

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 December 2017

PRESENT: Councillors David Barker (Chair), Dawn Dale and George Lindars-Hammond

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Gail Smith.

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 - THE BAKERY, LITTLE KELHAM, GREEN LANE, SHEFFIELD S3 8SJ

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence, made under Section 17 of the Licensing Act 2003, in respect of the premises known as The Bakery, Little Kelham, Green Lane, Sheffield S3 8SJ (Ref No.153/17).

4.2 Present at the meeting were Phil James (Objector), Darren Hughes and Matthew Leather (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (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 two public objections had been received and were attached at Appendix "B" to the report.

4.5 Phil James stated that, initially, he had three main objections to the application, but he was now aware that two issues had now been resolved. His main objection was that the upstairs of the premises, which was intended to be used as a bistro, overlooks his property, specifically his children's bedroom and as such, he felt this would be intrusive.

4.6 In response to questions from Members of the Sub-Committee, Phil James stated that when he purchased his property, which is situated within a courtyard, he did

so knowing that the building formed part of a working bakery, to which he had no objection. He added that whilst he was happy to live opposite a bakery, a bistro with live music and outside seating, possibly open until 11.00 p.m., was unacceptable. He purchased the property under phase 2 of the development, with the knowledge that during phase 1, a number of businesses had already been established. Mr. James said that the area of Little Kelham was a family community, suitable for children, pets, and differing age groups.

- 4.7 Darren Hughes outlined the proposed business model which was to open a continental style coffee bar. He stated that the aim was to run a well-managed premise which would add vibrancy to the Kelham Island area. He further stated that the sale of alcohol was supplementary to the main business of selling continental-style coffee and food, holding themed bistro evenings possibly once a month and ad hoc live acoustic music events. He added that amendments and conditions which had now been agreed with the Environmental Protection Service was to ensure that the Designated Premises Supervisor or a delegated member of staff would take a proactive approach, at all times, to noise control by checking the outside areas to ensure that noise breakout from inside the premises and patrons outside was controlled and that customer use of the outside seating area shall cease at 7.00 p.m., with all furniture being cleared and stacked away to prevent further use. Mr. Hughes commented that he was arranging for a noise survey to be carried out with the aim of ensuring that noise levels would not exceed three decibels and that a noise attenuation system would be put in place. He further stated that the Kelham Island area was mixed use and that the premises were situated next door to the Fat Cat public house and believed that there had never been any reported noise nuisance or anti-social behaviour from there. The reason for applying for the licence was to alleviate the need to apply for TENs when wishing to arrange ad hoc events.
- 4.8 In response to questions from Members of the Sub-Committee, Darren Hughes stated that he had run a similar type of business in Rotherham and had never encountered any problems. He commented that the premises were situated within a very attractive building, being a former gatehouse, were tastefully decorated and had four large open fires on the ground floor. He added that the premise would be neither a bar nor real ale pub and that the business would attract a certain type of clientele by holding wine and gin tasting sessions, art activities/displays and religious based activities, the type of event that would not attract rowdiness. He further added that, although the premises was known as "The Bakery", it was never his intention to open as a bakery with a possible 4.00 a.m. start, and that he was more than willing to work and communicate with local residents so that if problems did arise, they could be dealt with straight away.
- 4.9 The Chair then clarified the licensing objectives for the benefit of the objectors, assuring them that, if any problems arose, they would be able to apply to the Chief Licensing Officer for a review of the premises licence and this would be considered by this Sub-Committee.
- 4.10 Darren Hughes summarised his case, indicating that it was his intention to meet the licensing objectives and he reiterated his business model.

- 4.11 Clive Stephenson outlined 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 Samantha Bond 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 application for the grant of a Premises Licence in respect of the premises known as The Bakery, Little Kelham, Green Lane, Sheffield S3 8SJ, (Ref No. 153/17) be granted in the terms requested, subject to the amendments and conditions agreed with the Environmental Protection Service.

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