

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 February 2016

PRESENT: Councillors Geoff Smith (Chair), Jack Clarkson and Dianne Hurst

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Neale Gibson 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 - BALTI KING, 216 FULWOOD ROAD, SHEFFIELD S10 3BB

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the variation of the Premises Licence, under Section 34 of the Licensing Act 2003, in respect of the premises known as Balti King, 216 Fulwood Road, Sheffield S10 3BB.
- 4.2 Present at the meeting were Hanif Hussain (Applicant), Councillor Brian Webster (Objector), Jayne Gough and Emma Rhodes (Licensing Enforcement and Technical Officers), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Emma Rhodes presented the report to the Sub-Committee and it was noted that representations had been received from Councillor Brian Webster, on behalf of the Broomhill Green Party, and were attached at Appendix 'D' to the report.
- 4.5 Councillor Brian Webster, making representations on behalf of Broomhill Green Party, stated that he was objecting to the application on the grounds of public nuisance. He requested that the Sub-Committee give serious consideration to the prevention of noise nuisance and anti-social behaviour. Councillor Webster felt that the current opening hours to 04:00 hours Friday and Saturday, 02:00 hours on Sunday and 03:00 hours during the week were already very late and that an extension to these hours would increase an already existing nuisance. Councillor Webster added that the Broomhill Shopping Centre had a mix of retail,

restaurants, pubs and takeaways with residents living close by on all sides and that reasonable living conditions of local residents should be taken into consideration.

- 4.6 Councillor Webster stated that whilst canvassing around the area, the two main complaints from residents were noise nuisance and litter, particularly at weekends. He felt that students returning from a night out in the City Centre, already fuelled by alcohol, would then call at the Balti King and carry on homewards to the student villages.
- 4.7 In response to questions from Members of the Sub-Committee, Councillor Webster stated that his main concerns were not immediately outside the premises, but noise created by people walking away from it and that he was happy with the conditions already imposed by the Responsible Authorities.
- 4.8 Hanif Hussain stated that he had been at the premises for 21 years and in his experience most of his customers tended to arrive by taxi, have their food and then order a taxi to leave when done. Mr. Hussain felt that litter and noise nuisance was caused by people on foot using takeaways. He added that there had never been any reported problems regarding anyone using his restaurant.
- 4.9 In response to questions from Members of the Sub-Committee, Mr. Hussain stated that, although he had requested the extension in hours, he would still be advertising that he would be open until 03:00 hours. This was to give himself some leeway on occasions when people rang up just before 3.00 a.m. asking for a table, he would be able to accommodate them in comfort and not have to rush them out. Regarding the application for deliveries, Mr. Hussain stated that there was a minimum order of £10 and that he would only include alcohol with orders for food and again, this would only be available up until 3.00 a.m.
- 4.10 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.
- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of Balti King, 216 Fulwood Road, Sheffield S10 3BB, in the terms requested, subject to the following conditions:-
- (a) that no delivery orders to be taken after 03:00 hours.; and
 - (b) the sale of alcohol as part of the delivery service shall be subject to a minimum

food order of £10 and to a maximum alcohol order of £25.

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