

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 20 December 2016

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Josie Paszek

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

1.1 An apology for absence was received from Councillor Anne Murphy.

#### **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 - SHIMLAS, UNIT 2-3 LONDON ROAD, SHEFFIELD S2 4LA**

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 Shimlas, Unit 2-3 London Road, Sheffield S2 4LA (Case No.125/16). Consideration of the application had been deferred at the meeting of the Sub-Committee held on 17<sup>th</sup> November, 2016 to allow the applicant to meet with the Health Protection Service.

4.2 Present at the meeting were Waleed Ditta (Applicant), Navid Sharif (Applicant's friend), Sean Gibbons (Environmental Health Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (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 the Health Protection Service and were attached at Appendix "B" to the report.

4.5 Sean Gibbons stated that he had arranged to meet with the applicant on four separate occasions for the purpose of holding a site visit. Unfortunately, it was not until the fourth occasion, namely on 8<sup>th</sup> November, 2016, that he did meet with the applicant, however, the applicant had not received the keys to the premises from the agent, so he was unable to carry out an in-depth site visit. Whilst waiting for the agent to arrive with the keys, Mr. Gibbons and the applicant had a short meeting and discussed some aspects of the proposed development, but Mr.

Gibbons had to leave for another appointment. Since then, Mr. Gibbons had tried on numerous occasions to arrange a site visit without success. Mr. Gibbons then produced an amended plan which he had recently received from the applicant, which showed substantial changes to the first plan which had been submitted with the application in September. He further stated that matters regarding public safety needed to be taken into consideration before this application could be resolved.

- 4.6 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that the style of operation had changed substantially from the original application and he would need a thorough inspection of the site, taking account of its location and the late night economy.
- 4.7 Waleed Ditta stated that he had established his business, trading at Shimla Express four years ago and he had restaurants in Keighley, Huddersfield and Leeds and hoped to expand the company to Sheffield. He added that all the other properties had excellent facilities and he had never received any complaints about them. Mr. Ditta stated that he had experienced difficulties trying to get a set of keys from the agent which was why he had missed appointments for site visits with Mr. Gibbons. Mr. Ditta further stated that he had now agreed terms and conditions with the agent and had recently paid a deposit to secure the property.
- 4.8 In response to questions from Members of the Sub-Committee, Mr. Ditta stated that his family had been in the restaurant business for 39 years, starting out in Bradford and had never had any problems in the past. He further stated that he had drawn up the original plan but the current plan had been done professionally by an Architect and that if the application was successful it was hoped to start work on the premises in January, 2017 and be open for business within 12 weeks.
- 4.9 Clive Stephenson outlined the options open to the Sub-Committee.
- 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 in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the application for the grant of a Premises Licence in respect of Shimlas, Unit 2-3 London Road, Sheffield S2 4LA be granted subject to the full approval and final inspection by the Health Protection Service.

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

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