

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 June 2014

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Denise Reaney

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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 - WEST STREET OFF LICENCE, 147 WEST STREET, SHEFFIELD S1 4EW

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 West Street Off Licence, 147 West Street, Sheffield S1 4EW.

4.2 Present at the meeting were Colin Bell (Ben Davies Associates, for the Applicant), Husnu Aslan, (Applicant), Fahrettin Aslan (Designated Premises Supervisor), Metin Arslan (Personal Licence Holder) and Murat Polat (Staff Member), Patrick Robson (Solicitor representing Natalie Bryan, Objector), Natalie Bryan, Steve Lee, Peter Sephton, Linda Cooley and Nicholas Morgan (Objectors), Matt Proctor (Licensing Enforcement and Technical 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 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from nine members of the public, and were attached at Appendix "B" to the report.

4.5 Patrick Robson queried whether the appropriate notice had been given in respect of the application, indicating that the notice had been posted on the window of the premises, at a height of approximately 10 feet, therefore had not been easy to read. He stated that Ms. Bryan, who was of average height, had been forced to take a photograph of the notice using her mobile phone as she was not able to

read it. Ms. Bryan produced the photograph and it was viewed by the Sub-Committee. Colin Bell, for the applicant, stated the appropriate notice had been given, and the applicant also provided a photograph of the notice, which had been displayed in the window of the premises from 1st to 28th May, 2014, inclusive.

- 4.6 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.
- 4.7 Marie-Claire Frankie reported orally, giving legal advice on the query now raised.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.9 The Chair informed all the attendees involved in the application that the Sub-Committee was satisfied that the appropriate notice of the application had been given by the applicant, and that the application should proceed.
- 4.10 Patrick Robson continued his case by referring to Section 17 of the Crime and Disorder Act 1998, which referred to the responsibility of Licensing Authorities in terms of anti-social behaviour, the misuse of alcohol and criminal behaviour. It was considered that the opening of yet another outlet selling alcohol on West Street, which already had a high number of such establishments, would contribute to an increase in the afore-mentioned activities. Mr. Robson made reference to the actions and initiatives being undertaken by other local authorities in terms of dealing with problems related to the misuse of alcohol, including minimum pricing and the banning of the sale of super strength lager/beer/cider. He made specific reference to the "Reducing the Strength" campaign in Ipswich, following which, the Police had reported a 49% reduction in street drinker incidents during the first six months of the voluntary campaign. Mr. Robson referred to residents' and business owners' concerns with regard to the high concentration of outlets selling alcohol in the West Street area, as well as the close proximity of a number of the outlets to residential properties, and stressed that there was a need for the Local Authority to give serious consideration to this issue. He made reference to two other outlets in the immediate vicinity – Bargain Beers and Premier Foods – which held 24 hour licences to sell alcohol, and indicated that the opening of a further outlet with a 24 hour licence, would not only provide yet another opportunity for street drinkers and other vulnerable people to purchase alcohol for 24 hours, but could also result in a price war between the three stores, thereby exacerbating the problem even further. He concluded by questioning the appropriateness and need for a 24 hour licence and stated that if the Sub-Committee was mindful to grant the application, it should impose a number of conditions to ensure that the licensing objectives were met.
- 4.11 Linda Cooley stated that she considered that it would be socially irresponsible of the Local Authority if it was to grant the application, referring specifically to the potential harmful effect on street drinkers and other vulnerable groups of people.

- 4.12 Peter Sephton, speaking as a resident and Chair of the Glossop Road Baths Residents Association and Chair of the Sheffield City Centre Residents Action Group, stated that he had lived in the City Centre for nine years and had witnessed a steady increase in the levels of alcohol consumption, and the resultant effects of such consumption. He stated that the premises was approximately 125 yards from the Glossop Road Baths apartments, with a number of the apartments having open verandas, thereby exposing the residents to noise nuisance caused by the increasing number of street drinkers in the area. Mr. Sephton referred to the increasing number of outlets in the area selling alcohol, indicating that it was likely that such competition would result in lower prices, which would result in an increase in alcohol consumption. He stressed that there was a need for the Council to give serious consideration to the potential adverse effects the increasing number of outlets selling alcohol in this area could have. Mr. Sephton made specific reference to the four licensing objectives, indicating that there had been a murder outside the Viper Rooms two weeks ago, which had most probably been alcohol-related, and that he had recently been threatened whilst videoing a group of students urinating and vomiting on Convent Walk. With regard to the objective relating to the prevention of public nuisance, Mr. Sephton referred to the increasing problems being caused by street drinkers in the West Street area. He stated that the population in the City Centre had increased more than any other part of the City, and that there was a need for the Council to give consideration to balancing the needs of residents with the number of outlets selling alcohol. Mr. Sephton made reference to the responsibility of public health, which was now a function of the City Council, and stated that there was a need for the Sheffield Health and Wellbeing Board to give consideration to the adverse effects that the increase in the number of outlets selling cheap alcohol was having on the most vulnerable groups in society. He concluded by referring to the actions and initiatives taken by other cities to deal with the adverse effects of alcohol.
- 4.13 Steve Lee stated that he had particular concerns over the opening of yet another 24 hour off-licence in the area, referring specifically to the possible adverse effects on vulnerable people, such as street drinkers and young people. He stated that he was aware that the Police were already struggling to cope with the number of calls to the "101" number and indicated that granting a licence for yet another 24 hour off-licence could result in a price war between the different outlets, making the problem even worse.
- 4.14 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie and Colin Bell, Natalie Bryan stated that she owned a fish and chip shop which was very close to the premises and that, although she had a licence to open until 05:00 hours, she would usually close at 22:00 hours due to the problems being experienced in the area. In terms of patterns regarding times when problems occurred, the objectors stated that the street drinkers were a constant problem, with the issues regarding Devonshire Green becoming considerably worse during the last three to four years. Whilst there had not been any problems directly related to the premises following the grant of the licence in June, 2011, due mainly to the fact that the premises did not actually trade, although other premises in the area reduced their prices following the grant of the licence. Natalie Bryan stated that it was someone who worked with the

Designated Premises Supervisor (DPS), and not himself, who had made reference to “selling cheap booze” to the street drinkers. She believed that the DPS purchased high strength alcohol from suppliers in London and that, due to the number of outlets selling alcohol in the area, he would be forced to lower his prices in order to compete. The objectors accepted that the issue regarding the number of off-licences and public houses in the area was not an issue for the Sub-Committee, but they considered that such a high number of establishments was contrary to the licensing objectives.

- 4.15 Colin Bell put forward the case on behalf of the applicant, referring to the previous application in respect of the premises, considered at a hearing of the Licensing Sub-Committee on 2nd June, 2011. Following a breakdown in the relationship between the applicant and his business partner, the plan to open the premises as an off-licence at that time did not materialise. In terms of the present application, Mr. Bell stated that all the staff were Personal Licence Holders, and one had received Security Industry Authority (SIA) training. Between 10:00 hours and 18:00 hours, there would be at least three members of staff on duty at the premises and the applicant had no objection to the Sub-Committee placing a further condition on the licence, requiring a Personal Licence Holder to be on duty at the premises for 24 hours a day. The premises comprised a very small shop, with reduced access, and all the alcohol and other goods on sale, were behind a glass screen. The Police and Environmental Protection Service were satisfied with the layout of the premises. The applicant did not intend to sell two litre bottles of cider or any super strength lager, but planned to focus on the sale of wine as he owned a wine merchants business. He would be operating Challenge 25, and would display relevant notices at the entrance and at the point of sale. He also planned to have a notice on the door, making it clear that alcohol would not be sold to any persons who were drunk. All members of staff had attended a training course, advising how to identify, and deal with people who were drunk. In terms of the comments raised by the objectors with regard to the possibility of price wars, Mr. Bell stated that this would not be the case as he would have to sell the alcohol at a specific price to enable him to make enough money for the business to survive. Mr. Bell stated that following discussions with officers of the City Centre Policing Team, he accepted that there were problems with the street drinkers and other alcohol-related issues in the West Street area, but commented that neither the Police nor any of the three local Councillors had raised any formal objections to the application. He concluded by stating that the number of other outlets selling alcohol in the area was not a matter for consideration by the Sub-Committee.
- 4.16 In response to questions from Members of the Sub-Committee and the objectors, Mr. Aslan stated that he had been in the wine business for six to seven months, owning a limited company, which sold good quality wine to restaurants. He stated that he made sufficient profit from the sale of the wine, so there was not likely to be any need for him to sell cheap beer/lager/cider. He purchased his wine from two suppliers in London, and he would visit restaurants to take orders. As his business was registered as a limited company, he would always pay VAT on his stock. He was aware, and had been warned about, the dangers of purchasing alcohol from un reputable dealers. Mr. Bell stated that, if the Sub-Committee deemed it necessary, Mr. Aslan would be willing to employ the member of staff

who was SIA accredited, to work on the door of the premises at weekends. In terms of the proposed business, Mr. Bell stated that Mr. Aslan's target clientele would be local residents and that whilst it was not likely that the premises would be open for 24 hours every day, Mr. Aslan would stay open initially for 24 hours in order to assess the market. Mr. Aslan was described as a very approachable person, and local residents or any other people with concerns with regard to the operation of the business, would be encouraged to approach him to discuss any concerns. In fact, Mr. Aslan had made provisional arrangements for staff members to meet the local residents who had raised the objections to discuss their concerns. There would be other food and drink for sale at the premises, as well as alcohol. Whilst it was appreciated that, due to the glass partition, customers would not be able to pick up and view bottles of wine at their leisure, arrangements would be made for them to do this on request.

- 4.17 Colin Bell summarised the case on behalf of the applicant.
- 4.18 RESOLVED: That the 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.
- 4.19 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.20 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.21 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of West Street Off-Licence, 147 West Street, Sheffield, S1 4EW, in the terms requested and, subject to the additional conditions as follows:-
- (a) there shall be a minimum of two members of staff on the premises at all times, between the hours of 23:00 and 06:00;
 - (b) Challenge 25 shall be implemented at the premises;
 - (c) a Premises Licence Holder shall be on the premises at all times when alcohol is for sale;
 - (d) a written risk assessment with regard to security shall be carried out and made available on request, and regularly reviewed;
 - (e) the Designated Premises Supervisor must be a member of Licence Watch, and maintain annual membership;
 - (f) a refusals book shall be kept on the premises and be available to the Police and authorised officers of the Council upon request; and
 - (g) no beers, lagers or ciders over AVB 7.5% shall be sold at the premises.

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

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