

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 November 2012

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond, Geoff Smith and Clive Skelton

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson) and Councillor Nikki Sharpe attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on agenda item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer and Head of Licensing submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 68/12 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 69/12 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
68/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18

month licence, subject to there being no offences or convictions reported.

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| 69/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no offences or convictions reported and (b) the applicant be given a verbal warning as to his future conduct. |
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(At this stage in the proceedings the public and press were re-admitted to the meeting.)

5. LICENSING ACT 2003 - ASDA SUPERMARKET, MANOR TOP SHOPPING CENTRE, 978 CITY ROAD, SHEFFIELD S12 2AB

- 5.1 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 Asda Supermarket, Manor Top Shopping Centre, 978 City Road, Sheffield, S12 2AB.
- 5.2 Present at the meeting were Clare Johnson (Solicitor, representing the Applicants), Jonny Wilkinson (Deputy Store Manager, Asda Supermarket, Manor Top), Dianne Blythe-Brown (Objector), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston 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.
- 5.5 Mrs Blythe-Brown stated that residents had experienced problems since the supermarket opened, mainly relating to noise nuisance, litter and problems with youths congregating in the car park and bin storage area. She also made reference to the dangers being caused to pedestrians and drivers by the movements of delivery lorries to the store. She stated that the residents were concerned that an extension in the opening hours of the store would cause problems later into the night and further affect the residents' quality of life.
- 5.6 In response to questions from Members of the Sub-Committee, Mrs Blythe-Brown stated that the youths generally started congregating in the car park and bin

storage area from 20:00 hours onwards. She accepted that this was sometimes after the store had closed and therefore, Asda could not be held liable for their behaviour. She confirmed that she was representing approximately 13 households in the surrounding area at this hearing, with the occupants being of varying ages. She stated that she was aware that, prior to today's hearing, the store could remain open until 23:00 hours, Monday to Sunday.

- 5.7 Clare Johnson confirmed that the store's present opening hours were 08:00 hours to 23:00 hours and that the application being made related to the extension of the opening hours by only one hour. Although there had been no reference to problems caused by the sale of alcohol at the store by the objector, Ms Johnson stated that Asda had considerable experience in dealing with the sale of alcohol from its stores and had not experienced any problems in the past in terms of the sale of alcohol. She confirmed that Asda had been the first supermarket in the country to adopt the Challenge 25 scheme, and the Company regularly employed mystery shoppers to visit its stores to ensure that the scheme was being operated properly. She made reference to the fact that representations to the application had not been received from any of the responsible authorities, meaning that there were no concerns regarding crime and disorder, health and safety or under-age drinking. Ms Johnson confirmed that there would be no changes in terms of delivery times as these were restricted by a planning condition. She referred to the possibility of the delivery area being relocated sometime in the future, which would reduce any inconvenience caused to local residents. In terms of litter, Asda employed a cleaner who would clear up any litter within the immediate vicinity of the store on a daily basis. The Deputy Store Manager indicated that he was surprised to hear about problems being caused by youths congregating in the car park and bin storage area and Ms Johnson referred to the Territorial Army meeting room opposite the store, indicating that any noise and disturbance could be caused by young people arriving and leaving this venue. Ms Johnson concluded by stating that Asda were very sympathetic to the concerns raised by the objector, but indicated that the store was an asset to the local community and the proposed increase in opening hours would result in an increase in jobs for local people.
- 5.8 In response to questions from Members of the Sub-Committee, Ms Johnson stated that if the application to extend the opening hours was granted, whilst the store may not stay open until 00:00 hours Monday to Sunday, this would give the Company the flexibility to open until this time if required. Problems caused by youths congregating in the car park and the bin storage area had not been identified as a concern to management of the store. The Deputy Store Manager stated that the fact that a number of wooden pallets had been left out and had recently been thrown around by young people was an error on the part of the store, and apologised for this, indicating that the pallets were usually locked in a secure shelter.
- 5.9 **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.

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- 5.10 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That the Sub-Committee agrees to grant the variation to the Premises Licence in respect of Asda Supermarket, Manor Top Shopping Centre, 978 City Road, Sheffield, S12 2AB, along the lines now requested.

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