

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 October 2014

PRESENT: Councillors Geoff Smith (Chair), Jillian Creasy and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor George Lindars-Hammond 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 - CHAPELTOWN GRILL, 17 STATION ROAD, CHAPELTOWN, SHEFFIELD, S35 2XE

- 4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as Chapeltown Grill, 17 Station Road, Chapeltown, Sheffield, S35 2XE.
- 4.2 Present at the meeting were Sadegh Navaseri (Applicant), Councillor Alan Hooper (Ecclesfield Parish Council, Objector), 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 the Ecclesfield Parish Council, and were attached at Appendix 'D' to the report. Mr Proctor added that the representations made by the City Council's Health Protection Service had been withdrawn, following the agreement of two conditions with the applicant.
- 4.5 Councillor Alan Hooper, attending on behalf of Ecclesfield Parish Council, stated that the Parish Council's main concerns focused on the sale of alcohol with the deliveries. He made reference to problems caused by young people drinking in the area, and referred to a number of failed test purchases at licensed premises in the area. In response to questions raised as part of his submission, it was reported that, in accordance with the condition agreed with the Health Protection

Service, alcohol would only be delivered if food had been ordered by the customer, and that the Police would monitor the premises and if they were aware of any concerns, they would carry out test purchases.

- 4.6 In response to questions from members of the Sub-Committee, Councillor Hooper stated that he was not in a position to provide any evidence in terms of problems caused by such a delivery service on the basis that it was a new venture, the Parish Council was concerned that there would be an increased risk of underage people being able to purchase alcohol as part of the delivery service. He stated that the problems of underage drinking in the area were mainly focussed in the Burncross Road area, and linked to off-sales at small convenience stores.
- 4.7 Sadeqh Navaseri stated that the reason for the application to vary the Premises Licence had come about both following requests for the service from customers and as a means of expanding the business. He stated that he and a colleague had received all the relevant training.
- 4.8 In response to questions from members of the Sub-Committee and Marie-Claire Frankie, Mr Navaseri stated that himself and a colleague were responsible for the operation of the business, with at least one of them being present at the premises at all times, during opening hours. In terms of the delivery of alcohol and in accordance with Challenge 25, which was in operation, they would ask for a number on a relevant form of ID, such as a passport or driving licence, over the phone, when taking the order, and then cross-check this with the same ID when delivering at the customer's home. If they considered that the person ordering the drink was already drunk, they would not sell them the alcohol. Customers would be able to purchase the food and alcohol using a debit or credit card or cash, with the driver having a card machine with him when making the delivery. Mr Navaseri stated that he did not envisage any problems in terms of he and his colleagues' safety when out delivering as he had run the business for six/seven years, and had got to know some of his customers very well. He had not experienced any problems with his customers in the past, and last orders in terms of deliveries would be made at 23:30 hours, meaning they wouldn't be out too late. He was not aware of any other businesses offering the delivery of alcohol with food, but he had spoken to a number of his friends in order to get some ideas and tips in terms of the nature of the service. He had been advised to leave the food and drink in the car, then call at the property to take payment and ensure the customer was not drunk, prior to returning to the car and collecting the customer's order. Mr Navaseri stated that the alcohol for sale as part of the delivery service would include cans of lager and beer, at a cost of approximately £1.50 each, and bottles of wine, at £10 for three bottles. In terms of the ratio of food and alcohol customers were allowed to purchase, the minimum food spend for free delivery was £8 and there would be a limit of £30 they could spend on alcohol with any one order. Customers would also be allowed a minimum spend of £5 on food on the premises, to enable them to purchase £30 of alcohol. If a customer was not able to provide the relevant identification in terms of proof of age, either at the stage of ordering or when the delivery was made, the sale would be declined and a record would be made of the refusal on the computer at the premises.
- 4.9 Matt Proctor reported on the options open to the Sub-Committee, as set out in the

report.

- 4.10 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.
- 4.11 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 attendees.
- 4.13 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now reported and the representations now made, the Sub-Committee agrees to vary the Premises Licence in respect of the premises known as Chapeltown Grill, 17 Station Road, Chapeltown, Sheffield, S35 2XE, on the grounds now requested, subject to the imposition of conditions agreed with the Health Protection Service, with the second condition to be amended as follows:-

‘The sale of alcohol shall be subject to the provision of food on the premises and as part of the delivery service.’

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