

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 July 2019

PRESENT: Councillors Andy Bainbridge (Chair), Dawn Dale and Ruth Mersereau

.....

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Douglas Johnson 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 - SMITHS (FKA YUMMY HUT), 647 ECCLESALL ROAD, SHEFFIELD, S11 8PT

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a premises licence, made under Section 34 of the Licensing Act 2003, regarding Smiths (formerly known as Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT (Ref No. 63/19).
- 4.2 Present at the meeting were Ria Smedley (Applicant), Sean Gibbons (Health Protection Service), 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 the Health Protection Service and two members of the public, and were attached at Appendix "C" to the report. The objection from the Health Protection Service, which related to a building regulations issue, had subsequently been withdrawn following further discussions with the applicants. The two members of the public who had submitted representations had been invited to the meeting, but neither attended. Ms Gough further reported that Sean Gibbons (Health Protection Service) was in attendance as, following the submission of revised plans, the Service had a minor concern regarding the layout of the first

floor of the premises, which he had not noticed prior to withdrawing the objection. He therefore took the opportunity to attend the hearing to clear this matter up with the applicant and the Sub-Committee.

- 4.5 Sean Gibbons confirmed that the Health Protection Service had withdrawn its objection to the original application following the resolution of an issue with regard to building regulations but, having reviewed the revised plans, which had been circulated to Members prior to, and at, the meeting, the Service had concerns that there was no dividing wall between the toilet and the kitchen on the first floor.
- 4.6 Ria Smedley stated that the primary aim of the application was to extend the offer available to customers to include alcohol. Ms Smedley stated that she had extensive experience working in, and managing, coffee houses and café bars, and she wanted to provide an opportunity for the sale of alcohol for customers who wanted a drink, but did not wish to visit a bar or restaurant. The times of the supply of alcohol, on the original application, had indicated 11:30 to 01:00 hours, Sunday to Thursday and 11:30 to 02:30 hours Saturday and Sunday simply to keep the times in line with the provision of late night refreshment on the previous licence but, following objections to these times from local residents and the Environmental Protection Service, the times had been amended to align with other bars and restaurants in the surrounding area, from 11:30 to 23:30 hours, Sunday to Thursday and 11:30 to 00:30 hours Friday and Saturday.
- 4.7 In response to questions raised by Members of the Sub-Committee, Ms Smedley stated that, from her knowledge and experience of working in coffee houses and café bars over the years, she had found that people wanted a drink at such establishments, as opposed to having to go to a bar or restaurant. She stressed that the premises would not be run like a vertical drinking establishment, with only a selection of craft beers, wines and cocktails available. She added that there would only be background music and that there would be no door staff. Ms Smedley indicated that she was also mindful of the increase in student accommodation in the Ecclesall Road area, and that an increasing number of younger people were looking for somewhere to meet and talk, and not necessarily wanting alcohol.
- 4.8 Jayne Gough highlighted the fact that the applicants had not requested that the first floor be licenced, and pointed out that, as a result, they would not be able to provide hot food and/or drinks (late night refreshment) in this area after 23:00 hours as this was a licensable activity. She added that alcohol sales would only be permitted in the downstairs area, allowing only for the consumption of alcohol, and not sales, in the upstairs area if the upstairs area remained unlicensed. It had clearly been agreed between Ms Smedley and Mr Gibbons that this could have a significant detrimental effect on the intended business model.

- 4.9 At this stage in the proceedings, Ria Smedley and Sean Gibbons left the meeting to discuss this issue.
- 4.10 Ms Smedley and Mr Gibbons re-entered the meeting, and Mr Gibbons reported that the Health Protection Service initially had concerns with regard to the transfer of food and drink from the ground floor to the first floor, which was why it was agreed for only the ground floor to be licenced, and if the premises were to be taken over by new management in the future, who wished to turn it into a vertical drinking establishment, the licensing of the upstairs area could allow for a detrimental business model being allowed to operate in a highly residential area. He stated he was confident that the applicants did not wish to operate the premises in this way but, if they wished to license the first floor of the premises, the Service would require a further condition stopping this from happening if the premises changed hands in the future. Ms Smedley stated that she would be more than happy to accept any additional conditions requested by the Health Protection Service in this regard.
- 4.11 Jayne Gough reported on the options open to the Sub-Committee.
- 4.12 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.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a variation to the premises licence in respect of Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT (Ref No. 63/19), in the terms requested, and subject to:-
- (a) the agreed conditions as detailed in the report now submitted;
 - (b) the amended plans, which were to be submitted as soon as possible, and to include the new stud wall in the upstairs area and the inclusion of the upstairs as the licensed area; and
 - (c) the following three additional conditions, as per the amended operating schedule:-
 - (i) there shall be a minimum number of 30 covers for seated dining, with a maximum of 40 capacity (people) to

ground and first floor internal areas;

- (ii) the first floor area is to be table service only, and patrons are not to carry their own food and drinks up or down the staircase; and
- (iii) staff are to be trained in safe systems of work

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