

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 January 2020

PRESENT: Councillors Joe Otten, Josie Paszek and Cliff Woodcraft

.....

1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That, in the absence of the Chair of the Sub-Committee (Councillor Andy Bainbridge), Councillor Josie Paszek be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 An apology for absence was received from the Chair (Councillor Andy Bainbridge).

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 - SOUL FOOD, 285 ECCLESALL ROAD, SHEFFIELD, S11 8NX

5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Soul Food, 285 Ecclesall Road, Sheffield. S11 8NX (Ref No.03/20)

5.2 Present at the meeting were Sean Gibbons (Health Protection Officer), Elaine Cresswell (Health Protection Officer), Ata Izadi (Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Samantha Bond outlined the procedure which would be followed during the hearing.

5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from the Health Protection Service, the Environmental Protection Service and a local resident and were attached at Appendix "B" to the report. The Planning Service had also submitted comments regarding the lack of planning permission at the premises, but did not lodge a formal representation. Ms. Gough stated that the Environmental Protection Service had agreed conditions and reduced opening

hours with the applicant, which had resulted in the local resident and the Environmental Protection Service withdrawing their representations prior to the hearing.

- 5.5 Sean Gibbons stated that the applicant had failed to communicate with him to arrange site visits for the premises and acknowledged that the applicant had recently been out of the country and only recently returned. He said that his initial concerns were that the original application had been for a take-away business, but the plan received had shown tables inside the premises and that there was a lack of facilities for clientele if the business was not purely for take-away food. Mr. Gibbons said he had sought clarification of what the business would be and there had been a last minute development prior to the meeting. He submitted a revised plan that had been agreed with the applicant.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Gibbons stated that he was now satisfied that the business would be take-away only and that the toilet shown on the revised plan was for the sole use of staff. He said that the premises had previously been used as a charity shop and as there were no structural works to be carried out, he didn't think that a building control certificate would be necessary.
- 5.7 Ata Izadi confirmed that the business would be take-away food only and that the tables and chairs shown on the original plan would be removed with only a waiting area being provided at the front of the premises. Mr. Izadi said that this would be the first time he had managed a take-away business and he was waiting to obtain the licence before applying for planning permission and carrying out the necessary works to the premises.
- 5.8 Jayne Gough commented that the initial application had been for patrons to sit inside the premises, but had now changed to take-away. Therefore, it was no longer necessary for the premises to be licensed for an extra half hour after closing time. Clarification was also obtained from Mr Izadi that a delivery service was not going to be offered, and that collection and takeaway only would be provided. Jayne Gough clarified that the actual provision of the hot food was the licensable activity and that the time of the last order of hot food had to be managed to ensure that no food is provided beyond the last licensed time.
- 5.9 Sean Gibbons, in summing up, stated that he would keep in contact with the applicant and would provide him with details of all the relevant Responsible Authorities to assist him in starting up his business.
- 5.10 Jayne Gough reported on the options available to the Sub-Committee.
- 5.11 **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.

- 5.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.14 **RESOLVED:** That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as Soul Food, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.03/20), subject to:-
- (a) the hours the premises are open to the public be reduced to 12.00 p.m. to 12.00 a.m. Sunday to Thursday and 12.00 p.m. to 01.00 a.m. Friday and Saturday; and
 - (b) the premises operating as take-away only.

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

6. LICENSING ACT 2003 - MILLER AND CARTER, 55 SURREY STREET, SHEFFIELD, S1 1XX

- 6.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises at 55 Surrey Street, Sheffield S1 1XX (Ref. No.05/20).
- 6.2 Present at the meeting were Jonathan Smith (Solicitor for the Applicants), Paul Dykes (Building Manager, Mitchell & Butlers), Sue Walsh (Operations Director, Miller & Carter), Sam Ellis (General Manager, Miller & Carter), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was reported that representations had been received from one member of the public, and were attached at Appendix "B" to the report. Ms. Gough said that the objector had been invited to attend the hearing but was not in attendance.
- 6.5 Jonathan Smith stated that the application was for the premises to be a premium steakhouse restaurant and bar which would be open seven days a week to serve hot food and drinks with recorded background music. He said that Mitchell & Butler held approximately 1,800 licences throughout the country, with 115 to 118 of those licences being held under the Miller & Carter brand which offered premium food to the upmarket sector. Mr. Smith said that work on the premises would commence in May, 2020, with an anticipated opening date of August, 2020. He said that although the building was in a conservation area, it was not a listed

building and he produced and described to Members the proposed outline plan. The premises are to consist of a restaurant and bar on the ground floor and restaurant and toilet facilities to the basement floor. The first and second floors of the building are to be converted to provide hotel bedrooms, with 10 rooms on each floor. Access to the hotel could be via the bar area on the ground floor as well as a separate on street entrance to the left of the premises.

- 6.6 Sue Walsh stated that it had taken four years for the Company to obtain the freehold of the property. She said she had met with officers of the City Council and had consulted with the Police prior to the application being made and had outlined the Company's commitment to Sheffield. As regards the objections which had been received, she stated that the proposed opening hours would be similar to the Mercure Hotel and the Head of Steam public house, both located close by. She referred to the fact that no objections had been received from the caretaker to the adjoining property nor any of the licensed premises in the area. She said that a member of management would act as a doorperson after 11.00 p.m. each night to ensure that people left the premises quietly. As the premises were to be a hotel as well as a restaurant/bar, it would not be in the best interests of the Company for their guests to be disturbed late at night.
- 6.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, the applicants said that the Company might apply for a roped-off outside area for al fresco dining along Surrey Street/Norfolk Street but they were still working on this as a possibility. Also, those who wished to smoke would be encouraged to go around the side of the premises, and members of the management team would check at frequent intervals to ensure that the area was kept clean with the necessary receptacles being provided for this use.
- 6.8 Jonathan Smith summarised the case on behalf of the applicants.
- 6.9 Jayne Gough presented the options available to the Sub-Committee.
- 6.10 **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.
- 6.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.13 **RESOLVED:** That, in the light of the information contained in the report now submitted, the representations now made and responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises at 55 Surrey Street, Sheffield S1 1XX (Ref No.05/20), in the terms requested.

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

DRAFT