

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 January 2017

PRESENT: Councillors David Barker (Chair), Moya O'Rourke and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

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 - LAVANG, 478 FULWOOD ROAD, SHEFFIELD, S10 3QD

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 Lavang, 478 Fulwood Road, Sheffield, S10 3QD.

4.2 Present at the meeting were Noshad Parbez, Azmol Ali and Javed Kawsar (Applicants), Abdurahman El-Awal and Graham Barker (Objectors), David McLeavy (Witness for the Objectors), Clive Stephenson (Licensing Strategy and Policy 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 Clive Stephenson presented the report to the Sub-Committee and it was noted that four public objections had been received. Two public objectors attended the meeting and the other two, who had been invited to the meeting, were not present. Mr McLeavy, whose representations had been submitted, but not received by the Licensing Service within the required timescale, was afforded the opportunity to speak as a witness for the objectors in attendance.

4.5 Graham Barker stated that the main entrance to the premises was on Tom Lane, and within a residential area, with very little parking. There was a church and dental practice in the area, as well as a primary school directly across the road and the restaurant opening would create further problems in terms of the safety of the school children, in terms of increased traffic. Mr Barker stated that Tom Lane was used as a cut through for traffic, and also by people parking there, and getting the

bus into town. He stressed that drivers were already parking on the double yellow lines directly outside the premises. Mr Barker stated that with the premises being situated so close to residential properties on Tom Lane, a number of residents, which included families with young children, would suffer noise nuisance from customers leaving the premises late at night.

- 4.6 Abdurahman El-Awal also expressed concerns with regard to potential noise nuisance connected with the operation of the premises, indicating that if the restaurant was to open until 23:00 hours, with drinking and eating up time, this could result in customers leaving the premises very late at night. He stated that local residents would also be affected by the noise created by glass bottles being emptied into the external bins, as well as the possibility of being adversely affected by cooking smells. In terms of the parking problems, Mr El-Awal stated that the area was already very congested with parking from local residents, who often struggled to find a parking space outside their own homes, and the problems would only worsen with the opening of a restaurant. He considered that there would be added problems as the applicants were wanting to sell alcohol, in that some customers would be likely to drive to the premises, then leave their cars on one of the surrounding streets, and collect them in the morning. From a personal point of view, he stated that being unable to find a parking space outside his home caused problems, particularly when carrying shopping or suitcases when going away, or when having to carry large boxes from his vehicle, which were required for his work. In some instances, residents have had their driveways blocked. He stated that, as well as local residents being affected by cooking smells late into the night, there was also the possibility of them being affected as a result of customers smoking outside the premises. He queried what procedures were in place in terms of limiting noise levels with regard to the regulated and live music at the premises. Mr El-Awal concluded by stating that, whilst he wished the applicants success in terms of their business, he considered that such operation would adversely affect those residents living within the immediate vicinity of the premises.
- 4.7 As a witness called by Graham Barker, David McLeavy stated that there were a lot of retired couples and families with young children living very close to the premises, and who would be adversely affected by a likely increase in the parking problems in the area, and noise nuisance caused by customers leaving the premises late at night. Whilst he accepted that there had previously been a restaurant at the premises, he considered that this application, which included live and regulated music, together with the sale of alcohol, would not be suitable in such a residential area. He expressed particular concerns with regard to the effects of a likely increase in traffic and parking on safety of the primary school children arriving at, and leaving, the school.
- 4.8 In response to questions from Members of the Sub-Committee, it was stated that, with regard to the restaurant previously operating at the premises (Panahar), it had been noticed that the lights had been off for a few nights around early December 2016, then residents noticed a sign on the door, around mid-December, indicating that an application had been made in respect of Lavang, with the closing date for objections being 27th December 2016. The local residents had not experienced any problems in respect of the Panahar, which had not been licensed, and which had closed every night by 23:00 hours. There had been parking problems when

the premises converted from a shop to a restaurant, as well as there being some minor incidents of noise nuisance. There had not been any direct communication between the applicants and those local residents living within the immediate vicinity of the premises. The Panahar opened six nights a week, but often closed early, when not busy. In response to a query by Councillor Moya O'Rourke, the Solicitor to the Sub-Committee stated that, as the applicants had applied for the supply of alcohol, alcohol consumption levels were likely to be better regulated.

4.9 The applicants stated that the business would comprise a fine-dining restaurant with background music. The traffic and parking problems in the area were, to a large extent, out of their control, and it was considered that, with the restaurant opening between 17:00 and 22:30 hours, this would only have a minor effect on traffic and parking levels in the evenings and at night. This would mean that there would be no increase in parking and traffic problems when the primary school opened and closed. The applicants had visited the school to discuss the application with staff, who had been very supportive of the plans. In addition to this, the applicants had undertaken a survey of people in the local area, asking for their views on the opening of the restaurant. They stated that it was very difficult to regulate parking anywhere in the City, and it was common across the City that people were unable to park outside/near to their own properties. There was some parking at the front of the premises, as well as spaces at the shopping parades in the local area. The applicants were, however, expecting the majority of customers to either walk, or travel to the restaurant by bus or taxi. As the restaurant would be licensed to sell alcohol, it was considered that this would result in less problems and issues regarding anti-social behaviour and noise nuisance, as the levels of alcohol consumed on the premises could be better regulated. With the Panahar, customers could take their own drink, and there were no limits as to how much people could take. Staff would be trained to monitor levels of alcohol consumption, and no-one would be allowed in to the restaurant if they were deemed to be too drunk. In addition, the applicants would be implementing Challenge 25, where people who did not appear to be 25 or over would be asked to provide proof of age. It was not envisaged that there would be any problems in terms of noise breakout from the premises and every effort would be made, including erecting signs inside and outside the premises, asking customers to be as quiet as possible when leaving. Further measures to minimise noise nuisance for local residents included arranging deliveries to the premises during the day and not emptying glass bottles into the external waste bins late at night. There were plans to hold charity nights, where there could be live music and other entertainment. The applicants stated that they had a similar restaurant in Dore, which was also close to residential properties, and which had encountered no problems. Any problems of cooking smells should be minimised on the grounds that the food would be cooked to order, and not in bulk, as with other Indian restaurants. There would be an up to date CCTV system, with cameras both inside and outside the premises, together with a log book in which any incidents would be recorded, and followed up with staff or the police, depending on their nature. Relevant training would be provided for staff, on a regular basis, together with refresher training as and when required. Smoking would not be allowed directly outside the premises.

4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Clive Stephenson and the objectors, the applicants confirmed that

alcohol would only be served to customers who had booked a table at the restaurant, and when they were waiting for their table. If any customers wished to smoke, they would be asked to go a little further down Fulwood Road, where there was a suitable area for them to do so. Consideration had been given to erecting a canopy outside the premises, for smokers, but the only suitable area had been deemed to be too close to residential properties. The applicants had undertaken a survey, whereby they had sought the views of 216 people on various aspects of the business. The survey was anonymous and the people involved were not asked where they lived. The special charity events to be held at the premises, in aid of Bluebell Wood Hospice, would take place approximately once every two months, and involve different fund-raising events, such as raffles and guest speakers. The applicants confirmed that there were problems with parking and traffic in the area, which was generally worse during the school runs in the morning and evening. The problems calmed down to some extent after 17:00 hours. There were a few parking spaces on the driveway in front of the premises, and there was also parking at the shops. The applicants indicated that they had planned to talk to the landlord of the Rising Sun public house, just up the road, to see if there was any chance of their customers using their car park. The applicants confirmed that the location of their other restaurant in Dore was very similar to Lavang in terms of its proximity to residential properties and shops. Apart from the odd occasion where customers had drunk a bit too much or had been noisy when leaving the restaurant, they had experienced very few problems in terms of the restaurant in Dore. The applicants would be more than happy to discuss any issues of concern with local residents, and maintain a dialogue with them into the future. It was the plan to close the restaurant at 22:30 hours Sunday to Thursday and 23:00 hours Friday and Saturday, and the last drinks would be served, and food orders made, to tie in with these times. The applicants confirmed that, under Section J of the application (Supply of Alcohol), the finish time on Mondays should read 22:30 hours. Those customers wishing to book a meal later in the evening would be reminded of the closing time, and if any customers called to the restaurant without having made a booking, and it was close to closing time, they would be asked to come back another day. There were no plans to have live music at the charity events, but as the applicants planned to leave it to the charity to organise the night as they wished, they had included live music on the application just in case. There would also be plans to have special nights at the restaurant, such as at Christmas, where there would be a set menu and entertainment, which could possibly include live music. Customers would be able to order takeaway food from the restaurant, but there would be no delivery of food. This service would mainly be targeted at local people. Due to the reasonably early closing time, the restaurant was never intended to be like traditional Indian restaurants, where people would visit the restaurant at the end of their night, after consuming large amounts of alcohol. The restaurant would provide seating for approximately 40 customers. Although the applicants had conducted a survey, asking people for their views on the opening of the restaurant, this was undertaken for their own purposes, and was not required under the Licensing Act.

4.11 The applicants summarised their case.

4.12 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.

- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Lavang, 478 Fulwood Road, Sheffield, S10 3QD, in the terms requested, and subject to:-
- (a) the amendment of the finish time in Section J of the application (Supply of Alcohol), on Mondays, to read 22:30 hours; and
 - (b) the addition of the following condition – The internal bins are not to be emptied into the external bins between 19:00 and 07:00 hours.

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

5. LICENSING ACT 2003 - HORSE AND JOCKEY, 638 ATTERCLIFFE ROAD, SHEFFIELD, S9 3RN

- 5.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice made under Section 104(2) of the Licensing Act 2003.
- 5.2 Present at the meeting were Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). Lemoyne Cass (Applicant) and South Yorkshire Police (Objector) did not attend the meeting, despite being invited.
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that a notice of objection to the Temporary Event Notice had been submitted by South Yorkshire Police on 12th January 2017, and was attached at Appendix 'B' to the report.
- 5.5 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made as regards the objection to a Temporary Event Notice at the Horse and Jockey, 638 Attercliffe Road, Sheffield, S9 3RN, the Sub-Committee agrees to issue a counter notice on the premises on the grounds of preventing crime and disorder and the protection of children from harm.

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