

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 January 2021

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

PRESENT: Councillors Andy Bainbridge (Chair), Vickie Priestley and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jim Steinke.

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 - COSTCUTTER, 111 ST. MARY'S GATE, SHEFFIELD S2 4BE

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of premises known as Costcutter, 111 St. Mary's Gate, Sheffield S2 4BE (Ref No.02/21).

4.2 Present at the meeting were Robert Botkai (Solicitor representing the Applicant), Tina Vlahovic (Licensing Assistant to the Applicant's Solicitor), Mohan Palani Samy (Applicant), Councillor Douglas Johnson (Ward Councillor), Magdalena Boo (Public Health), Clive Stephenson (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 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from three local Ward Councillors and Public Health and were attached at Appendix "C" to

- the report. Robert Botkai, representing the applicants, referred to additional information which had been circulated the previous day and questioned its relevance as the objection did not form part of the licensing objectives. He said there was a lot of information contained in the report and felt that it was important to be clear what was relevant and what was not. Following discussion, the Sub-Committee agreed that the information circulated the previous day should be disregarded.
- 4.5 Magdalena Boo stated that, to increase the existing licence to a 24-hour off-licence would increase the risk of alcohol attributable deaths in an area which has 83% more deaths due to alcohol than the city as a whole. Ms. Boo felt that the name of the store, Costcutter, implies that cheaper, affordable alcohol was sold there. She said that from the vast array of clinical evidence, one of the contributory factors to alcohol-related harm was the availability of take away alcohol.
- 4.6 In response to questions from Members of the Sub-Committee, Magdalena Boo stated that the objection had been based on public safety grounds, as public health was not a licensing objective, but something that contributes to death was part of public safety.
- 4.7 Councillor Douglas Johnson stated that from a Ward Councillor point of view, the request to open for 24 hours could cause substantial harm. He referred to issues he and his fellow Ward Councillors were presented with in terms of early morning street drinkers and suggested that it was not a good idea to sell cheaper alcohol at 6.00 a.m. Councillor Johnson said that other businesses in the city centre and on the outskirts of the city have agreed to not sell alcohol before 8.00 a.m., as it tended to be street drinkers who bought alcohol early in the morning and the issues that arose from this continued into the day. He felt that problems arose when alcohol was sold between 3.00 a.m. and 8.00 a.m. Councillor Johnson referred to the number of students who lived in the area and the occasional deaths from within the student community caused by binge drinking. However, the main focus of the objection was the effects of alcohol on the street culture, the rough sleepers on the outskirts of the city centre who were awake early. He said problems were reported to him through agencies who dealt with the street drinkers, who stated that when the drinkers had an early start, problems would escalate throughout the day. The knock-on effects were anti-social behaviour and violence often towards the frontline workers, employed to respond to public safety, crime and disorder and public nuisance. He stated that the City Council, the Police and many voluntary agencies expend a lot of resources in dealing with this. He suggested that a condition could be placed on the licence that alcohol should not be sold between 3.00 a.m. and 7.00 a.m.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Councillor Douglas Johnson stated that it was well known that the voluntary agencies, different Council Departments and the Police were involved in dealing with the same street people on a daily basis, who consume a huge amount of resources. He stated that there was a constantly fluid movement of street drinkers and experience of people moving in and out of the city centre towards the ring road, so there wasn't one single outlet used to buy alcohol.

Also, given the location of the ring road to the city centre, people who had been out for the evening in the city centre, could call at the premises to buy and consume more alcohol if they wished. In response to a question regarding ID at the premises, Members were informed that the owner currently operated the Challenge 25 scheme, although due to the wearing of masks during the pandemic, this required staff to be more vigilant and photographic or holographic evidence was required. Councillor Johnson stated that the paragraph in letter of objection from local Ward Councillors, regarding discrimination, related to discrimination against disabled people, but this had now been withdrawn. No complaints regarding the premises have been received from constituents.

4.9 Robert Botkai, representing the applicants known as Sami Limited, stated that the current licence for the premises was 7.00 a.m. to 11.00 p.m. The application was to extend those hours to 24 hours per day for alcohol and limited take-away food. He said that the applicant currently held licences for 34 premises around the country. He stated that there was no evidence of any problems arising from this premise, adding that the Police had considered the application, the applicant had held discussions with them and no objections had been received. Mr. Botkai said that there was no evidence of street drinkers buying alcohol from this location, nor evidence that they gathered at the store early in the morning to buy alcohol. He referred to the submissions made by Public Health, and commented that the evidence contained within the report was to change Government and local authority policies and were not relevant at this meeting. Mr. Botkai stated that he had asked the Public Health Department for evidence and felt that it was offensive for the Public Health Officer to say that the name of the store, Costcutters, implied that the premises sold cheap alcohol. He said the store was part of a franchise and the name of the premises was due to change in the near future. He said he understood the concerns about buying alcohol late at night and that this store will operate with a night pay window. One of the reasons for the application to extend the operating hours was for a member of staff to be on the premises to stock the shelves in readiness for the store opening the next morning. The store was situated in a quiet location and there was no evidence of harm that could be caused if this premise was open for 24 hours a day.

4.10 In response to questions from Members of the Sub-Committee, it was stated that the store opened at 6.00 a.m. and served alcohol from 7.00 a.m. The reason for opening 24 hours was so that staff were on the premises overnight to stack the shelves, provide a service and also prevent burglaries and break-ins. At present, it was proposed that there would be one member of staff during the night, but more could be employed if it was felt necessary. Mr. Botkai said that all night store windows operated with just one member of staff present. The night shift complied with the employment laws which were 10 p.m. to 6.00 a.m. The public would be served when they pressed the button for assistance. With regard to proof of age, every licence holder must have an age policy in place and the applicant of these premises operates the Challenge 25 scheme, asking for proof of age by a passport or driving licence with a photograph. With regard to the migration of street drinkers, there was no evidence of this at present, there have been no issues with the street drinking community, and there was no reason for them to travel outside the city centre. However, should problems arise, these would be reported and then the premise would come under review. Mr. Botkai

said that the premises do not sell high alcoholic volume beers or lagers, the highest strength being 6.5%. He said single cans of beers were occasionally sold, but more often were sold in multi packs. He said the premises were not situated in the Cumulative Impact Area and therefore the onus was on the objectors to provide evidence that the application would cause an impact on the area. The applicant stated that all stores were risk assessed and the doors to these premises would be locked at 10.00 p.m. and the night hatch installed.

4.11 In summing up, Mr. Botkai said that Members should consider the evidence in front of them and disregard the generic comments made by Public Health. He said that the points made about fluidity could be relevant to every premise and problems do arise and are dealt with. There have never been any complaints about this store, and the owner was a sensible, responsible retailer.

4.12 Clive Stephenson outlined the options open to the Sub-Committee.

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 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given to vary the premises licence in respect of the premises known as Costcutter, 111 St. Mary's Gate, Sheffield S2 4BE (Ref No.02/21), with the three conditions already agreed and contained within the report and two additional conditions as offered during the hearing:

- (a) no beer, cider or lager over 6.5%ABV will be sold at the premises; and
- (b) between the hours of midnight and 06:00 hours, the front door to the premises will be closed to customers and all sales will be made through the night pay window.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written notice of determination.)