

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 May 2017

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge 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 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 5 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - WAINGATE EXPRESS, 36 WAINGATE, SHEFFIELD, S3 8LB

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 Waingate Express, 36 Waingate, Sheffield, S3 8LB.

4.2 Present at the meeting were Patrick Robson (John Gaunt and Partners, Solicitors for the Applicant), Aron Nefetalam (Applicant), Valerie Bayliss (Chair, Friends of the Old Town Hall, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond 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 representations had been received from a member of the public.

4.5 Valerie Bayliss stated that she was objecting to the application on behalf of the Friends of the Old Town Hall (FOTH), a community organisation established to secure the restoration and re-use of the building. The grounds for the refusal were to support the licensing objectives by containing or reducing risks to public safety, removing the scope for increased crime and disorder, and reducing the scope for public nuisance. Mrs Bayliss stated that the Waingate area was currently run-down, and was frequented by street drinkers, who were often

involved in anti-social behaviour and caused problems for the public passing through the area, and it was considered that having another outlet selling alcohol would add to the problems. There were already six licensed premises within a 200 yard radius of 36 Waingate, and it was believed that such premises were already servicing the demand in terms of alcohol sales in this area. Mrs Bayliss made specific reference to the long opening hours, resulting in people being able to have access to alcohol for a longer period, and she indicated that FOTH representatives often witnessed people drunk in the mornings, in the area. Reference was made to particular problems in terms of people waiting at the bus stops being harrassed by street drinkers, which had resulted in some people being forced to stop using these bus stops at night.

- 4.6 In response to questions from Members of the Sub-Committee and the applicant's representative, Mrs Bayliss confirmed that the FOTH were requesting that the application be refused, and not requesting a reduction in the opening hours and that, in relation to the Old Town Hall building, she stated that FOTH had established a charity, and sought to acquire the building as a community asset.
- 4.7 Patrick Robson stated that the premises would comprise a convenience store/off licence, selling wines and spirits, as well as food, newspapers, confectionary and coffee. The planned opening hours were 07:00 to 23:45 hours, Monday to Saturday, and 09:00 to 23:45 hours on Sundays. Mr Nefetalam had completed the application himself, without any advice or guidance, which had included steps he intended to take to promote the four licensing objectives and which included, amongst other things, the installation of a new, state of the art CCTV system, the implementation of strong management controls and effective training of staff, and the implementation of Challenge 25. Mr Robson circulated a list of additional conditions, which the applicant had indicated that he was happy to add to the Operating Schedule. In terms of the layout of the premises, it was planned that wines and spirits would be kept behind the counter, and the rest of the alcohol would be in the sight line of staff behind the counter. There were also plans for a silent alarm, if there were any problems in terms of public safety or crime and disorder, which would be linked to the police. Mr Robson made the point that no representations had been received from the responsible authorities, which indicated that they had no particular concerns in terms of the application, referring specifically to the police in terms of crime and disorder. He also stressed that as the premises were not yet open, it was not possible to link any existing problems with regard to public safety and crime and disorder in the area to the premises. In terms of the representations now made, it was stated that there was no propriety interest at the present time in respect of the Old Town Hall building. There was a small residential population in the surrounding area, and it was believed that the opening of the store would assist in the regeneration of the area. There had also not been any objections to the application from any other businesses in the surrounding area.
- 4.8 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Clive Stephenson and Valerie Bayliss, Mr Robson stated that Mr Nefetalam and his staff would refuse to serve any customers who appeared drunk or under the influence of drugs. In terms of litter, it was planned that staff would clear up any litter within the immediate vicinity of the premises, and provide a bin

at the entrance to the store. Whilst Mr Nefetalam intended to work in the shop for the majority of the time, he also planned to employ two to three additional staff to cover those periods when he was not present. One or two staff members would be trained in downloading images from the CCTV system. In terms of previous employment, Mr Nefetalam had run a family-owned shop in Africa, and had worked as a taxi driver when he came to England, during which time, he gained experience in dealing with customers, and had not experienced any problems. It was proposed that alcohol would comprise approximately 10%-20% of his sales, and that the applicant had always intended on selling alcohol in order to maximise business profits. It was believed that, in the light of the planned measures to be undertaken as part of the promotion of the licensing objectives, as well as the additional conditions now offered by the applicant, this would help to address any potential negative impact.

- 4.9 Patrick Robson summarised the case on behalf of the applicant.
- 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 Samantha Bond 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 Premises Licence in respect of Waingate Express, 36 Waingate, Sheffield, S3 8LB, in the terms requested and subject to the addition of:-
- (a) the extra conditions offered, and circulated by the applicant's representative; and
 - (b) the additional condition as follows:-

A litter bin will be provided at the entrance to the store.

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

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 5.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

- 5.2 The licence holder in Case No. 61/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.3 The applicant in Case No. 62/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
61/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the information contained in the report now submitted, and the responses to the questions raised, the licence be revoked, with immediate effect, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.
62/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.