

Licensing Sub-Committee

Meeting held 19 July 2016

**PRESENT:** Councillors Alan Law (Chair), Andy Bainbridge, Kieran Harpham and Anne Murphy

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**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 Councillor Andy Bainbridge declared an interest in item 5 on the agenda (Licensing Act 2003 – 99 Cross Hill, Sheffield, S35 9WR), insofar as the premises are within the Ward that he represents.

**4. LICENSING ACT 2003 - 99 CROSS HILL, SHEFFIELD, S35 9WR**

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 99 Cross Hill, Sheffield, S35 9WR.

4.2 Present at the meeting were Shaun Price (Applicant), Frank Cooper, Joan Cooper, Brian Barber and David Harper (Objectors), Georgina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (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 four members of the public and a petition containing 24 signatures had also been received, and these were attached at Appendix 'C' to the report.

4.5 Frank Cooper circulated a number of photographs to Members of the Sub-Committee and stated that these had been taken during the day when Cross Hill was relatively quiet. He further stated that the area is a well-populated residential area with on-street parking for most of the residents being at a premium and cars very often doubled parked. Mr. Cooper felt that customers of the premises would cause further parking problems and possibly park on the footpaths. He added that Cross Hill is the main highway between Sheffield Lane Top and Chapeltown with

a police station at the bottom of the road and the hospital nearby, and on many occasions emergency service vehicles travel along the road at excessive speed. He further added that the premises are not large enough to hold many customers inside and that he believed there would be overspill onto the small forecourt and the footpath. Mr. Cooper stated that on either side of the premises are driveways that lead to the back of the row of houses and public open space where children often go to play. He further stated that because the area is mainly residential and there are a number of small children living and playing in the vicinity, there would be a risk to the children being subjected to undesirable language and people smoking when passing the premises and that further hazards could be caused by broken glass from discarded bottles and glasses, vomit, litter and customers using the driveway as urinals.

- 4.6 David Harper stated that he had lived on Cross Hill for 25 years or more and believes the whole dynamic of the area would change if this application was to be granted. He reiterated the point already made with regard to cars parked on both sides of the road particularly after 5.00 p.m. when local residents are returning from work. He added that the road is a very busy bus route, with buses travelling along every few minutes. Mr. Harper further stated that the driveway immediately adjacent to the premises provided vehicle access to the rear of six houses, one of which was his own, and on a number of occasions he had been prevented from exiting the driveway by customers or suppliers to the premises.
- 4.7 Brian Barber stated that he had studied the application and his concern was that the applicant had intended to employ experienced staff but what would happen once such staff had left and younger, less experienced staff were left to run the bar. Mr. Barber asked the question, would the applicant feel that experienced staff were necessary as he envisaged anti-social behaviour by his customers. He further stated that there were other places within the area to buy alcohol and felt that another licensed premise served no useful purpose.
- 4.8 In response to questions from Members of the Sub-Committee, the objectors stated that the premises are within equal distance to the remaining two public houses in the area. The driveways to the side of the premises lead to allotments as well as the public open space but are not linked to any houses. The objectors also believed that the public houses in the area have large forecourts and car parks and are more able to cope with parking so as not to cause a public nuisance. The objectors were also concerned that should the premises be opened as a micro-brewery, would there be an odour emanating from the property.
- 4.9 Shaun Price, the applicant, stated that it was his intention to open a micro-pub, not a micro-brewery so therefore there would be no brewing on the premises, only the sale of cask ales. He added that as it was his intention to open for a limited number of hours, he would run the pub himself. Mr. Price further added that he has 20 years' experience as a publican in both rural and city centre locations and is well able to spot any potential anti-social behaviour inside or outside the premises. The main reason for opening this type of business is for local people to be able to gather and socialise whilst drinking cask ales, there would not be any bottled beers, shots and drinks promotions sold at any time. Mr. Price further

stated that he does not envisage the nature of the business would attract young people. He added that there are bus stops either side of the premises for his customers to use rather than cars.

- 4.10 In response to questions from Members of the Sub-Committee and officers, Shaun Price stated that he had been looking for a property in the area to set up a new business venture for the past six months and this one would be ideal, as it was not too large, serving approximately no more than 40 customers, was a single building and the rent was affordable. He felt that as the bar area would face the doorway, he would be able to manage both the inside and exterior of the premises. He added that he would display proper signage in the doorway of what would be expected of his patrons. Shaun Price informed Members that there would only be one delivery per week.
- 4.11 In summing up, Shaun Price stated that he had done his homework regarding the area and can understand local residents' concerns, but feels that a micro-pub is a different concept to the usual type of public house and is hoping that this business will turn out to be a long-term successful venture.
- 4.12 Georgina Hollis outlined the options open to the Sub-Committee in relation to the application.
- 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 99 Cross Hill, Sheffield S35 9WR, in the terms requested and agreed with the responsible authorities, and subject to the following conditions:-
- (a) no alcohol to be taken outside;
  - (b) appropriate notices to be displayed stating that:-
    - (i) no alcohol to be taken outside; and
    - (ii) customers to leave the premises quietly;
  - (c) the immediate external area be cleared of any litter after each period of opening;
  - (d) there be no tables outside the premises; and

(e) the Challenge 25 scheme is to be adopted and used in the premises.

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

**5. URGENT ITEM OF BUSINESS - LICENSING ACT 2003 - WILLEY STREET  
CAR PARK, WILLEY STREET, SHEFFIELD S3 8JU**

5.1 A notice of objection to a temporary event notice for an event at Willey Street Car Park, Willey Street, Sheffield S3 8JU, on 24<sup>th</sup> July, 2016, proposed to be considered as an urgent item of business, was withdrawn from consideration by the applicant.