

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 November 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake, Jack Clarkson and Josie Paszek

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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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - 47-49 CHESTERFIELD ROAD, SHEFFIELD, S8 0RL

4.1 The Chief Licensing Officer submitted a report to consider an application for a Sex Establishment Licence made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of the premises at 47-49 Chesterfield Road, Sheffield, S8 0RL.

4.2 Present at the meeting were Councillor Steve Jones and nine other objectors, Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). The applicant had been given notice of the hearing, but did not attend. He submitted a letter in support of his application, which was circulated at the hearing.

4.3 The Chair 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 25 members of the public and three Councillors, and were attached at Appendix 'B' to the report.

4.5 Marie-Claire Frankie read out the letter sent by the applicant and, following a number of questions from the objectors, she reported on the legal position with regard to the status of sex establishments, relating specifically to what can and cannot be sold in such premises. With regard to the reference by the applicant to the issue of the reduction of the applicant's licence fees, Ms Frankie stated that the Council's Licensing Service was not allowed to make a profit, and any surplus made by the Service had to be carried over to the next financial year. This happened in 2013/14 and, as a result of the surplus, licence fees for some

licences, including Sex Establishment Licences, had been reduced. Clive Stephenson added that a recent Court case had resulted in the Service charging less for such licences as it was not allowed to charge for enforcement, which had previously been included in the fee. It was confirmed that the cost of the licence was £2,300. Ms Frankie stated that if the application was refused, the applicant could either re-apply with immediate effect or appeal to the Magistrates' Court within 21 days of receiving notification of the decision. In response to a question from a Member of the Sub-Committee, Ms Frankie provided clarification as to what the Sub-Committee could have regard to when making its decision, details of which were set out in paragraph 5.3(c)(i), (ii) and (iii) of the report.

4.6 The following objections were received:-

4.6.1 Councillor Steve Jones (Objector No. 1)

Councillor Steve Jones, representing the local Ward Councillors, stated that a sex establishment in this area would not be suitable on the grounds that there had been a major positive change in the area over the last few years, with the development of a number of new shops and services. Such developments included B&M, Lidl, a new GP surgery, new restaurants and takeaways, and the reconstruction of the United Reform Church and church hall. Councillor Jones also referred to the existing shops and facilities in the area, namely the playground and pavilion in Meersbrook Park, Heeley Retail Park and public houses, some which had recently been refurbished. He added that there were two mosques within the vicinity of the premises, together with a local Asian Women's Refuge, and referred to the fact that there was a bus stop at the other side of the road, directly opposite the premises. He concluded by referring to the large number of objections to the application and requested that the application be refused in order to maintain the excellent community spirit in the area.

4.6.2 Objector No. 2

Such an establishment would be inappropriate for women living in the area, with particular concern being raised with regard to the R18 certificate DVDs, which was the most restrictive category, being sold at the premises. As it was situated on the main road, large numbers of people would have to walk past the premises, with many finding it awkward and unsuitable. The nature of goods to be sold at the premises and the images in the shop window could be offensive, degrading and threatening to some women.

4.6.3 Objector No. 3

The objector indicated that he had lived in the area for 15 years, and had witnessed all the improvements made, mainly the reduction in anti-social behaviour and crime.

4.6.4 Objector No. 4

Reference was made to the improvements in the area throughout the last nine years of living there. The GP surgery, which was built around two years ago, was

directly opposite the premises. The vast majority of footfall on Chesterfield Road would be on the side of the road where the premises were located, and it was on the main route up to Meersbrook Park, where several families and children would be walking past. Having such an establishment in the row of shops would not help to attract other businesses or shops to this area. Particular reference was made to the potential adverse effect on the Thali Café, which was very popular and busy most evenings.

4.6.5 Objector No. 5

Reference was made to the residential nature of the area, and the fact that all the residential streets lead on to Chesterfield Road, in the vicinity of the premises. Some families would find it awkward walking past the premises with their children, particularly if the children questioned them as to what was sold at the shop. There were three primary schools in the area, who arranged trips to the local swimming baths, with the pupils having to walk past the premises.

4.6.6 Objector No. 6

There had been an increase in family housing in the area, resulting in more families with young children living within the vicinity of the premises.

4.6.7 Objector No. 7

The objector indicated that he had lived in Heeley for 35 years, and had seen a lot of changes over the years, mainly positive. Having such an establishment could be detrimental to young children in the area.

4.6.8 Objector No. 8

There was concern that having one such establishment in the area could have a potential for attracting other such establishments.

4.6.9 Objector No. 9

With the increase in cafes and restaurants in the area, more people were likely to sit outside, where the premises would be visible.

4.7 In response to a question from a Member of the Sub-Committee, Marie-Claire Frankie stated that, if the application was to be refused, the nature and type of goods to be displayed in the premises window would be enforced by Trading Standards, under advertising regulations. She confirmed that the general ruling was that any goods for sale should not be deemed offensive to members of the public.

4.8 In response to questions from Marie-Claire Frankie, the objectors stated that there was a pedestrian crossing directly outside the premises and a bus stop on the other side of the road, directly opposite the premises. The new GP surgery opposite the premises had approximately 11,500 patients, with a large number of them visiting on foot, and using the pedestrian crossing. Although the three

primary schools (Meersbrook Bank, Anns Grove and Carfield) were set back from the main road, they were all within a 10 minute walk from the premises, and a number of parents and children would have to walk past the premises on their way to, and back from, the schools. A number of secondary school and college pupils also used the bus stop opposite the premises. There were also two mosques and the United Reform Church, with a community centre, within the vicinity of the premises, all of which would attract people who would have to walk past the premises.

- 4.9 Councillor Steve Jones summarised the objectors' representations.
- 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 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 public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee refuses to grant the application for a Sex Establishment Licence in respect of the premises at 47-49 Chesterfield Road, Sheffield, S8 0RL, on the grounds that, in the light of the objections now made, it considers that such a licensed establishment would be inappropriate, having regard to the character of the relevant locality.

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