

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 7 September 2017

**PRESENT:** Councillors Josie Paszek (Chair), Mick Rooney and Neale Gibson

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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 - AKENTANNOS, 270 SHARROW VALE ROAD, SHEFFIELD, S11 8ZH**

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary the Premises Licence in respect of the premises known as Akentannos, 270 Sharrow Vale Road, Sheffield, S11 8ZH (Ref. No. 108/17).

4.2 Present at the meeting were Giovanna Casiddu (Applicant), Mario Masia (Manager), Paul Henocq (John Gaunt, Solicitors, for the Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) 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 initially, representations had been received from five members of the public and the Council's Health Protection Service. Subsequently, the Health Protection Service and one of the members of the public's objections had been withdrawn on the basis that the applicant had agreed to offer additional conditions relating to the movement, sorting and removal of waste bottles by the applicants or the collection of glass bottles by collection contractors between certain hours of the day. There was therefore only four public objections outstanding. All the objectors had been invited to attend the hearing, but none were present.

- 4.5 Paul Henocq presented the case on behalf of the applicant, indicating that they had been operating on the current Premises Licence since February 2016, and that the premises had operated as a restaurant since 2010. Mr Henocq circulated photographs showing the internal layout of the premises, together with a current menu, stating that the applicant wished to increase the size of the restaurant in order to increase the number of covers and provide a suitable waiting area for customers. The proposed expansion involved knocking through to the former Post Office premises, which had relocated across the road. In terms of the outstanding objections to the application, Mr Henocq stated that there would be no change to the opening hours and that some of the other issues the objectors had raised, such as traffic and car parking problems, were not within the remit of this Sub-Committee. Although not relevant to this hearing, Mr Henocq pointed out that there had been no concerns raised as part of the pre-application planning process regarding the proposed variation. He added that most of the issues raised by the objectors referred to other licensed premises in the area, with any issues regarding Akentannos being speculative. He stressed that the current owners had operated the premises at this location since February 2016, and there had not been any problems associated with the Premises Licence. Mr Henocq concluded by stating that the applicant was happy to accept the two suggested conditions relating to the disposal and clearing away of glass bottles.
- 4.6 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, Clive Stephenson confirmed that, as far as he was aware, the applicant had followed the correct procedures in terms of the advertisement of the proposed application. Mr Henocq confirmed that when the applicant had knocked through to the former post office premises next door, the frontage of the restaurant would increase from 3.8 metres to over 6 metres. As part of the renovation works, there would be no requirement for an additional extraction flue. The issue of noise attenuation measures, particularly with regard to the living accommodation above the former post office building, had been dealt with as part of the pre-application planning process. As there was a river running directly to the rear of the building, this meant that no residents would be directly affected by noise nuisance created by waste disposal activity or by cooking smells from the kitchen. As part of the expansion plans, there would be no more than 40 covers, and it was not envisaged that the increase, specifically the likelihood of there being larger parties dining at the restaurant, would create any problems of noise nuisance caused by customers leaving the premises. The last customers were usually admitted at 22:00 hours, with the restaurant closing at 00:00 hours, and there was a gradual dispersal of customers throughout the night. Mr Masia stated that they often had large groups of customers in the restaurant, and that they had never received any complaints from local residents with regard to noise nuisance with customers leaving the premises late at night.

- 4.7 Mr Henocq summarised the case on behalf of the applicant.
- 4.8 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.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of Akentannos, 270 Sharrow Vale Road, Sheffield, S11 8ZH (Ref. No. 108/17), in the terms requested and subject to the two conditions offered by the applicant, as follows:-
- (a) There will be no movements, sorting or removal of waste bottles, material or other articles, nor movement of skips or bins outside the building between 22:00 and 08:30 hours, Monday to Saturday, and 22:00 and 09:00 hours on Sundays and Bank Holidays. No deliveries to the building will be carried out between these hours; and
  - (b) There will be no collection of glass/bottles/skips and refuse bins/skips by collection contractors between 22:00 and 08:30 hours, Monday to Saturday, and 22:00 and 09:00 hours on Sundays and Bank Holidays.

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