

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 26 September 2022

PRESENT: Councillors Jayne Dunn (Joint Chair) and David Barker (Joint Chair)

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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 - OODLES, 217-219 LONDON ROAD, SHEFFIELD, S2 4JL

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Oodles, 217-219 London Road, Sheffield, S2 4LJ (Ref. No. 134/22).

4.2 Present at the meeting were Michelle Hazlewood (John Gaunts and Partners, Solicitors, for the applicants), Zahid Hussain (Premises Manager), Abdullah Khalid (Landlord of the premises), Marion Gerson (Objector), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond 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 a representation had been received from a local resident, and was attached at Appendix "C" to the report.

4.5 Marion Gerson stated that, whilst she did not live near the premises, she was attending on behalf of a number of residents who did live nearby, and who had raised their concerns when attending the local foodbank, at which she helped out. She stated that those residents living in the immediate vicinity of the premises were already adversely affected by the noise and pollution caused by the constant traffic on London Road, and that with the premises planning to

open until 03:00 hours, this would make things considerably worse. Ms Gerson raised concerns with regard to the potential for increased noise pollution caused by customers and delivery drivers pulling up and driving away from the premises, opening and shutting their doors, peeping their horns and leaving their engines running whilst parked outside. She mentioned that she used to live on Ecclesall Road, where residents were affected by noise nuisance from the numerous licenced premises, and suggested that the premises should close earlier to ensure those residents living close by got a reasonable night's sleep. Ms Gerson concluded by stating that the premises looked attractive, and helped improve the area, but still considered that it was not necessary for the business to open until 03:00 hours.

- 4.6 In response to questions from Members of the Sub-Committee and Michelle Hazlewood, Ms Gerson stated that she was aware of problems of noise nuisance caused by another licenced premises in the area, but was not able to provide any specific details. She was aware of around four people who had approached her with their concerns. Ms Gerson was not aware of anyone suffering from noise nuisance when the previous business on this site was in operation as they had previously closed at 23:00 hours.
- 4.7 Michelle Hazlewood presented the case on behalf of the applicants, indicating that the premises was operated by Leeds Food Limited, and would be trading as Oodles Chinese. The application had been made so as to permit late night refreshment, with the opening hours being 11:00 to 03:00 hours, Monday to Sunday. The food on offer would comprise IndoChinese, which could be purchased to take away or be eaten on the premises. There would also be a delivery option and, as a result of the franchise rollout, a very strict code of conduct had been issued to the franchises with regard to the recipes, presentation, hygiene and delivery. Mr Hussain had extensive experience in working in fast food venues, recently having managed a Domino's Pizza takeaway in Headingley, Leeds. Ms Hazlewood referred to the additional information circulated prior to the hearing, which contained photographs of the interior and exterior of the premises and of London Road, together with a map highlighting the commercial premises and car parking in the vicinity, a location plan and menu and food illustrations. There were a limited number of persons living above the properties in the immediate vicinity and there was no residential accommodation immediately adjacent and opposite the premises. It was accepted that there was some residential accommodation to the rear, but it was considered that such residents would not be affected by any noise from traffic. The location on London Road had been chosen due to the concentration of students living nearby, specifically Chinese students, and due to its accessibility. The premises had undergone considerable refurbishment since operating as a Thai restaurant, which had included the installation of sound-proof panels in the roof, which would help reduce any noise emanating to the flats above. The tenants of the flat above had not raised any concerns or made any representations as regards the application. The layout of the premises had been specifically arranged to allow for the delivery drivers to arrive and leave as quickly as possible, and to reduce any potential idling of their vehicles on the road outside. Mr Hussain had considerable experience in dealing with delivery drivers and, as part of his responsibilities, he would have

the powers to veto or ban drivers from picking up from the premises if there were any concerns regarding their conduct. In terms of staffing, Mr Hussain had recruited both people he knew, or people living in the local community. Ms Hazlewood pointed out that there had been no representations received from Environmental Health or the police.

- 4.8 In response to questions from Members of, and the legal adviser to, the Sub-Committee, Jayne Gough and Marion Gerson, it was stated that there were currently 12 members of staff and, if successful with the application, a further six to eight would be employed to work between 18:00 and 03:00 hours. The staff would all be employed on zero hour contracts. The application for the later opening hours was to target the student cohort, particularly the Chinese students, of which there were many living in the surrounding area. The landlord of the premises, who owned other premises in the area, was very familiar with the local community, therefore would work with Mr Hussain to ensure that the operation of the premises would not adversely impact on people's lives. Having looked at the demographics and sales in respect of premises in other cities, it was believed that opening until 03:00 hours would work but, if it was found not to be financially beneficial, consideration would be given to reducing the opening times. It wasn't expected that there would be any problems of noise nuisance with staff leaving at closing time as most them lived nearby, and others would be offered lifts from colleagues. In terms of the company's working policies, all franchises would have similar menus, standard preparation and hygiene standards and delivery practices. There were around 25 seats in the premises. The landlord of the premises owned five businesses in the surrounding area, including two directly opposite the premises, both of which were commercial properties. The Domino's store in Leeds which Mr Hussain used to manage opened 23 hours a day, closing for just an hour for cleaning.
- 4.9 Ms Hazlewood requested a change to a condition in the Operating Schedule, to the extent that unaccompanied children be not allowed on the premises between the hours of 23:00 and 03:00 hours.
- 4.10 Marion Gerson summarised her case, indicating that it would be more appropriate if the premises closed at 01:00 hours.
- 4.11 Michelle Hazlewood summarised the case on behalf of the applicants.
- 4.12 Jayne Gough outlined the options available 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 Samantha Bond 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, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the application for a premises licence in respect of the premises known as Oodles, 217-219 London Road, Sheffield, S2 4LJ (Ref No. 134/22) be granted in the terms requested, subject to the following condition:-

There shall be no unaccompanied children on the premises during 23:00 and 03:00 hours.

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

5. LICENSING ACT 2003 – DODONA (FORMERLY OTTO'S), 344 SHARROW VALE ROAD, SHEFFIELD, S11 8ZP

5.1 The Chief Licensing Officer reported that the representation made by the Health Protection Service had been withdrawn prior to the hearing, therefore the application for the variation of a premises licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Dodona (formerly known as Otto's), 344 Sharrow Vale Road, Sheffield , S11 8ZP (Ref No. 111/22) had been allowed, subject to the agreed conditions, as follows:-

- (a) A Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety prior to opening for business.
- (b) A satisfactory Electrical Installation Certificate shall be submitted to the responsible authority for public safety prior to opening for business. (If an electrical condition report is provided it should cover 100% of the premises).
- (c) There shall be no transportation of hot food and drinks using the public staircase between the ground floor and the first floor (whilst open to members of the public).
- (d) A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment.
- (e) A structural engineers report shall be submitted confirming that the single-story roof is suitable to be used as an outdoor seating area or terrace for a dynamic load commensurate for the purpose and numbers of people using it.