

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 13 September 2016

**PRESENT:** Councillors Alan Law (Chair), Andy Bainbridge, Neale Gibson and Vickie Priestley

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

1.1 There were no apologies for absence.

#### **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 - TURTLE BAY, UNIT 2, NUM BUILDING, HOLLY STREET, SHEFFIELD S1 2GT**

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 Turtle Bay, Unit 2 NUM Building, Holly Street, Sheffield S1 2GT.

4.2 Present at the meeting were Tony Lyons (Solicitor for the Applicant), George Waite (Property Manager, Turtle Bay Restaurant) and Angie Newbie-Stubbs (Architect for the Applicant), Shiva Prasad (Environmental Health Officer), Sean Gibbons (Environmental Health Officer), Georgina Hollis (Licensing and Technical Enforcement Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Louise Bate outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and these were attached at Appendix 'B' to the report.

4.5 Sean Gibbons stated that he had held discussions with the applicants regarding the proposed development within the former NUM building, which is, at present, an empty shell, and that agreement had been reached with regard to minor amendments to the design plan for the premises, but there was still an outstanding issue regarding the transportation of hot food on a staircase to be used by both staff members and by customers. Sean Gibbons further stated that he felt that work could be done to incorporate the use of a food hoist/lift. He

added that his service fully supported the application for a 184 seat restaurant with bar in the heart of the city and circulated the Code of Practice and guidance notes for the establishment and operation of licensed premises under the Licensing Act 2003, which had been endorsed by the Sheffield City Council Licensing Committee which states that a lift/hoist may be required for transporting food or liquid as such transportation via a staircase was not acceptable and that a hoist may be essential for public and employee safety and he commented that consideration must be given to this matter in response to this application.

- 4.6 Shiva Prasad stated that his Service always engaged with developers at an early stage to look at the practicality of the project with one of the main objectives being to safeguard public and employee safety when transporting food and drink and wished to incorporate a control measure to eliminate risk from the start of any new project. He added his Service always encouraged new business into the City.
- 4.7 In response to questions from members of the Sub-Committee, it was stated that in the leisure industry it was difficult to predict risk factors and each case was considered on its own merits and that discussions regarding the staircase had been exhausted.
- 4.8 Tony Lyons on behalf of Turtle Bay Restaurants Limited stated that their plan was to open a new Caribbean themed restaurant and ancillary bar with views overlooking the City Hall, with anticipated wet sales accounting for 40% of sales, and with the creation of over 60 jobs. He further stated that since the Company was formed five years ago, it has 34 sites across the country, six of which have mezzanine level and during that time there has not been one single recorded incident in transporting food on the stairs. Tony Lyons added that none of their existing sites used a lift for transporting food and the concept of the business was based around the number of covers and the quick, efficient and safe delivery of food to customers was essential in making the operation viable. He further added that the food is prepared quickly and then passed to food runners to take to the tables.
- 4.9 Tony Lyons went on to add that his clients had considered the use of the goods lift to transport food but felt that this would be impractical because members of staff would have to negotiate a pillar and the door to the disabled toilet on the ground floor; open the cage door to the lift; and once on the mezzanine level would need to negotiate past the fridge and dry store and past the male and female toilets before reaching the top of the staircase. The route would be inefficient and would involve passing through two internal doors and the cage door to the lift while carrying food.
- 4.10 Tony Lyons then outlined two proposed. Conditions firstly, that all members of staff shall use best endeavours to ensure that there is no transportation of hot food using the public staircase when descending customers are using the stairs and secondly, all members of staff shall be trained and will adhere to the "Using Stairs While Carrying" risk assessment in force at the premises. He added that all staff will be trained, retrained and records kept of such training.
- 4.11 In response to questions from Members of the Sub-Committee and officers, it was

stated that the applicants take health and safety issues very seriously and, regarding the premises, it is envisaged that the mezzanine level would be predominantly used as an overflow area, with the majority of customers gravitating towards the ground floor of the restaurant to experience the live kitchen atmosphere while dining and that the applicants do not envisage the mezzanine level being used during off peak times of the day. The applicant further stated that food would be transported on plates, boards or trays or in covered pots and that sizzling meals would not be served. The applicant stated that there would be no transportation of food for preparation to the kitchen area during opening hours, all fridges and freezers would be fully stocked in the morning and would be re-stocked only if required, and only at off peak times during the day.

- 4.12 Sean Gibbons summed up by reiterating the dangers of transporting food on the staircase and that the applicant should consider the practicality of the installation of a lift/hoist
- 4.13 Tony Lyons summed up on behalf of the applicant by stating that Turtle Bay Restaurants Limited wanted to work with the City Council and wanted to continue to do so, but evidence showed that with their other 34 premises, six with mezzanine floors, there had been no issues regarding the transportation of food/drinks on staircases and there was no evidence to support the claims made with regard to the transportation of food on staircases.
- 4.14 Georgina Hollis outlined the options open to the Sub-Committee.
- 4.15 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.
- 4.16 Louise Bate reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees. The Sub-Committee asked further questions about the staircase and the possibility for increasing its width. Angie Newbie-Stubbs confirmed there would be movement of only 100mm possible, because of the proximity of the head of the staircase.
- 4.18 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.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

- 4.20 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Turtle Bay, Unit 2, NUM Building, Holly Street, Sheffield S1 2GT, in the terms requested and agreed with the responsible authorities, and on the condition that there is no carrying by staff of food or drinks up and down the stairs and that a suitable lift or hoist is used for this purpose.

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