

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 July 2022

PRESENT: Councillors Jayne Dunn (Chair), Lewis Chinchon and Vickie Priestley

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor David Barker attended 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 - 7 SEAS RESTAURANT, 285 ECCLESALL ROAD, SHEFFIELD, S11 8NX

- 4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as 7 Seas Restaurant, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.102/22).
- 4.2 Present at the meeting were Rob Collins (Manager), Jwan Butimar and Shiwan Butimar (Applicants), Ata Izadi (Premises Licence Holder), Elaine Cresswell (Environmental Health Technician/Health and Safety Inspector), Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that the applicant had agreed to licence conditions from the Environmental Protection Service which were detailed at Appendix "C" to the report. An outstanding representation from the Health Protection Service had been received and was attached at Appendix "D" to the report.

- 4.5 Elaine Cresswell stated that she had visited the premises in May and said that public safety issues were prevalent and the premises design was not in accordance with the plan submitted. She said the access ramp to the premises, the sanitary provision and the flooring were all matters of concern to her. Ms. Cresswell stated that following discussions with the applicant, a new plan had been submitted. On inspection of the new plan, Ms. Cresswell said that the ramp was twice as steep as the relevant building regulations allowed and there was inadequate space to manoeuvre a wheelchair onto the landing. She said that the ramp led out onto a busy footway which was uneven and had a tree in the middle of it, which then led onto a busy road. She said that during inclement weather, there would be risk of slipping and that the handrails on the ramp were too narrow and did not meet the minimum width required of 1500mm. Ms. Cresswell then referred to the sanitary provision, stating that there was no internal sanitary provision for wheelchair users and that ambulant disabled persons would struggle due to there being limited space in the toilet area. She said that the applicant was proposing a wheelchair accessible toilet to the rear of the premises, which would be accessed by leaving the front of the premises via the ramp and turning down the walkway at the side of the premises, before proceeding up another ramp to the toilet in the back yard of the premises. She said the walkway and yard had shared access with residential flats on the top floor of the premises which raised public safety concerns and the area was uncovered which would be slippery in wet weather. Finally, with regard to the flooring, Ms. Cresswell said that the tiles fitted were not slip resistant.
- 4.6 In response to questions from Members of the Sub-Committee, the Legal Adviser and the General Manager of the premises, Elaine Cresswell said that ideally there should be steps as well as a ramp in order to meet the required standards. She circulated a map which showed the access to the premises, and the fire escape from the residential flats and which showed that it would be impossible to cover the area. She said that since the application had been received, which was some time ago, she had been made aware that the flooring had been replaced, but her main concern was the ramp and said that in order to comply with building regulations, either steps or a ramp or both should be installed.
- 4.7 Rob Collins confirmed that the floor had been levelled and non-slip tiles had been replaced to the highest standards at some considerable costs to the applicants. He said that in the basement of the premises, the walls and floor which was not currently fit for purpose, have now been replaced, a risk assessment carried out and it was intended that this area would be used as a dry store and for overflow bar drinks. He said the applicant had held discussions with Shield Safety, who work closely with the hospitality industry, to deal with concerns such as wheelchair access, emergency lighting, and other related issues at the premises. Mr. Collins said that, following comments made by Ms. Cresswell and in consultation with the applicant, there was a proposal for the ramp currently in place to be removed and replaced with steps and a foldable ramp would be kept at the premises and used by wheelchair customers as and when required. He said that when customers made a booking for the restaurant, staff would ask whether assistance would be required, and staff would be on hand to provide that assistance. He said that staff would be on hand to assist customers to the outside

toilets if required. He said that there was a proposal to build an inlet to the entrance of the premises which would provide a larger landing area for wheelchair users which was similar to the premises next door. With regard to the indoor toilet provision, Mr. Collins stated that consideration had been given to moving the sink in the internal bathroom in order to create more space for ambulant disabled persons, as well as removing the internal door, however the toilet wall itself was now fitted with sockets and thousands of pounds had been spent on special plastering, so moving it was not really an option, as it would also reduce seating capacity and cause access issues for serving. Mr. Collins felt that the applicants had gone above and beyond what was required, especially in comparison to other premises along Ecclesall Road, to ensure public safety.

- 4.8 In response to questions from Members of the Sub-Committee, Mr. Collins stated that the third party to the application were no longer in occupation and the office space was empty. He said that the premises would be offering something not currently seen in Sheffield and feel they would be a good addition to the city. There was no intention to apply for a licence to sell alcohol and the premises would not allow customers to 'bring your own' alcohol onto the premises. Ms Butimar explained that her father is an amputee and so they have fully considered issues surrounding accessibility and inclusivity. Mr. Collins said that the removable ramp would be secured with a bracket inside the rear of premises where there was plenty of storage space, to prevent it from getting wet or stolen, and this would be brought round to the front as and when required. With regard to opening hours at the premises, Mr. Collins said last seating would be at 10.30 p.m. to finish at midnight. He said that he had always been open to discussion with the Responsible Authorities to resolve any matters that may arise.
- 4.9 At this stage in the hearing, the meeting was adjourned to allow the parties to discuss the issues raised.
- 4.10 The meeting was reopened to all interested parties.
- 4.11 Elaine Cresswell said that the applicant had put forward two new designs regarding the access ramp and she had suggested that they contact their architect to put forward new plans. She said that there were still some issues to be resolved regarding sanitary provision at the premises.
- 4.12 Elaine Cresswell summarised the case on behalf of the Health Protection Service.
- 4.13 Rob Collins summarised the case on behalf of the applicants.
- 4.14 Jayne Gough reported on the options available 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 Samantha Bond 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.
- 4.18 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the Sub-Committee agrees to vary the premises licence in respect of the premises known as 7 Seas Restaurant, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.102/22), in the terms requested, subject to the conditions agreed with Environmental Protection Services, and with the following additional conditions:-
- (a) a Local Authority Building Regulation Completion Certificate for the premises, including the front access ramp, to be submitted to and approved by the Health Protection Service prior to the opening of the business; and
 - (b) the internal toilet must comply with the Part M Building Regulations Standard to be wheelchair accessible and be approved by the Health Protection Service prior to the opening of the business.

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