

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 July 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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 - DALBURY AND PALMER, 40 WOSTENHOLME ROAD, SHEFFIELD S7 1LJ

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, to grant a premises licence in respect of the premises known as Dalbury & Palmer, 40 Wostenholme Road, Sheffield, S7 1LJ (Ref No. 72/18).

4.2 Present at the meeting was Chris Grunert (John Gaunt and Partners, Solicitor for the Applicants), Lauren Seigies (Applicant), Dominic Seigies (Applicant), Sarah Johnson (Objector to the Application), Chris Johnson (Objector to the Application), Julia Triandafillithis (Licensing Enforcement and Technical Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and Sarah Cottam (Principal Committee Secretary).

4.3 The Chair of the Sub-Committee welcomed everyone to the meeting and introductions were given. Samantha Bond then outlined the procedure which would be followed during the hearing.

4.4 Julia Triandafillithis presented the report to the Sub-Committee, and it was noted that representations had been received from seven members of the public and were attached at Appendix 'C' to the report. Additional information was also referred to which was received by the applicant's Solicitor. This had been circulated to Members of the Sub-Committee prior to the hearing.

4.5 Sarah and Chris Johnson made representations on behalf of the other local residents who had objected to the application, but primarily their representation was around 'prevention of public nuisance'. Mrs Johnson also alluded to anti-social behaviour (ASB) and litter in the area.

- 4.6 Mrs Johnson advised that being located in a residential area, the serving of alcohol until midnight, seven days a week seemed inappropriate in terms of noise and the potential for rowdy behaviour, which was already an issue in the neighbourhood. There were concerns over people arriving and leaving the premises, car doors banging, especially late at night and the proposed beer garden would also cause noise through the day. Mrs Johnson also raised concerns that the rear fire exit door of the building was being used to gain access to the beer garden and stated that the premises were advertising the use of the beer garden on social media.
- 4.7 Mrs Johnson commented that there had been constant building work carried out on the premises for the last four years and felt the premise owners have shown little regard for its neighbours. In relation to the problem of litter, in 2016 the industrial waste bins at the premises were left overflowing for a long period of time, which eventually caused a fire.
- 4.8 Mrs Johnson advised that there was a residential care home approximately fifty yards away from the hotel; this raised a concern that the vulnerable people living there would be disturbed at a late hour with customers leaving the premises.
- 4.9 Mrs Johnson spoke of the long history of issues at the location which continued to make the neighbours anxious. Through a recent mediation meeting between the owners of the premises and the neighbours, residents were asked to put trust in them that they would prevent public nuisance from occurring, however Mrs Johnson finds it difficult to believe and trust the owners of the premises due to the long history of issues with previous owners of the site. However, Mrs Johnson did add that due to the opening of the restaurant Casa Mia, the premises had improved and she did wish both the owners of Casa Mia and the hotel well and wanted to be reasonable about the concerns being raised.
- 4.10 In response to questions from Members of, and the Legal Advisor to, the Sub-Committee it was advised that the building work had been continuous since 2013 and it was felt that the work being carried out was undisciplined. Debris from the forecourt gravel would wash down into the road near a bus stop when it rained. Mrs Johnson advised that on one occasion she could not access her garage, due to the owners of the site unsafely cutting down a large Sycamore tree, which made the driveway impassable. Mrs Johnson would have liked to have been informed that this was happening beforehand.
- 4.11 Mr Johnson advised the Sub-Committee that he and Mrs Johnson had not themselves experienced any direct noise nuisance from the premises, but could see it getting out of hand if the licence was granted.
- 4.12 Apart from the mediation meeting, there had been no other communication with the owners of the premises; however, Mrs Johnson felt that her concerns could comfortably be raised with the owners and had in fact been raised through the mediation meeting. Mrs Seigies had supplied a direct telephone number to Mr and Mrs Johnson and any nearby residents who request it, to call if they had any further concerns.

- 4.13 In terms of anti-social behaviour, Mrs Johnson advised that this was just a general overview of the crime statistics which showed that particular area was a hotspot for drug dealing and gangs culture, however, Mr and Mrs Johnson had not experienced this first hand.
- 4.14 Chris Grunert put forward the case on behalf of the applicants, indicating that he had submitted an extra plan which had been made available to the Sub Committee and the other parties. The development was much larger than first anticipated and a lot of progress had been made on site in the last four years. Mr Grunert also confirmed that there were no ongoing issues or breaches concerning Building Standards or Planning consent.
- 4.15 The site currently had a licence covering the Casa Mia restaurant, which was operated by a Mr and Mrs Santos. The aim of this application was to create a second shadow licence covering the Casa Mia area and also the new lounge/bar area in the hotel. The hours and activities for non-residents were unchanged by this application for Casa Mia, but was extended to the new area. The restaurant was currently licensed to serve resident and non-resident customers until midnight.
- 4.16 The initial plan for the additional trading was to create a breakfast room serving continental breakfast to residents, this then extended to include a breakfast service to non-resident customers, although it was anticipated that this would be a small market. After breakfast through to early evening it was intended that the area be operated principally as a coffee shop with light bite food, although alcohol would be available from 11am for non-resident customers and again it was anticipated that there wouldn't be significant demand until later in the day. At night time the area would be used as a lounge bar.
- 4.17 Mr Grunert advised that the profiled clientele in the evenings would be people for after work drinks, diners visiting Casa Mia and the hotel residents. The internal seating capacity for the venue was estimated at twenty four or less persons with a small standing area. The proposed licence mirrored the current permission including provision for the consumption of alcohol in the external areas provided for that purpose. Mr Grunert advised that, as part of the application a, 'residential exemption' to allow the sale of alcohol to residents would be added to the licence, as this was not currently available on the licence and was very common on hotel licences generally. It was advised that no issues had arisen from the Casa Mia Restaurant.
- 4.18 With regards to the mediation meeting that took place between the owners of the premises and local residents it was felt that this had mixed success, but was good to air and discuss the issues raised. It was hoped that this meeting would help in gaining trust from the local residents and he accepted that the trust would need to be earned, due to the long history of issues at the site. Mr and Mrs Seigies wanted the hotel to become a community hub in the area and to make it a nice place for residents. Mrs Seigies advised that she would be happy to hold weekly or monthly meetings with local residents regarding any issues they may have and as she also has an interest in Brewer and Hop, she could also raise any issues

direct with them.

- 4.19 In response to questions from Members of, and the Legal Advisor to the Sub-Committee and Mrs Johnson, it was confirmed that there was ample car parking to the front of the building which could accommodate up to ten cars, however the car park did not get full to capacity very often, so was adequate at the moment. There was also off street parking available on the main street at the front of the building. There was also an area where taxis could pull into the car park and drop off customers.
- 4.20 With regards to the toilet facilities at the premises, specifically disabled access it was advised that Mr Pitts from the Environment Protection Service had no issues with current toilet facilities in the building.
- 4.21 Mrs Seigies advised the Sub-Committee that comments made via social media in respect of the use of the outside area was a comment made from Casa Mia Restaurant's social media account and not the hotel. The hotel was only proposing to use the outside area for drinks on nice days. The issue over Casa Mia using the fire exit door to gain access to the outside area would be raised directly with the owners. Mr Grunert did clarify that there was currently no restrictions over the use of the outside area at the present time.
- 4.22 Mr Grunert confirmed that there was disabled access to the building and this had been clarified with the Health and Safety Officer. There was a track leading to the rear of the building which allowed disabled access.
- 4.23 Mr and Mrs Seigies confirmed that they would not be offering private functions. The Casa Mia restaurant only offered meal functions with background music and no complains had ever been received regarding this.
- 4.24 Mrs Seigies advised the Sub-Committee that she managed the bookings for the hotel and would always try to keep noise levels at a reasonable level in the hotel and this would be managed through her duty under the licensing objectives. It was hoped that the further conditions proposed to the licence would help mitigate this. Mrs Seigies informed the Sub-Committee that she had been involved with the business since September 2017 and was unaware of previous issues at the site. Mr and Mrs Seigies have held previous hospitality roles working in hotels and bars, so have experience in this field of work.
- 4.25 Sarah Johnson summarised the objections to the application.
- 4.26 Chris Grunert summarised the case on behalf of the applicants.
- 4.27 Julia Triandafillithis reported on the options open to the Sub-Committee.
- 4.28 **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.

- 4.29 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.30 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.31 RESOLVED: That the Sub Committee agrees to grant the premises licence in respect of the premises known as Dalbury and Palmer, 40 Wostenholme Road, Sheffield, S7 1LJ (Ref No.72/18), in the terms requested, subject to the following conditions:-
- (a) The consumption of alcohol in external areas shall not take place after 22:30hrs daily;
 - (b) Polite notices asking patrons to have consideration for neighbouring residential properties when in external areas, shall be posted at the exit to the beer garden and within the 'coach house' accommodation block;
 - (c) Doors and windows in the licensed areas shall remain closed, save for access or egress, after 23:00hrs whenever regulated entertainment is provided; and
 - (d) The Designated Premises Supervisor (DPS) will provide a direct contact telephone number to any local resident upon request.

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