

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee (Statutory)

### Meeting held 23 April 2024

**PRESENT:** Councillors Abdul Khayum (Chair), Kurtis Crossland and Cliff Woodcraft

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

- 1.1 There were no apologies for absence.
- 1.2 Councillor Talib Hussain attended the hearing 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 - CHONG QING, 290 GLOSSOP ROAD, SHEFFIELD, S10 2HS**

- 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 for Chong Qing, 290 Glossop Road, Sheffield, S10 2HS (Ref. No. 41/24).
- 4.2 Present at the meeting were Tianhui Zhuo (Applicant), Wenjin Wang (Representative for the Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub Committee), Mark Booth (Local Resident), Peter Sephton (Changing Sheff) and Joanne Cooper (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 representations had been received from two interested parties, which

were attached at Appendix 'D' to the report. Two objectors had given notice that they were going to attend the hearing.

4.5 Ms Gough also reported that during the consultation period, a condition had been agreed by the Applicant following representations made by a local resident and was attached at Appendix 'C' to the report.

4.6 Councillor Abdul Khayum, Chair of the Sub-Committee, invited objectors present to speak at the meeting.

(a) Peter Sephton "Changing Sheff" Residents Group:

Mr Sephton stated that he felt that this was a trojan horse application which held implications for the City Centre, the whole of which could become a late-night economy, causing public nuisance, crime and disorder. He drew the attention of the Sub-Committee to a map of the area to illustrate that the accepted border of the night time economy would be moved from West Street to Glossop Road, which was primarily a residential area. He felt that the proposed restriction on deliveries/collections between 12.00am and 3.00am would be unworkable. Additionally, there were concerns regarding illegal parking, noise from doors slamming, obstruction of the tram tracks and noise from loitering couriers.

Mr Sephton advised that the restaurant advertised prominently on the internet for deliveries. He also felt it was likely that people leaving other premises on West Street would call into the restaurant for takeaways. It would not be possible, as admitted by the applicant in previous correspondence, to confine the late-night business to Chinese students only.

Mr Sephton suggested that the Sub-Committee could refer the matter to the Planning Department and drew attention to the Council's "Night Time Uses" Planning guidance, in particular guideline 2, on City Centre and Neighbourhoods, which outlined the circumstances where Leisure, Food and Drink uses would be allowed i.e. if it would not harm conditions for local residents and lead to anti-social behaviour. The guideline also stated that the Council would take into account the cumulative harmful effect of existing leisure and entertainment uses, and that this would be particularly important for areas which were outside the "Guideline 1 Zone" (as was Chong Qing).

He stated there were five factors that suggested the application should be rejected: the extension of the night time economy into Glossop Road, that the premises were directly opposite to the night time quiet area, that granting the application would attract other night time businesses to that part of Glossop Road, that it would cause public nuisance, and that it conflicted with planning regulations.

(b) Mark Booth

Mr Booth stated that he was a resident of West One. He and other residents had experienced an increase in noise nuisance in recent years, caused by the

late-night economy on West Street, which was creeping towards Glossop Road. A number of complaints had been made recently regarding noise from car horns, taxis, and customers congregating outside takeaways or waiting for taxis. There had been an increase in anti-social behaviour as more premises applied for late licences.

Mr Booth emphasised that noise pollution could have a significant effect on people's health and wellbeing. He advised that residents were left to monitor and report noise nuisance as there was little Police presence and neither the Police nor the Council's enforcement team could respond rapidly. He confirmed he was concerned that the premises could turn into a bar or nightclub after midnight or sell alcohol for consumption off the premises. In his view, premises in the area where successful enforcement action had taken place, were those with strongly worded conditions on the licence. He suggested that if this variation were granted conditions should be imposed to control the noise from customers and delivery drivers, to mandate relevant signage and to ensure that doors were kept closed.

- 4.7 The Chair of the Sub-Committee, Councillor Abdul Khayum, invited Members to ask questions of the objectors and Members asked Mr Booth what he meant by "strongly worded conditions". Mr Booth gave the example of Olivia's Bar on West Street where a condition had been in place regarding a requirement for the Designated Premises Supervisor to control noise from customers queueing outside the premises, and this had meant that the Council had been able to enforce this condition when a complaint was made.
- 4.8 Members asked what evidence would be required in order for the Council's Licensing team to take enforcement action against a premises that was in breach of its conditions. Jayne Gough explained that Officers needed to witness the breach themselves before action could be taken. Hence Officers were out every weekend, late at night, following up complaints.
- 4.9 A discussion took place regarding the procedures for applicants advertising their application, however Officers confirmed that it was not within the remit of the Sub-Committee to change these.
- 4.10 Councillor Abdul Khayum, Chair of the Sub-Committee invited the applicant, Ms Tianhui Zhuo to state her case. Ms Wenjin Wang spoke on her behalf and stated the following:
- There would be no deliveries after midnight with online platforms being deactivated so the premises would not show on online searches and the premises not accepting deliveries through their own website.
  - Staff requested that delivery drivers park on Victoria Street to minimise nuisance.
  - Music played on the premises always stopped by 9pm
  - The premises was a traditional restaurant and there was no intention to offer entertainment, parties or music.
  - They would be unable to restrict late business to Chinese students as this would be racist.
  - They would not allow anybody to enter the premises who was drunk or

- allow the consumption of alcohol purchased outside the premises.
- Anti-Social Behaviour would not be tolerated.
- Customers would be asked to be quiet when they left the premises.
- The extended hours would be for walk in customers only, not for courier collections.

- 4.11 In response to questions from Members, Ms Wang advised that most of their business was food rather than alcohol and drunk people rarely came into the restaurant.
- 4.12 The Chair invited the Applicant and the objectors to sum up their case, however all parties confirmed that they had nothing further to add.
- 4.13 Jayne Gough outlined the options available to the Sub-Committee.
- 4.14 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast re-commenced.
- 4.17 **RESOLVED:** That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for the variation of a premises licence in respect of Chong Qing, 290 Glossop Road, Sheffield, S10 2HS (Ref. No. 41/24) be granted in the terms requested and to include the following condition agreed prior to the hearing:
- No delivery service permitted between the hours of 00.00 and 03.00 on any day of the week.

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