

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 August 2014

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Denise Reaney.

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 - PAPA JOHNS, 289 ECCLESALL ROAD, SHEFFIELD, S11 8NX

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003 in respect of the premises known as Papa Johns, 289 Ecclesall Road, Sheffield S11 8NX (Case No. 74/14).

4.2 Present at the meeting were Jill Thompson and William Emery (Objectors, Broomhall Park Association), Eamonn Ward (Objector, Green Party), Dean Carr (DLT Licensing, on behalf of the applicant), Gurnek Sina (Applicant), Manoj Sizdel (Applicant's friend), Nina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.

4.4 Nina Hollis presented the report to the Sub-Committee and it was noted that four objections had been received from members of the public and these were attached at Appendix "B" to the report.

4.5 Eamonn Ward stated that he was raising his objections to the application on behalf of himself and a Green Party Ward Councillor who was unable to attend. Mr. Ward referred to a recent planning application which had subsequently been refused in the area, and whilst acknowledging that Planning and Licensing are totally separate processes he felt it appropriate to refer to the decision and the subsequent appeal. Mr. Ward felt that if the extension to the opening hours was

granted, there would be considerable noise nuisance to the local residents emanating from people congregating in the vicinity, customers talking and/or shouting, an increase in vehicles in the area and car doors opening and closing and that this would harm the living conditions of the residents.

- 4.6 Jill Thompson stated she was attending on behalf of the members of the Broomhall Park Association and that there was a general consensus amongst her members that the majority of the bars along Ecclesall Road have a tendency of closing between 11.30 p.m. and midnight, seven days a week, which for the majority of the time worked well within the area. She added that occasionally there was disruption and the Police were called. She stated that the streets and gardens are continuously littered with discarded packaging from the numerous fast food outlets already operating along Ecclesall Road. She added that frequently the discarded packaging contains the leftover food which is then a target for rats, foxes and badgers, all of which carry fleas and can be harmful to public health. Jill Thompson believed that the longer the opening hours, the greater the nuisance into the early hours of the morning, sometimes until dawn, causing sleep deprivation amongst the residents.
- 4.7 William Emery stated that the Broomhall Conservation Association, of which he is a member, has been in existence for over 50 years. He said that it has between 70-80 members and has links to other Residents' Associations in the area and are actively engaged in striking the right balance between residents and businesses in the area to live in harmony. In response to questions, Mr. Emery stated that the Association has dialogue with the two Universities, the Police and the Planning and Highways Services relating to the control of noise nuisance.
- 4.8 Dean Carr stated that Papa Johns is part of a group of businesses and there are three other fast food outlets in different parts of the country. He stated that all the premises are fitted with CCTV, that there is a litter policy where members of staff go outside and collect litter in the surrounding area and also they operate a "quiet" leaving policy with notices at the entrance/exits requesting customers to leave quietly and not disturb the neighbours. Mr. Carr added that at the three other outlets, there had been no complaints of anti-social behaviour. Mr. Carr went on to add that he had researched the area and that there are other premises which open until 3 – 4 a.m., and believed that the proposed opening hours at Papa Johns were appropriate and can be sustainable in the area.
- 4.9 In response to questions, Mr. Carr stated that the other premises are located in similar areas to Ecclesall Road and have proved successful, with 70% of trade being through the delivery service. He added that the CCTV cameras monitor the external area and considered that as alcohol is not sold, there is no added contribution to anti-social behaviour. He went on to say that if there was any anti-social behaviour outside the premises, the Police would be called and the recordings taken by the CCTV would be passed on to them. Mr. Carr summed up by stating that the company is well-run, works with the local community if there are any problems and that the litter picks and notices contribute to the prevention of any nuisance occurring in the area.
- 4.10 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.

- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to grant a Premises Licence in respect of Papa Johns, 289 Ecclesall Road, Sheffield S11 8NX, in the terms requested and subject to the additional conditions as follows:-
- (a) a colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 28 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder;
 - (b) litter shall be cleared from 25 yards either side of the premises twice daily. Records of this to be kept and made available to officers for inspection; and
 - (c) the Premises License Holder shall prominently display A4 notices on the premises reminding patrons that they are in a residential area and to be quiet when leaving the premises and area.

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