQ.

- 6.2 Present at the meeting were Hamed Nejad (Applicant), Paddy Whur (Solicitor, representing the Applicant), Jonathan Round (Environmental Protection Service, Objector), Councillor Rob Murphy (representing local residents, Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

- 6.4 Andy Ruston presented the report to the Sub-Committee, and it was noted that representations had been received from the Environmental Protection Service, a local Councillor and local residents, as interested parties, and were attached at Appendices 'C', 'D' and 'E', respectively, to the report. Although none of the local residents were present at the meeting, the local Councillor put forward representations on behalf of one of them.

- 6.5 Paddy Whur stated that the applicants would like to amend the application so that the hours in terms of the sale of alcohol and regulated entertainment were 02:30 hours Sunday to Thursday, and not 03:30 hours as indicated in the report.

- 6.6 Jonathan Round stated that the Environmental Protection Service was objecting to the application on the grounds of public nuisance. He reported on the history of the premises, indicating that complaints of noise breakout from the large windows in the premises had been received in 2004 and further complaints of noise breakout from the entrance had been received in 2006. As a result of the latter complaints, the main entrance, which originally faced residential properties on West Street, had been moved and the problems of noise breakout from this area had been resolved. There had been further complaints of noise nuisance caused by smokers outside the

premises. The Service wanted to keep the existing restriction in terms of last entry to the premises at 01:00 hours and had suggested that an extra half an hour in terms of the sale of alcohol would be acceptable at weekends, as opposed to the increase in hours requested as part of the application.

- 6.7 In response to a question from a Member of the Sub-Committee, Mr Round stated that since the premises had become known as the Steel House in 2010, only an enquiry had been received from a member of the public in terms of the opening hours. No complaints had been received.
- 6.8 Councillor Rob Murphy stated that Westpoint was situated directly opposite the premises and that there were a number of other residential properties in the area. Whilst he accepted that people who bought properties in the City Centre should be aware of the potential for noise from licensed premises, he considered that there needed to be some form of limit in terms of the number of premises and their opening hours. He too was also concerned about that part of the application to remove the condition relating to the last entry to the premises at 01:00 hours. The majority of complaints he had received related mainly to the noise generated by people queuing or smoking outside the premises. He also had concerns at the potential for glass bottles being taken outside the premises and being left or broken on surrounding streets.
- 6.9 In response to questions from a Member of, and the Solicitor to, the Sub-Committee, Councillor Murphy confirmed that the representations he had received from four local residents, one of whom had requested him to represent them at this hearing, were complaining generally about the noise breakout from licensed premises in the City Centre, and had raised concerns with regard to the increasing opening hours of such premises. He confirmed that the four residents who had contacted him, were the same four residents whose representations had been received by the Licensing Section, and were included in the papers for this hearing.
- 6.10 Paddy Whur stated that the applicants had purchased the premises, along with a number of other similar premises in other towns and cities, and planned to spend approximately £250,000 refurbishing The Steel House. They had a very strong management team and worked closely with the Police and Licensing Authorities in connection with the operation of their premises. The applicants considered that the requested extension in hours was not out of keeping with other similar licensed premises in the area, therefore should not cause any problems in terms of noise nuisance. As well as the Police raising no objections to the application, only four objections had been received from local residents, despite the fact that there were approximately 200 residential apartments within close proximity of the premises. The applicants planned to extend the main entrance to provide an

acoustic lobby, in order to reduce any potential noise breakout and they would be happy to negotiate with the Environmental Protection Service in connection with the installation of a noise limiter. Mr Whur confirmed that the windows would not be open as they had been in the past, therefore reducing any further potential for noise breakout. He referred specifically to the issue relating to last entry, indicating that the request to remove this condition from the existing Premises Licence had been made by the applicants for commercial reasons. However, if the market improved and the premises became successful, the applicants would consider the possibility of reinstating this condition on certain nights. On this same issue, Mr Whur stated that if there were any problems in terms of queuing outside the premises, the Door Supervisors would be more than capable of dealing with this.

- 6.11 In response to questions from Members of the Sub-Committee and Councillor Rob Murphy, it was stated that the premises generally opened at 16:00 hours and at the present time were at their busiest around 22:00 hours, mainly at weekends. At the present time, they expected the last entry to be around 02:00 hours at weekends as, owing to the present market, the premises were only really busy one night a week. Although there was reference to pool tables in the application, there were no plans to have any on the premises. The applicants would be happy to accept a condition requiring that no one could leave the premises with open vessels.
- 6.12 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.
- 6.13 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 6.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.15 RESOLVED: That the Sub-Committee agreed to grant a variation to the Premises Licence in respect of the Steel House, 53-59 West Street, Sheffield, S1 4EQ, subject to the amended application, the operating schedule and the additional conditions, as follows:-
- (a) No open bottles or glasses to be removed from the premises, save for consumption in the designated smoking area;
 - (b) All amplified sound will be played through a noise limiter to be set by the Environmental Protection Service; and

(c) The removal of Condition 2 of Annexe 3 (No additional persons shall be allowed to enter the premises after 01:00 hours on Thursday, Friday, Saturday and Sundays preceding Bank Holiday Mondays) and Condition 9 of Annexe 2 (All licensed activities are to cease 30 minutes before the close of premises).

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

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