

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 8 January 2015**

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Stuart Wattam 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 There were no declarations of interest.

**4. LICENSING ACT 2003 - KOKO RESTAURANT, 503 ECCLESALL ROAD, SHEFFIELD, S11 8PR**

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 Koko Restaurant, 503 Ecclesall Road, Sheffield, S11 8PR.

4.2 Present at the meeting were Stuart MacFarlane (Applicant and Designated Premises Supervisor), Jayne Gough (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie 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 two members of the public, with one withdrawing their representations prior to the hearing. The member of public with the outstanding representations was invited to attend the meeting, but was not in attendance. Representations had also been made by the Health Protection Service, Environmental Protection Service and South Yorkshire Police, but had been withdrawn prior to the circulation of the papers, following agreement, with the applicant, to amend the Operating Schedule.

4.5 Stuart MacFarlane commented on the issues raised as part of the one outstanding objection to the application, indicating that he envisaged that the majority of customers would visit the premises by taxi, and in groups, therefore there was not likely to be any considerable adverse impact in terms of car parking in the area.

He added that, due to the size of the premises, there were only likely to be around four to five cars per night. With regard to complaints of potential noise nuisance, Mr MacFarlane stated that the premises were in a row of existing restaurants and that there were also a number of other restaurants and bars in the surrounding area, therefore it was not likely that there would be a noticeable increase in noise nuisance. He stated that, apart from a few exceptions, it was likely that the majority of his customers would have left the premises by 22:30 hours, so there would not be any issues in terms of late night noise nuisance. Mr MacFarlane stated that he ran a similar restaurant on Campo Lane, which had around 50 residential flats above, and he had not received any complaints of noise nuisance with regard to those premises. He stated that he would ensure that there was a notice at the door, reminding customers to leave quietly. He concluded by stating that all employees at the premises were well-trained to deal with any problems of noise and drunkenness.

- 4.6 In response to questions from Members of the Sub-Committee, Mr MacFarlane stated that the premises would be a Japanese restaurant, with the food prices being at the higher end of the market. He expected customers to be present at the restaurant for up to two hours and planned to open at lunch times two to three times a week, initially, and with a more affordable menu, in order to test the market. Once the restaurant was up and running, he planned to introduce a takeaway facility, but did not plan to offer a delivery service. The off-sales would comprise only specialist sake and whiskey. The reason for the single door to the toilets was simply due to the capacity of the premises. Mr MacFarlane stated that he had stipulated an end time, in terms of the supply of alcohol, of 23:30 hours simply to provide him with flexibility, such as if customers wanted a drink after their meal. He stressed that he had no plans to keep the premises open until that time, operating as a bar. In terms of other potential sources of noise nuisance, he stated that there were already restrictions, imposed as part of the Planning Application, as to what times the bottle bins could be filled outside. Mr MacFarlane confirmed that the only reason why there was a single door to the toilets was due to the size of the building, and stressed that there would be some form of barrier between the toilet door and the restaurant area. In the light of any complaints of noise nuisance, Mr MacFarlane stated that he would ensure that all relevant details were recorded, either by himself or other members of staff, and if he could link any incidents to specific customers, he would speak to them personally, asking that they leave the premises quietly after finishing their meal.
- 4.7 Mr MacFarlane summarised his case, emphasising the fact that, whilst he did not intend to operate the premises as a late bar, after customers had finished their meals, he would like the flexibility of allowing customers to have additional drinks after their meals if they so required as, if he was not able to do this, it would have a negative effect on his business.
- 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 Marie-Claire Frankie 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 Premises Licence in respect of Koko Restaurant, 503 Ecclesall Road, Sheffield, S11 8PR, in the terms now requested, subject to the amended Operating Schedule.

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

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