

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 June 2016

**PRESENT:** Councillors David Barker (Chair), Kieran Harpham, Josie Paszek and Bob Pullin

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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 - ASLAN GO LOCAL, 218 WEST STREET, SHEFFIELD, S1 4EU**

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 Aslan Go Local, 218 West Street, Sheffield, S1 4EU.

4.2 Present at the meeting were Colin Bell (Ben Davis Associates, for the Applicant), Fahrettin Aslan (Applicant), Metin Arslan (Applicant), Tim Renshaw (Objector, representing the Drugs and Alcohol Co-ordination Team (DACT)), Graham Cadlaw (Objector, representing the Sheffield City Centre Residents' Action Group (SCCRAG)), Stuart Barkworth (Objector, local resident), Councillor Douglas Johnson (Objector, representing residents in the City Ward), Naomi Saxton (South Yorkshire Police), Georgina Hollis (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 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield City Centre Residents' Action Group (SCCRAG), the Drugs and Alcohol Co-ordination Team (DACT), one local business and four members of the public, and were attached at Appendix 'B' to the report.

4.5 Councillor Douglas Johnson stated that the West Street area was deemed very sensitive at the present time in the light of increasing problems, mainly alcohol-

related, and which had been recognised by the City Council and other relevant agencies. Councillor Johnson considered that this was a cumulative impact issue in that another off licence on West Street would 'tip the balance' in terms of the number of venues and outlets selling alcohol. Councillor Johnson, who also spoke on behalf of Stuart Barkworth, one of his constituents, stated that, in his opinion, another off licence on West Street was likely to result in an increase in anti-social behaviour and crime and disorder. He believed that the applicants should be well aware that it was a sensitive area, particularly as they were already involved in businesses on West Street, and believed that there was not sufficient detail in the application to enable the Licensing Sub-Committee to make an informed decision. He related specifically to the fact that there should be more detail in terms of how the applicants planned to address all the concerns now raised, and that there was a general lack of detail in terms of how they intended to manage the premises.

- 4.6 Graham Cadlaw, speaking on behalf of the SCCRAG, stated that, whilst he accepted the difficulties in providing evidence against the premises on the basis that they had yet to open, he objected to the long opening hours, specifically in terms of the sale of alcohol. He did not consider that there was a need to sell alcohol with effect from 07:00 hours, and believed that having alcohol available for sale at this time would only encourage the street drinkers to purchase more, resulting in a potential increase in anti-social behaviour and crime and disorder.
- 4.7 Tim Renshaw, speaking on behalf of DACT, made specific reference to a number of people, who were known to the Council and other relevant agencies, who were very difficult to manage as a result of their dependency on drugs and alcohol. He considered that having a further off licence on West Street would exacerbate the problems in that it would provide a further outlet for such people to purchase cheap alcohol. A number of the street drinkers would also beg from members of the public, earning considerable amounts a day, which provided them with the means to purchase more alcohol. Mr Renshaw himself had witnessed and verified incidents of violence on West Street on a regular basis and stressed that a number of these people lived outside the normal 'moral code', therefore were not concerned about the damage they were doing to themselves, and the harm and upset their behaviour caused to others.
- 4.8 Stuart Barkworth stated that the situation on West Street was getting worse, and it was becoming more and more uncomfortable for him and other local residents to walk down West Street. He stated that he had lived in the City Centre for some time, and had never felt threatened before, but this had now changed. He also made the point that the proposed shop would be on the other side of West Street to the other off licences, which could potentially result in street drinkers hanging around on both sides of the road, increasing problems for residents and visitors to the City Centre to walk up and down the road without feeling threatened or being abused.
- 4.9 Naomi Saxton stated that the police were well aware of the current problems on West Street, and would continue to target the area in terms of resources. She also stated that the police were not aware of any problems linked to the other off licence and restaurant on West Street, managed by the applicants.

- 4.10 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie and Colin Bell, it was stated that whilst the concept of 24-hour drinking should be welcomed in some respects, such as in bars and pubs which were managed and policed adequately, it brought problems in terms of people purchasing cheap, strong alcohol from off licences at all hours of the day. It was considered that there could be safety issues for the staff working in the shop, particularly when faced with street drinkers, demanding to be served, and who were already either drunk or under the influence of drugs. Mr Renshaw indicated that at the Archer Project, they were often faced with the issue of having to evict people, which required a number of staff, who had all been properly trained to deal with such matters, and he considered that having only two members of staff in the shop would not be sufficient. The problems associated with the street drinkers had got worse over the last four or five years, and could occur at any time of the day or night. Whilst it was accepted that there were similar problems in another area of the City, such problems in that area were contained and well-managed by the police. The street drinkers were attracted to this area due to the number of outlets selling cheap alcohol, as well as their being many other services they accessed, such as chemists, GP surgeries, Ben's Centre and the Archer Project. In addition, there was a large footfall on West Street, which resulted in beggars being able to maximise the amount of money they could obtain, particularly from students, who felt more intimidated and/or more sympathetic to their cause. Whilst it was envisaged that there could be problems, in terms of reactions from the street drinkers when they find out that the shop did not sell cheap, high strength alcohol, the general feeling was that such people were not fussy, and would simply go elsewhere to purchase their alcohol. It was not known whether the other off licences on West Street put identification labels on their products, so that the alcohol could be traced to a specific outlet. Tesco opened between 07:00 and 23:00 hours, so the street drinkers could go there to purchase alcohol from 07:00 hours. It was accepted that there were other people who wished to purchase alcohol late at night or early in the morning, but it was the street drinkers that gave the off licences on West Street a bad name. The street drinkers would generally visit those shops selling the cheapest alcohol.
- 4.11 Colin Bell, on behalf of the applicants, stated that the shop would be a convenience store, selling a range of produce, as well as alcohol. The proposed Designated Premises Supervisor (DPS) was Fahrettin Aslan, who was previously the owner of West Street Off Licence, therefore has had experience in the trade. He had also lived and worked in the area for around 20 years, and was well aware of the problems on West Street. He had not experienced any trouble at the West Street Off Licence in the two years he owned it, and had passed all test purchases undertaken at that store. Also, following accusations of illicit alcohol sales, officers from Customs and Excise visited the premises and found nothing untoward. Mr Bell stated that, although there had been a number of objections to the application, the majority of the comments raised by the objectors was conjecture, and did not contain any firm evidence. He added that, if there were any problems relating to the operation of the shop, the Council could review the Premises Licence. In terms of security, there was good quality CCTV in the shop, and following an inspection by Health and Safety Officers, the shop had passed all relevant checks. Mr Bell stressed that there was no evidence to suggest that the

owner would sell alcohol to street drinkers. It was stated that, in light of the level of objections raised, the owner would be willing to limit the sale of alcohol to between 09:00 and 03:00 hours.

- 4.12 In response to questions from Members of the Sub-Committee and Marie-Claire Frankie, it was stated that, in terms of staffing and training, Fahrettin Aslan would be the DPS, and that he had managed licensed premises elsewhere for a number of years, therefore was well aware of what was required of him. He stated that training would be cascaded down to all staff employed in the shop, and Mr Bell added that he would be able to assist with the training if required. There would be two members of staff in the shop at all times. A refusals book would be kept in the shop, and staff usually dealt with one or two refusals a week, usually street drinkers. A considerable amount of money had been put into the shop in order to make it health and safety compliant. The plan was to operate the shop along similar lines as the previous shop owned by Mr Aslan, in that street drinkers or beggars would not be allowed in as Mr Aslan did not want his shop to have a bad reputation. In addition to this, there were no plans to sell cheap alcohol, therefore this was likely to result in less street drinkers visiting the shop. All staff working in the shop would receive relevant training. Although the applicants were applying to sell alcohol until 03:00 hours, the shop would only stay open until this time if it was considered financially viable. In terms of becoming involved in local initiatives to look at and hopefully resolve the problems being experienced on West Street at the present time, although no one from any of the relevant agencies had been to visit him to discuss the issues, he would be more than willing to become involved. It was confirmed by the Police Officer in attendance that there had been no issues in terms of the operation of his other shop. The shop would be selling sweets and groceries, as well as alcohol, but would not be selling high strength alcohol. Whilst it was acknowledged that agent sales of alcohol took place, every effort would be made to monitor this in order to stop alcohol getting into the wrong hands.
- 4.13 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.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Aslan Go Local, 218 West Street, Sheffield, S1 4EU, in the terms now requested, and subject to the amended application in that the supply of alcohol will only be allowed between 09:00 and 03:00 hours.

(The full reasons for the Sub-Committee's decision will be included in the written

Notice of Determination.)