

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 20 May 2024

PRESENT: Councillors David Barker (Chair), Karen McGowan and Joe Otten

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Nabeela Mowlana and Kurtis Crossland.

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 interests.

4. LICENSING ACT 2003 - ABASEEN DINER, 39-41 THE WICKER, SHEFFIELD, S3 8HS

- 4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Abaseen Diner, 39-41 The Wicker, Sheffield, S3 8HS (Ref. No. 66/24).
- 4.2 Present at the meeting were Alan Ball (Representative for the Applicant from 'Business Sheffield'), Nick Kitching (Objector), Samantha Bond (Legal Adviser to the Sub-Committee), Jayne Gough (Licensing Strategy and Policy Officer) and Clare Cummins (Democratic Services).
- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that a representation had been received from an interested party shown in paragraph 3.1 of the report and a copy of the representations attached at Appendix 'B' of the report. The objector was in attendance at the meeting. Ms Gough confirmed

that the application had been referred to the Licensing Sub-Committee due to an unresolved representation by a local resident following a consultation period. The applicant had agreed with the conditions outlined by South Yorkshire Police. These were attached at Appendix 'C' of the report.

- 4.5 Councillor David Barker, Chair of the Sub-Committee, invited questions regarding the report, but no questions were raised.
- 4.6 The Chair invited Mr. Kitching to outline his objections. Mr Kitching stated that he had no objections to the business opening, his objections related to the hours of business. He felt that the number of hours that the business would be operating for were excessive in a densely populated, residential area. He explained that the area would soon have more residents, due to residential developments currently under construction. Within approximately fifty yards of the front of the premises, there were around four hundred dwellings, and he went on to describe other developments in close proximity. He described the location which borders Stanley Street, Wicker Lane and the Wicker, and that these were the busiest parking areas for vehicles late at night. He stated that another concern was regarding deliveries late in the evening and described that there were already a number of vehicles that deliver or collect food from the local area and another operator offering the same service, will add to this volume. He stated that he had no objection to opening hours as applied for on a Friday or Saturday, but the same hours for seven days a week was excessive. Mr Kitching went on to explain that Stanley Street is 'double parked' during the day presently and Wicker Lane is also a single carriageway, and he felt that another business offering a take-away food service will bring further traffic and congestion to this already congested area. He stated that he didn't feel that there was a need or desire locally for this type of business to operate beyond midnight during weekdays. He added that he disagreed with the applicant's statement that the business would offer variety to similar establishments in the area, and that the menu for Abaseen Diner is nearly the same as some of the other businesses in the area.
- 4.7 In response to a question from Councillor Karen McGowan, Mr Kitching stated that he was not aware of problems of anti-social behaviour relating specifically to this business but described an increase in litter and had observed the refuse bins overflowing with rubbish at the rear of the premises. He described that there was an increase in noise in the area also but could not directly attribute it to this business
- 4.8 In response to a question from Councillor Joe Otten, Samantha Bond advised Members of the Sub-Committee that issues with traffic and parking are not covered under the licensing guidance contained in the Sheffield City Council's Statement of Licensing

Policy, however an increase in vehicles causing noise nuisance should be given consideration under the 'prevention of public nuisance' objective.

4.9 Mr Kitching responded stating that vehicles, including food delivery drivers, turn into Stanley Street at speeds above the speed restrictions of that street. He further stated that there are always problems with parking as parking restrictions are ignored, and he has reported this to Parking Services previously. He clarified that parking issues can be at any time of the day and night and he hears horns being sounded when vehicles block each other in whilst visiting food outlets. He added that members of the public do occasionally cause a noise nuisance, he presumes this is after they have consumed alcohol, which is predominantly over the weekend.

4.10 The Chair invited the representative for the applicant to state his case. Mr Ball stated the following –

- The applicant had agreed and complied with conditions imposed by the Police including, but not limited to, installing closed circuit television and reporting all incidents of crime.
- The premises will not sell alcohol for religious reasons. It will cater for customers who wish to pray by providing a small, dedicated prayer area inside the premises.
- There are three other restaurants on the Wicker that stay open until 4.00 am.
- For the business to be commercially viable, to retain its staff and to satisfy supply and demand for the late-night economy, the applicant needs to remain open seven days a week. This will add to the vibrancy of the area, benefitting the community.
- The applicant questions if this one business will add to parking issues in the area and feels that it is the responsibility of Parking Services to address any parking issues that arise.
- If customers are seen to be parking illegally, staff will raise this with customers.

4.11 In response to questions from members of the Sub-Committee, Mr Ball stated that the applicant could not guarantee that no deliveries would take place after 11.00 pm to the premises, but they would be minimised as much as possible. The applicant expected that most of their customers would choose to eat in the premises rather than use the take-away service. The business is open currently and Mr Ball was not aware of any incidents of anti-social behaviour related to the premises directly. The applicant is willing to continue to discuss any concerns held by Mr Kitching or other persons who have concerns and wishes to support the area and encourage local people into the restaurant.

- 4.12 In summarising his objections, Mr Kitching added that he could not envisage local people visiting the restaurant, he expected to see people who had been consuming alcohol using the business. He said that the lighting in the premises was too bright and reiterated that he anticipated late-night parking issues.
- 4.13 Mr Ball was asked to summarise his case. He stated that on behalf of the applicant, he acknowledged Mr Kitching's concerns, they will continue to liaise with him and the community if any concerns arise and will comply with the conditions set by South Yorkshire Police.
- 4.14 Jayne Gough outlined the options available to the Sub-Committee.
- 4.15 **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.
- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast re-commenced.
- 4.18 **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, (a) the application to grant a premises licence in respect of Abaseen Diner, 39-41 The Wicker, Sheffield, S3 8HS (Ref. No. 66/24) be granted in the terms requested, and subject to the conditions agreed with South Yorkshire Police, attached at Appendix 'C' of the report; and
- (b) the Council's Parking Services be informed of the parking issues raised during the hearing and requested to take appropriate action.
- (Note: The full reasons for the Sub-Committee's decision will be included in the Written Notice of Determination.)