

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 2 August 2012**

**PRESENT:** Councillors John Robson (Chair), Vickie Priestley and Clive Skelton

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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 - THE YORK, 243-247 FULWOOD ROAD, SHEFFIELD S10 3BA**

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as The York, 243-247 Fulwood Road, Sheffield S10 3BA.

4.2 Present at the meeting were Alex Liddle (representing the Applicants), Councillor Jayne Dunn and Lee Kenny (Objectors), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from a local Councillor and a local resident and were attached at Appendices "C" and "D" to the report, respectively.

4.5 Councillor Jayne Dunn stated that although The York provided a beneficial amenity to Broomhill, and the management were always responsive and sympathetic to the needs of the Broomhill community, she considered that the proposed extension of half an hour would have a detrimental effect on the quality of the area. She made reference to the opening hours of other public houses in the area, specifically to the problems of noise nuisance and anti-social behaviour presently linked to The South Sea Public House. Whilst she accepted that The York attracted a different clientele to those of the other pubs in the area, particularly The South Sea, she considered that the extension of hours would provide a potential for further noise nuisance, litter and alcohol-related anti-social behaviour, as well as causing additional

problems for the Police. She made reference to the problems of car parking in the area and increases in pub opening times would be likely to increase the potential for accidents and injuries.

- 4.6 In response to questions from Members of the Sub-Committee and the representative of the applicants, Councillor Dunn stated that over the past few years, when the pubs opened until the early hours of the morning, there had been a lot of problems in terms of noise nuisance and alcohol-related anti-social behaviour in Broomhill. More recently, however, the public houses were closing earlier, and residents did not want the problems returning.
- 4.7 Lee Kenny, who was attending both as a resident and as Secretary of the Broomhill Action Neighbourhood Group (BANG), stated that she concurred with the views expressed by Councillor Dunn and indicated that she was concerned that an increase in the opening hours of The York, together with the late opening hours of a number of hot food take-aways in Broomhill, would exacerbate the problems of late night noise and potential for alcohol-related anti-social behaviour in the area. She stressed that the management of The York had put a significant amount of effort into developing good community relations and that representatives of BANG had met with the owners and management on a number of occasions to discuss the operation of the bar and how it impacted on the local community. She also stressed that the bar was a valued business in the Broomhill District Centre and that BANG was mainly objecting to the extension in terms of regulated entertainment and provision of hot food, and suggested a number of points for the Sub-Committee to consider in terms of its deliberation of the application. It had requested that there should be no late night cut-price drinks promotions, that there should be a “winding down” period before closing time which would hopefully encourage customers to finish their evening and leave the premises quietly and that the last food orders should be served well before closing time to enable customers to have more time to finish their food in a relaxed atmosphere. BANG considered that whilst it did not envisage that the proposed extension in terms of the sale of alcohol would create too many problems with the current management running the premises, it had concerns that if the management of the premises changed, they could change the style and operation, which would cause potential problems.
- 4.8 The Solicitor to the Sub-Committee explained the position regarding the change of management, indicating that the Police would have the opportunity of objecting to a change in the Designated Premises Supervisor and if they chose to do so, this would be considered by this Sub-Committee. Also, if there were problems with the operation of the premises, residents had the opportunity of requesting a review of the Premises Licence.
- 4.9 In response to questions from Members of the Sub-Committee, Lee Kenny stated that she had lived in Broomhill for 10 years and whilst there had been problems in terms of noise nuisance and alcohol-related anti-social behaviour linked to the operation of the public houses and takeaways in the area, considerable progress had been made, with the assistance and intervention of the Council and the Police, to improve the situation. She considered Broomhill to be a residential suburb and that the quality of life for its residents should be respected. Whilst there had been

some issues in terms of underage drinking at the Balti King, there had been little problem in terms of noise nuisance at the restaurant.

- 4.10 Alex Liddle circulated a brochure, which formed the basis of his presentation in terms of the application to vary the Premises Licence. The brochure contained details of the applicant's management operation, plans for the restoration and development of the premises, menu options, responses to the objectors' representations and details of the location and opening hours of the other public houses in Broomhill. Following the comments of the objectors and Members of the Sub-Committee, Mr. Liddle stated that he was happy to remove the increase in hours in terms of the late night refreshment element of the application.
- 4.11 In response to questions from Members of the Sub-Committee and the objectors, Mr. Liddle stated that the applicants wished to stop serving hot food half an hour before closing time and that last orders in terms of the sale of alcohol would be 00:00 Sunday to Thursday and 00:30 hours Friday and Saturday.
- 4.12 RESOLVED: That the public and press and attendees involved in the hearing 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 The Solicitor to the Sub-Committee 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 the variation to the Premises Licence in respect of The York, 243-247 Fulwood Road, Sheffield S10 3BA, subject to the amended application, operating schedule and to the modified conditions now made as follows:-
- (a) Condition 2 – A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and Police and authorised officers of the Council will be given access to images for purposes in connection with the detection of crime and disorder. Members of the management team will be trained in the use of the system. A copy of the specification dated January, 2010 will be available at all times for inspection of the Police and authorised officers;
- (b) Conditions 5 and 6 be removed and replaced with a new condition with the following wording "Clear and legible notices shall be displayed at all exits, requesting that the public respect the needs of the local residents and to leave the premises and area quietly";
- (c) Condition 7 – the words "as set by the Environmental Protection Service" be added; and

(d) Conditions 17 and 18 be removed.

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