

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 8 March 2018

**PRESENT:** Councillors David Barker (Chair), Gail Smith and Lisa Banes

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Vickie Priestley.

#### **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 - KIN, KELHAM WORKS, 2 ALMA STREET, SHEFFIELD, S3 8SA**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Premises Licence, made under Section 17 of the Licensing Act 2003, in respect of the premises known as Kin, Kelham Works, 2 Alma Street, Sheffield S3 8SA (Ref. No. 27/18).

4.2 Present at the meeting were Michelle Hazelwood (John Gaunt and Partners, Solicitors, for the Applicants), Zoe Lawrence and Mark Wilson (Applicants), Dave Buttle (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Samantha Bond 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 representations had been received from five members of the public, and were attached at Appendix 'C' to the report. All five members of the public had been invited to attend the hearing, but only one attended to put forward his representations. It was also noted that a number of conditions had been agreed between the applicants and the responsible authorities prior to the hearing.

4.5 Dave Buttle stated that his main objections to the application related to public nuisance. He indicated that Kelham Island was predominantly a residential area, and having another licensed premises in the area, particularly given the proposed hours in terms of the sale of alcohol,

and to allow live (amplified) music and dancing until 00:00 hours, would create problems of anti-social behaviour and noise nuisance for residents. He stressed that no other licensed premises in the area served alcohol after 23:00 hours, and he was concerned at the potential for public nuisance if alcohol was available with effect from 07:00 hours, as planned in the application. Mr Buttle also expressed concerns at the potential for customers who smoked to be stood on the pavement outside the premises, creating a noise nuisance as well as there being problems of litter. Mr Buttle stated that he was aware of the additional conditions, relating to sound attenuation measures and CCTV, which he welcomed.

- 4.6 In response to questions raised by Members of the Sub-Committee, Mr Buttle stated that in addition to there being an increasing number of residents living in the Kelham Island area, there was also residential accommodation above the premises, the occupants of which could potentially be adversely affected by the application. He stated that he had lived in the area for a number of years, and had noticed considerable changes, mainly in terms of the increase in residential accommodation and more recently, the recent increase in the number of licensed premises. He stated that, whilst the changes had been mainly positive, they had resulted in an increase in noise nuisance, particularly during the summer months, and created problems of car parking.
- 4.7 Michelle Hazelwood stated that the applicants had been interested in establishing a bar and deli business, and had considered Kelham Island to be an ideal location. The business, which would occupy the ground floor of 2 Alma Street, would operate as a bar and deli, in an urban loft-type environment. The business would operate principally as a restaurant/deli, with a strong quality food offering and limited regulated entertainment. The proposed licensing hours, in terms of both on and off sales, would be Monday to Sunday, 07:00 to 00:00 hours. However, apart from special occasions, such as Mother's Day or when people wanted a special breakfast for a birthday, it was not expected that there would be much demand from 07:00 to 11:00 hours. The proposed licensing hours would also cater for those customers wishing to purchase some pre-cooked food, together with a bottle of wine, on their way to work, to have when they got home at the end of their working day. There were no plans to sell cheap alcohol, or attract customers wanting a drink of beer or lager in the early morning. Ms Hazelwood referred to the conditions agreed with the responsible authorities, which were set out in the report, and documented in the additional information circulated prior to the hearing, indicating that, given the size of the premises, and the fact that there was no stage or dance floor, there were no plans to have live music comprising large bands at the premises. It was likely that the only live music would be acoustic sessions, on special occasions, comprising one or two musicians. The premises management would take a proactive approach to noise control, checking the outside of the

premises to ensure there was no noise breakout, as well as checking for noise created by customers leaving the premises. The management would also be liaising with South Yorkshire Police in connection with the proposed CCTV system to ensure that it complied with their requirements. Ms Hazelwood stated that she was confident these additional conditions would help to allay any fears or concerns of local residents living within the vicinity of the premises, and made the point that the concerns regarding a lack of car parking was a planning matter, and not one that the Sub-Committee could consider. Ms Hazelwood concluded by stating that she considered that the application would promote the four licensing objectives.

- 4.8 In response to questions from Members of the Sub-Committee, Samantha Bond, Clive Stephenson and Dave Buttle, Ms Lawrence stressed that they had only applied for the long hours to give them the flexibility to provide for those customers wishing to purchase a bottle of wine on their way to work, for their evening meal, or for those special occasions where customers wanted a drink of alcohol with a breakfast, for a special occasion. She stressed that she did not anticipate it being a regular occurrence. It would only be the deli that opened at 07:00 hours, and there would be no general sales of alcohol until 11:00 hours. Whilst it was envisaged that the vast majority of customers attending the venue from 07:00 hours would intend to purchase food, they simply wanted the flexibility to provide for those customers wishing to purchase a glass of prosecco or wine with their food. Ms Lawrence indicated that they would do everything they could in terms of linking in with the local community, and had planned to attend a recent meeting of the Kelham Island Community Association (KICA), but the meeting had been cancelled due to adverse weather conditions. She stated that she planned to work with local artists and develop other links with the local community where possible. As well as wishing to attract customers from all over the City and beyond, they wished to provide a new facility for local residents. Ms Lawrence stated that she had chosen this business on the basis of her love of food and home cooking, and wished to provide a business selling food she liked to cook and eat, with venues offering this kind of food being few and far between in the City. She believed that a high number of residents living in Kelham Island would like the food on offer. Ms Lawrence confirmed that there would be 95 covers in the premises and that any live music, which would not be a regular occurrence, would comprise jazz or acoustic-style sessions, comprising one or two musicians. In terms of the dining arrangements, consideration had been given to screening off the main dining area until 08:00 hours, but the management had decided against this in order to give customers the choice of where they sat. It was stressed that there was no intention for there to be any vertical-style drinking as they were not looking to target this market. Although the issue of car parking was not for consideration by the Sub-Committee as part of the application, Ms Lawrence confirmed that there were two parking spaces directly outside the premises, as well as there being a small public car park as

part of a gym situated nearby. It would not be possible to reduce the licensing hours on specific periods or days as one of the target markets was people celebrating a special birthday, and wanting a birthday breakfast, which could obviously fall on any day of the year. As already stated, the premises management would take a proactive approach in terms of monitoring and, if necessary, dealing with any issues arising from customers standing outside on the pavement drinking and smoking. If there were any serious issues in this regard, members of the public or the responsible authorities had the option of requesting a review of the Premises Licence.

- 4.9 Michelle Hazelwood summarised the case on behalf of the applicants.
- 4.10 Clive Stephenson presented the options available to the Sub-Committee.
- 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 Samantha Bond 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, in the light of the information set out in the report now submitted, the additional information now circulated, and the representations now made, the Sub-Committee agrees to grant a Premises Licence in respect of Kin, Kelham Works, 2 Alma Street, Sheffield, S3 8SA (Ref. No. 27/18), in the terms now requested and subject to:-
- (a) the conditions agreed by the applicants and the responsible authorities prior to the hearing, as follows:-
- (i) A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified equipment used for the purposes of live music or similar entertainment.
- (ii) A reduction in the terminal hour for licensing activities to 23:00 hours daily, with the premises to close at 23:30 hours.
- (iii) New Year's Eve and Christmas Eve to permit trading

until 01:00 hours.

- (iv) The removal of regulated entertainment.
  - (v) Permission for late night refreshment between 23:00 and 23:30 hours.
  - (vi) Windows and doors to remain closed during live and recorded music, save for access and egress.
  - (vii) All ventilation outlets which serve the licensed area to be acoustically baffled, and thereafter retained as such.
  - (viii) The Designated Premises Supervisor or delegated member of staff shall take a proactive approach to noise control, checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas, and departing from the premises, is managed so as not to cause a nuisance to occupiers of nearby or adjoining residential properties.
  - (ix) A CCTV system, to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2016). The CCTV images will be stored for 30 days and Police and authorised officers of the Local Authority will be given access to images for purposes in connection with the prevention and detection of crime and disorder.
  - (x) Members of the management team will be trained in the use of the CCTV system; and
- (b) the addition of a new condition in Annexe 2 (Conditions consistent with the operating schedule), as follows:-

On and off alcohol sales to be made only when customers purchase food with effect from 07:00 to 11:00 hours.

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