

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 February 2019

PRESENT: Councillors David Barker (Chair), Adam Hurst and Vickie Priestley

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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. LICENSING ACT 2003 - DEAD DONKEY BAR, 240 ABBEYDALE ROAD, SHEFFIELD S7 1FL

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Dead Donkey Bar, 240 Abbeydale Road, Sheffield S7 1FL (Ref No.10/19).

4.2 Present at the meeting were Douglas Daly and Edward Daly (Applicants), Patrick Robson (Solicitor for the Applicants), Dr. Matthew Bishop, Merisa Thompson, Christopher Taberner, Annette Taberner, Ms. K. Devlin, Ms. R. Hubbard, Peter Garbutt (representing Councillor Alison Teal)(local residents), Jayne Gough (Licensing Strategy and Policy 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 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from six members of the public, and were attached at Appendix 'B' to the report.

4.5 The objectors collectively believed that the application should have been stopped at the planning stage and that change of use status from Class A1 to Class A4 should not have been granted. They were unhappy at the information they had been given by planning officers and believe that their objections had been totally disregarded. Councillor David Barker, Chair of the Sub-Committee, informed the objectors that planning law and licensing law were entirely different and that this Sub-Committee could only hear their objections with regard to the four licensing

objectives.

- 4.6 The objectors stated that historically many businesses have occupied the premises but none have ever been licensed. One objector said that his master bedroom was adjacent to the premises and, at present, after 8.30 p.m., the area was very quiet and peaceful, but he was concerned that if a drinking establishment was to open close to his home, his sleep would be disturbed into the early hours of the morning. The objectors added that the area was mainly residential; many of the homes being occupied by families and felt there would be safeguarding issues by allowing young children to be subjected to seeing people drinking alcohol through the proposed very large glass windows. Parking problems, which already existed in the area, would be further exacerbated as the majority of the businesses in the area close by 7.00 p.m., and residents felt that maybe a permit parking scheme might become operational. It was also stated that there have been regular infestations of rats and flies in the vicinity caused by food waste and also incidents of fly tipping, and to add further drainage into the main sewer could make matters worse. The area has been subjected to anti-social behaviour, particularly in the alleyway to the rear of the shops, where gangs have gathered to take or deal drugs. Following police advice, a CCTV system was installed, but it was smashed within a week of its installation. The objectors referred to a sign that had been erected saying "No Loitering" but felt that the change of use would encourage people to loiter.
- 4.7 An objector stated that he had carried out a survey along St. Ronans Road, and 18 out of the 30 residents he had spoken to had stated that they were unaware of the proposed bar and had raised concerns, stating that parking was already an issue, that overflow from Abbeydale Road already caused problems; that St. Ronans Road was a narrow road and that people would have to step into the road if customers of the bar were stood outside; noise emanating from the premises would be a problem, particularly late at night; a church was on the opposite side of the junction and again there would be problems with people attending funeral services, mass, and community activities at the adjacent church hall.
- 4.8 Patrick Robson introduced the applicants, stating that one was Assistant Manager and the other one was a Duty Manager at the nearby Broadfield public house and, as such, work and live in the area. He stated that it was not the intention that the premises would become a destination venue for those travelling either to or from the city centre; the aim was to attract 20 to 30 year old young professionals to enjoy craft ales, cocktails or spirits. He added that the serving of food would end at 9.00 p.m. Mr. Robson further stated that no objections had been received from Responsible Authorities, and that they had no problem with the change of use. He referred to the pack of papers circulated with the agenda, which showed satellite photographs of the area, highlighting licensed premises and gave a summary of trading hours of those premises, adding that the hours shown were permitted hours and that they don't always trade to permitted hours, often closing earlier. Mr. Robson then addressed the concerns of the objectors. He said that should there be a problem with the drains, this would also be a problem for the applicants to deal with; with regard to the large windows, it was felt that this would be easier for staff to monitor the outside area, which could potentially deter any anti-social behaviour; the emergency exit door would never be propped open; and

as with people smoking outside La Mamas next door, the applicants had little control over the area. The applicants were willing to work with the local residents and had displayed the appropriate notices regarding the application.

- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from the objectors, it was stated that it would be down to members of staff to manage the number of smokers outside the premises and notices would be displayed asking people to be mindful of local residents. A telephone number could be provided for residents to ring should there be cause to complain and if the phone wasn't answered, the resident should then complain to the Council. The applicants stated that they could see why the objections had been received but were happy to communicate with the local community and deal with any issues that they had, and added that they had no desire to make the area worse, but they have already spent a substantial amount of money on the project, so were committed to the business. The applicants intend to run the business responsibly and the target market was people living within the local area. With regard to food waste, the applicants have a contractor lined up to take away food waste in bins provided by them, which are to be kept in a bin store to the rear of the premises. There is to be a glass recycling bin behind the bar, which will then be emptied during the day into the bin store. Customers will not be permitted to take their drinks outside when they smoke, which will hopefully reduce the amount of time that people are outside for. Finally, there are no plans to extend the premises, as it faces out onto the public highway.
- 4.10 Patrick Robson summarised the case on behalf of the applicants.
- 4.11 Jayne Gough outlined the options open to the Sub-Committee.
- 4.12 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.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as Dead Donkey Bar, 240 Abbeydale Road, Sheffield S7 1FL (Ref. No. 10/19), subject to:
- (a) all doors to be closed, save for access and egress, after 21:00 hours daily; and
 - (b) the hours on Fridays and Saturdays for the sale of alcohol and late night refreshment to be available until 23:30 hours instead of midnight.

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