

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 February 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), Roger Davison and Cliff Woodcraft

.....

#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Joe Otten attended the meeting as a 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.

#### **4. LICENSING ACT 2003 - DRINK STOP, 375 ECCLESALL ROAD, SHEFFIELD, S11 8PF**

4.1 The Chief Licensing Officer submitted a report on an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as Drink Stop, 375 Ecclesall Road, Sheffield, S11 8PF (Ref No. 05/21).

4.2 Present at the meeting were Abrah Shah (Applicant), Abbas Shah (Applicant's agent), Councillor Neale Gibson (in support of the Applicant), Mike West (Objector), Marie-Claire Frankie (Solicitor to the Sub-Committee), Clive Stephenson (Licensing Strategy and Policy Officer) and John Turner (Democratic Services).

4.3 Maire-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 had been received from a member of the public, and were set out at Appendix 'C' to the report.

4.5 Mike West, who was representing the Botanical Gate Community Association (BGCA), stated that the BGCA wished to oppose the variation of the premises

licence, which would permit the sale of refreshments and the supply of alcohol until 03:00 hours Monday to Saturday and 02:00 hours on Sunday. He stated that there was likely to be an increase in litter on Ecclesall Road, and that whilst it was not envisaged that there would be any problems of noise nuisance during the day, given the ambient background noise of the traffic, the increased opening hours were likely to result in noise nuisance in the early hours of the morning. Mr West stated that it was common for residents to find empty and half-empty containers of food on the pavements along Ecclesall Road, and this was likely to result in an increase in such litter. He concluded by requesting that the premises be required to close at 23:30 hours all week.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr West stated that whilst he could not provide a precise number, he was aware of a number of other similar licenced premises on Ecclesall Road which closed at 23:30 hours, and that whilst the BGCA did not consider this premises to be any more problematic than any other similar premises, it considered that the extended opening hours would result in an increase in litter and noise nuisance in the early hours of the morning. He stated that whilst the BGCA did not envisage any problems being created by people hanging outside the premises, it was concerned about customers purchasing food from there, walking along Ecclesall Road and dropping litter on the pavements.
- 4.7 Abbas Shah, on behalf of the applicant, confirmed that the premises was a convenience store and not a takeaway, therefore there would not be any issues regarding customers purchasing hot food or drink, and throwing any waste on the pavements. He added that the premises was approximately 350 metres from the four roads represented by the BGCA, therefore the residents were unlikely to be affected directly by noise nuisance from the premises. The premises would simply cater for passing trade, with customers purchasing goods and taking them straight home. He stated that he was aware of a number of other similar licensed premises on Ecclesall Road which opened late, including The Spar, the petrol station and Seven Hills off licence, as well as a number of late night bars. Mr Shah stressed that there had been no objections to the proposed increase in the opening hours from the police, and concluded by stating that Mr Abrar Shah had managed the premises for around 15 years, and was a responsible licensee, and had not had any problems regarding the operation of the premises during this time.
- 4.8 In response to questions from Members of the Sub-Committee, Mr Shah stated that The Spar was currently only opening until 23:30 hours due to the Covid-19 pandemic, and would more than likely resort back to its usual opening hours of 24 hours, seven days a week, when the pandemic was over. The current premises licence for Drink Stop required the store to close at 23:30 hours, Monday to Saturday and 22:30 hours Sunday. The main reason for the application to extend the opening hours was simply to maximise revenue, which was particularly required in the current climate. Mr Shah stated that Section 12 – Provision of Late Night Refreshment, had been included in the application in error, and confirmed that this was not part of the application, and had been withdrawn on 26<sup>th</sup> January, 2021.

- 4.9 Councillor Neale Gibson stated that he had known the applicant for a number of years, and that the premises was well used by local residents, with the locals themselves requesting the increase in the opening hours. Mr Gibson confirmed that there had been no problems or complaints with regard to the operation of the premises, and that the business represented an excellent local enterprise, which the Council should be supporting.
- 4.10 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.11 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 five of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 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 for the variation of the premises licence in respect of the premises known as Drink Stop, 375 Ecclesall Road, Sheffield, S11 8PF (Ref No. 05/21) in the terms requested.

(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.)

This page is intentionally left blank