

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 13 August 2019

**PRESENT:** Councillors Dawn Dale, Roger Davison and Bob Pullin

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#### **1. APPOINTMENT OF CHAIR**

- 1.1 RESOLVED: That in the absence of both Co-Chairs of the Sub-Committee, Councillor Dawn Dale be appointed Chair of the meeting.

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 No apologies for absence were received. Councillor Vickie Priestley attended the meeting as a reserve Member, but was not required to stay.

#### **3. EXCLUSION OF 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 - BARROWBOY BAR, 453 ABBEYDALE ROAD, SHEFFIELD, S7 1FS**

- 5.1 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, in respect of Barrowboy Bar, 453 Abbeydale Road, Sheffield S7 1FS. During the consultation period following the application, the applicant was requested to obtain a noise survey of excessive noise disturbance from noise breaking out of the premises, noise transferring through the building and also noise from people outside the venue and a validation report be produced to ensure the effectiveness of any works carried out. The applicant provided a report on the day of the hearing, but it was considered too late to allow for the Environmental Protection Service to assess the report in its entirety and therefore the hearing was deferred until such time as this had been done.

#### **6. LICENSING ACT 2003 - DOMO RESTAURANT, EAGLE WORKS, 34-36 COTTON MILL WALK, KELHAM ISLAND, SHEFFIELD, S3 8DH**

- 6.1 The Chief Licensing Officer submitted a report to consider an application, under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises at Domo Restaurant Limited, Eagle Works, 35-36 Cotton Mill Walk, Kelham Island, Sheffield, S3 8DH (Ref No.82/19).

- 6.2 Present at the meeting were Sarah Elliott and Raffaele Busceddu (Applicants), Grace Cole, Jess Thorpe, Alex Thorpe and Kath Hardy (local residents), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that representations had been received from 17 members of the public and were attached at Appendix "B" to the report. Mr. Stephenson said that four conditions had been agreed between the Environmental Protection Service and the applicants, as follows:-
- The premises shall operate as a restaurant only, and the provision of alcohol shall be primarily with the provision of food or, on a limited basis, in the indoor area for diners awaiting a table. Alcohol provision on the outside terrace shall at all times be strictly in conjunction with seated dining only, and ancillary to the provision of a meal in all cases.
  - Customer use of the outside terrace dining area shall cease at 2100 hours on all days. Outdoor furniture shall then be cleared away or secured in such a manner as to prevent subsequent unauthorised use.
  - The Designated Premises Supervisor or a delegated member of staff shall take a pro-active 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 the premises is managed so as not to cause a nuisance to occupiers of nearby residential properties.
  - The premises licence holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs.
- 6.5 Kath Harding stated that as a resident of Little Kelham, she welcomed new businesses into the community but expressed her concerns at the late night opening of the premises. Ms. Harding said that whilst she did not live in close proximity to the premises she had observed that since the restaurant had opened, there were a number of tables beyond the front elevation of the premises onto the community boules court. She further stated that there were many young families on the estate and drinking in the outside area would prove challenging for the local residents.
- 6.6 Alex and Jessica Thorpe reiterated the comments already made and as they live just around the corner from the premises, their main concern was the outside drinking area. They said that during the summer months, it had been necessary to have the windows to their property open and felt that to permit outdoor eating and drinking beyond 7.00 p.m. would be very disruptive to their family life. Jessica Thorpe felt that a similar arrangement to the Gatehouse would be a good benchmark for any new businesses opening in the area.

- 6.7 Grace Cole stated that she lived very close to the terrace and was often disturbed during the evening and had to turn up the volume on the TV often after 9.00 p.m. She said that smoke tended to drift across to her property and cigarette butts were often on her doorstep.
- 6.8 In response to questions from Members of the Sub-Committee, the residents said that they were aware when purchasing their properties that there would be mixed use premises in the area, but not drinking establishments. However, communication with the owners of the Gatehouse had been established and this worked well.
- 6.9 Sarah Elliott said that she appreciated what had been experienced by the local residents and that the celebration on the opening night of the restaurant had been rowdy. However, the following week, she had met up with officers from the Environmental Protection Service, who had brought to her attention the objections that had been received and she had discussed with them the way forward in alleviating the concerns of the residents. Ms. Elliott stated that the business was a family restaurant, offering an “aperitivo hour” of drinks and nibbles before eating and al fresco dining until 9.00 p.m., They were not looking to attract heavy drinkers, nor did they want to be compared to the Gatehouse, as they were not a cocktail bar. Ms. Elliott said that when enquiring about opening a business in the area, they were informed that the residents knew that restaurants would be opening up in the area. With regard to the outdoor seating area, she admitted that they had pushed their luck by extending into the boules area but was addressing this and were moving the barriers to prevent this happening again. In response to concerns raised regarding vehicles pulling up and parking outside the premises, Sarah Elliott said that if anyone did stop outside, they were informed that they were liable to a fine and asked to move on.
- 6.10 In response to questions raised by Members of the Sub-Committee, Sarah Elliott stated that she wanted to have open communication with the residents and work with them to alleviate any problems. She said that it was anticipated that patrons would only be allowed to dine outside until 9.00 p.m. with minimal noise. If customers did start to get rowdy, she would go outside and ask them to respect the local residents and not cause any noise nuisance. There were 60 covers inside the premises and 45 on the outside seating area.
- 6.11 Clive Stephenson outlined the options open to the Sub-Committee.
- 6.12 **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.
- 6.13 Marie-Claire Frankie 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, in the light of the information contained in the report now submitted, and the representations now made, the application for a premises licence in respect of Domo Restaurant, Eagle Works, 34-36 Cotton Mill Walk, Kelham Island, Sheffield, S3 8DH (Ref No. 82/19), be granted as applied for and with the conditions agreed with the Environmental Protection Service as outlined at paragraph 6.4 above.

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