

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee (Statutory)

### Meeting held 20 August 2024

**PRESENT:** Councillors David Barker (Chair), Barbara Masters and Karen McGowan

#### **1. APOLOGIES FOR ABSENCE**

- 1.1 An apology for absence was received in advance of the meeting from the Chair of the Sub-Committee (Councillor Abdul Khayum).
- 1.2 Councillor David Barker attended the hearing in the role of Chair of the Sub-Committee.
- 1.3 Councillor John Wright 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 Councillor Karen McGowan stated that she knew the applicant's wife in a business capacity, and had previously had correspondence with the applicant about an issue on the highway outside the premises. She confirmed that the issue did not relate to the premises licence.

#### **4. LICENSING ACT 2003: SYN, 72 RUSSELL STREET, SHEFFIELD, S3 8RW**

- 4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 for a variation of a premises licence for Syn, 72 Russell Street, Sheffield, S3 8RW (Ref. No. 107/24).
- 4.2 Present at the meeting were John Tompkins (Applicant) and Alexandra Tunney (Designated Premises Supervisor) of Syn Restaurant and Bar Limited, Stephen Thomas (Solicitor for the Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Philippa Burdett (Democratic Services).
- 4.3 Samantha Bond 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 one interested party who had been invited to attend the hearing, but was not present. The objection was attached at Appendix 'D' to the report.

4.5 Ms Gough also reported that during the consultation period, the applicant had agreed conditions with the Environmental Protection Service and the Sheffield Children Safeguarding Partnership, which were attached at Appendix 'C' to the report.

4.6 Stephen Thomas queried whether the outstanding objection related to the 'prevention of public nuisance' licensing objective, and Ms Gough confirmed this to be correct.

4.7 Councillor David Barker, Chair of the Sub-Committee, invited the applicant to state his case. Stephen Thomas spoke on behalf of the applicant, and stated that:

- The applicant had been in the licensing trade for 12 years, and was currently managing the Devonshire Arms in North East Derbyshire, which had a relaxing and friendly environment that was welcoming and inclusive to families, and he hoped to achieve a similar environment at Syn.
- The applicant managed the Devonshire Arms with his daughter, Alexandra Tulley, who was now the Designated Premises Supervisor at Syn.
- The applicant intended to change the name of Syn to 'Bubba' in order to inject a new lease of life into the premises. Food was an important part of the business with an emphasis on families and pre-booked events. No smoking was permitted at the premises, and signage to this effect was in place. Mr Tompkins had employed six staff initially, including a chef who had significant experience in hospitality, and hoped to increase this to 12 permanent fully trained staff in due course.
- In order to accommodate the provision of food all day, the applicant requested the following:

Wednesdays to Sundays:

- opening hours of the premises: 0900 hours to 2300
- licensable activities: 1100 hours to 2240 hours (to allow for 'drinking up' time)
- provision of live music to be extended until 2240 hours, in respect of pre-booked events such as weddings.

Christmas Eve and New Year's Eve:

- opening hours of the premises: 0900 hours to 0100 hours
- licensable activities: 1100 hours to 0030 hours

- The application for late night refreshment had been withdrawn following discussions with the Council's Environmental Protection Service, and two conditions relating to noise breakout had been agreed.

- A further condition relating to persons under the age of 16 on the premises had been agreed following consultation with the Sheffield Children Safeguarding Partnership.
- 4.8 Mr Thomas stated that he believed that if the hearing was based on the ground of prevention of public nuisance, it should be considered invalid on the basis of one objection.
- 4.9 In response to questions from Members of the Sub-Committee, Mr Thomas stated:
- The applicant acquired the premises in April 2024, and the premises licence had been granted in October 2023. Mr Tompkins confirmed that the premises had previously operated as a fine dining establishment, and that he had taken the business on to offer a more affordable option to customers.
  - The application was for on-site alcohol sales only with no off-sales provision.
  - The applicant confirmed that there had been no issues of anti-social behaviour or crime associated with the premises, and advised that contact details would be made available on the premises, and via social media and the Kelham Island Forum, for residents to contact the management with any concerns.
  - The applicant had worked with the community to build links during the nearby highways scheme.
- 4.10 The Chair of the Sub-Committee invited the applicant to sum up his case.
- 4.11 Mr Thomas noted that the address on the original application was 72 Russell Street, S3 8RW, however this part of the premises did not have an entrance door. He confirmed that he would provide an updated application showing the correct address of 2 Alma Street, S3 8SA, and the new name of 'Bubba' for the premises.
- 4.12 Jayne Gough outlined the options available to the Sub-Committee.
- 4.13 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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.
- 4.14 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and

press and attendees, and the webcast re-commenced.

4.16 **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 application for the variation of a premises licence in respect of Syn, 72 Russell Street, Sheffield, S3 8RW (Ref. No. 107/24), be granted in the terms requested, and subject to:-

(a) the conditions and amendments agreed with the Environmental Protection Service prior to the hearing, as follows:-

1. No amplified sound arising from regulated entertainment shall be played except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamperproof manner. The design and setting of the limiter shall have received the prior written approval of Sheffield City Council's Environmental Protection Service prior to any regulated entertainment taking place on the premises and shall not exceed LAeq(T) 94dB;
2. All doors and windows shall be closed, save for access and egress and in case of emergency, when amplified sound is present on the premises at above background level;
3. The premises is to close by 23:00 hours on all days, and licensable activities are to cease by 22:40 hours on all days to allow for drinking up and dispersion. This is with the exception of Christmas Eve and New Year's Eve, where the timings requested on the application form stand without amendment; and
4. Late Night Refreshment is withdrawn, as there is no trading after 23:00 hours; and

(b) the condition agreed with Sheffield Children Safeguarding Partnership prior to the hearing, as follows:-

1. Persons under the age of 16 years are not permitted after 21:00 hours unless accompanied by a responsible adult and are dining or as part of a prearranged family event or party.

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