

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 19 November 2024

PRESENT: Councillors David Barker (Chair), Mike Drabble and John Wright

1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence.
- 1.2 Councillor Brian Holmshaw attended the meeting as 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.
- 3.2 Councillor Abdul Khayum had declared an interest prior to the meeting and withdrawn from the panel.

4. LICENSING ACT 2003: RKY FOODS, 832 BARNSELY ROAD, SHEFFIELD, S5 0QG

- 4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003 for the variation of a premises licence for RKY Foods, 832 Barnsley Road, Sheffield, S5 0QG (Ref No: 149/24).
- 4.2 Present at the meeting were Vaiyapuri Mohanraj (Applicant), Suresh Kanapathi (Representative for the Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub Committee), Mark Rusling (Local Councillor, Objector), and Joanne Cooper (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would 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 four local Councillors, objecting to the application, and this was attached at Appendix 'C' to the report. Councillor Mark Rusling had given notice that he was going to attend the hearing to object to the application on behalf of this group.
- 4.5 Ms Gough also reported that during the consultation period, conditions had been suggested by the Applicant as an attempt to mitigate the objections, and these were attached at Appendix 'C' to the report.
- 4.6 Councillor David Barker, Chair of the Sub-Committee invited Councillor Mark Rusling to speak.
- 4.7 Councillor Rusling stated that he had attended the meeting to speak on behalf of himself and his fellow local Councillors, Nikki Belfield, Dawn Dale and Garry Weatherall. They objected to the extended sale of alcohol, rather than to the 24-hour opening for other sales, which they had no objection to. He thanked Mr Mohanraj and Mr Kanapathi for engaging during the consultation period, and stated that he hoped that this would continue, as he wanted the premises to flourish. However, he explained that the conditions suggested by the Applicant had not been sufficient to mitigate the concerns of the Councillors, which were based on the licensing objectives and were as follows: -
- The premises was in a residential area, of primarily social housing.
 - There were vulnerable people residing locally.
 - The main negative issue in the area was crime and anti-social behaviour including noise late at night. This was an ongoing problem which was often reported to Councillors.
 - There were concerns that the sale of alcohol through the night, would result in customers leaving the premises having purchased alcohol, and going back onto the estate to exacerbate crime and anti-social behaviour.
 - The proposed condition 5, stating that "Management will ensure that all customers move away from the premises after leaving the property and do not loiter in the area" would be difficult to enforce.
 - There was insufficient evidence of the need for an extension of the licence.
- 4.8 The Chair invited Members to ask questions of the Objector, Councillor Rusling. Members asked if there was any evidence that crime would increase, whether there were any existing concerns about these premises, and what work was underway to address the issues in the area. Councillor Rusling advised that residents, via Tenants and Residents Associations, had said that they feared that crime and anti-social behaviour would worsen if the application for the extended sale of alcohol was granted, but there had been no previous issues caused by these premises. Work was ongoing with the Council, the Police, Residents Associations and Housing Associations to address the problems in the area which included parties taking place in houses until the early hours. He also advised that this was the only late-night licensed premises in the area, and that he was not aware of any unlicensed sales of alcohol on the estate.
- 4.9 The Chair invited the applicant, Vaiyapuri Mohanraj, to state his case. Suresh Kanapathi spoke on his behalf and stated that the premises had been operating

for four years until 1am, and so far there had been no problems or complaints. The location was quite far from the residential area and was mostly used by people passing through, who worked late at night or early in the morning. The extended hours were useful for these customers, and they were happy with the idea of 24 hour opening. Mr Kanapathi explained that there was no evidence for the concerns expressed by the objectors, and that conditions had been proposed to deal with any potential crime and disorder, such as CCTV and always having two staff on shift. Further conditions had been proposed to promote the other Licensing Act objectives, i.e. to address any anti-social behaviour and public nuisance. Mr Kanapathi added that people could already buy alcohol via 24-hour apps such as Just Eat. There was no reason that he could see that the application for extended alcohol sales should not be granted, and 24-hour shopping would be useful to the area.

- 4.10 In response to questions from Members, Mr Vaiyapuri Mohanraj stated that issues of shop lifting or other problem behaviour only occurred about once a month on the premises.
- 4.11 Mr Kanapathi gave the following additional information in response to further questions from Members:
- The buildings around the premises were all commercial buildings rather than residential.
 - Opening until 1am had caused no issues with the Police and Public Health.
 - There was a 24-hour economy and people worked overnight.
 - Granting the application would enable late night shoppers to purchase alcohol with their shopping.
 - The applicant was happy to continue to engage with local councillors.
 - Approximately 15% of the current sales were alcohol. The shop sold a variety of household products.
 - The condition regarding staff dispersing any problem customers, was an undertaking to tackle problem behaviour rather than ignore it.
 - Existing customers had requested 24-hour opening.
 - Signage could be displayed to clarify the procedure for making a complaint, but relationships with local residents were good, so residents were likely to consider the Applicant and his staff to be approachable.
 - Staff safety was ensured by always having a minimum of two staff on shift.
- 4.12 The Chair invited the Objector to sum up, and Councillor Rusling stated that he still questioned how staff would be able to move problem customers on. He added that it was only 5 to 10 minutes' walk to residential properties, so this area was not a 24 hour one for everybody, and he wanted to protect people from being exposed to alcohol 24 hours a day. Just a few people could cause issues for hundreds of locals.
- 4.13 The Chair invited the Applicant to sum up. Mr Kanapathi stated that any loitering would be actively managed and that if it was only a few people causing issues then this would be easily identified and dealt with. He reiterated that the customer base was mostly passing trade.

- 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 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, press and attendees.
- 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, the application for the variation of a premises licence in respect of RKY Foods, 832 Barnsley Road, Sheffield, S5 0QG (Ref No: 149/24) be granted in the terms requested and to include the following conditions proposed by the Applicant prior to the hearing:-
1. No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 2. No deliveries to the premises other than newspapers shall take place between 21:00 hours and 08:00 hours on the following day
 3. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.
 4. No collections of waste or recycling materials from the premises shall take place between 21.00 hours and 08:00 hours on the following day. The premises will ensure the surrounding area is free of litter.
 5. Management will ensure that all customers move away from the premises after leaving the property and do not loiter in the area.
 6. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly.

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