

Agenda Item 5

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 March 2024

PRESENT: Councillors David Barker (Chair) and Sioned-Mair Richards

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Kurtis Crossland.

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 - KFC, 163 WEST STREET, SHEFFIELD, S1 4EW

4.1 The Chief Licensing Officer submitted a report to consider an application made under section 34 of the Licensing Act 2003 for the grant of a variation to a premises licence in respect of the premises known as KFC, 163 West Street, Sheffield, S1 4EW (Ref No. 33/24).

4.2 Present at the meeting were Shane Mclean (Applicant, on behalf of Fieldrose Ltd), Tim Shield (Legal Representative for the Applicant), David Hussey-Yeo (ChangingSheff), Samantha Bond (Legal Adviser to the Sub-Committee), Jayne Gough (Licensing Strategy and Policy Officer), and Jay Bell (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 representations had been received from ChangingSheff which could be found at Appendix 'C' to the report. The applicant had agreed conditions with South Yorkshire Police which could also be found at Appendix 'C' to the report.

4.5 David Hussey-Yeo (stated that the objection from ChangingSheff related to the prevention of public nuisance in regard to local residents in the early hours of the morning and also how allowing this licence could set a precedent for future applications. He stated that people's sleep needed to be prioritised over allowing restaurants to remain open at the times applied for, although he appreciated

there needed to be an appropriate balance between commercial and domestic needs in the City Centre. He added that delivery services would also be driving to and from the premises, therefore causing further disturbance to residents and increasing traffic flow. There would also be an increase in litter on West Street and the Council's cleaning services would be impacted.

- 4.6 In response to a question from a Member of the Sub-Committee, David Hussey-Yeo (confirmed that he had spoken to local residents and that they had stated that noise nuisance from West Street often woke them at early hours in the morning.
- 4.7 Tim Shield informed Members of the Sub-Committee that the premises currently operated until 1.00am on weekdays and 2.00am on weekends, and the application was to extend those hours to 5.00am. He explained that the applicants owned multiple operations across different types of premises and was experienced in operating fast food restaurants. Mr Shield referred to the previous representation from South Yorkshire Police in which they were requesting better CCTV provisions and for the premises to be closed between the hours of 5.00am and 7.00am, and he stated that the applicants had agreed to these proposals, therefore the representation from South Yorkshire Police had been retracted. Mr Shield agreed that local residents should get appropriate sleep, although believed that Sheffield was already a 24-hour city with a variety of operators already operating 24-hours a day and particularly on West Street. He informed Members that the premises immediately neighbouring KFC were licenced and operated until 5.00am, and he also outlined other premises on West Street which operated later than 2.00am. Mr Shield stated that the premises had not received any complaints from local residents in regard to noise nuisance and added that the applicant believed that some of the local residents were KFC's best customers.
- 4.8 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Tim Shield (on behalf of the applicant) confirmed the following:
- Fieldrose Ltd had other premises that were licenced for 24-hours and operated until 5.00am.
 - The majority of premises owned by Fieldrose Ltd were in Sheffield although there were several premises outside of Sheffield and the ambition was to branch out to have more premises within South Yorkshire.
 - The premises had experience with dealing with customers up until 2.00am, which he believed to be the busiest time for West Street. The premises did not have security staff although they would look at obtaining it if they thought it was necessary.
 - If there was an incident, KFC would follow their internal procedure and attempt to deal with the situation in the premises with the staff that were working. If the issue could not be resolved, then the Police would be called.
 - The applicant would welcome a relationship with ChangingSheff if they thought that would be helpful.
 - Delivery services do come to and from the premises and delivery sales

were approximately 30% of total sales for this premises.

- The capacity for internal seating was approximately 20.
- There had not been any communication between the applicants and the local residents prior to the application.

- 4.9 In response to a question from David Hussey-Yeo, (Jayne Gough confirmed that the application was advertised in the Sheffield Mercury, within the 31 January - to 6 February 2024 issue.
- 4.10 Tim Shield summarised the case on behalf of the applicant.
- 4.11 Jayne Gough outlined the options available to the Sub-Committee.
- 4.12 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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 Samantha Bond 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, and the webcast re-commenced.
- 4.15 **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 variation to a premises licence in respect of the premises known as KFC, 163 West Street, Sheffield, S1 4EW (Ref No. 33/24) be granted in its amended form and to include the conditions agreed between the applicant and South Yorkshire Police.

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

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