

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 January 2017

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Neale Gibson attended the meeting as a reserve Member, but was not required to stay.

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 - CONVENIENCE STORE, 111 WEST STREET, SHEFFIELD, S1 4EQ

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Convenience Store, 111 West Street, Sheffield, S1 4EQ.

4.2 Present at the meeting were Senthilnataal Periyasamy (Applicant), Patrick Robson (John Gaunt and Partners, Solicitors, for the Applicant), Councillor Douglas Johnson, Tibor Killi, Emma Mohan, Steve Lee and Peter Sephton (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations concerning the application had been received from seven members of the public, one Member of Parliament and one from Public Health, and were attached at Appendix 'B' to the report. All parties had been invited to attend the meeting, and four members of the public and one Councillor attended the meeting.

4.5 Peter Sephton, Chair of the Sheffield City Centre Residents' Action Group (SCCRAG), and representing Glossop Road Bath Residents'

Association, stated that, as a local resident, he was aware of the serious problems regarding alcohol-related anti-social behaviour in the West Street area for a number of years. He stated that it had created a part of the City, where some people were afraid to walk during the daytime, unless accompanied by another person. He supported these views by referring to comments made by Tibor Killi (T L Killis Cleaning Equipment), who had stated that his female staff members were frightened to go to the car park to collect their cars on the basis that they had been followed, and spoken to in an aggressive manner by street drinkers, and would therefore now only go when two of them were together. Mr Sephton considered that having yet another outlet selling alcohol would potentially result in an increase in the problems, as well as bringing more challenges in terms of enforcement. He made the point that the applicant appeared to be from Chester, thereby not likely to be familiar with the problems being suffered by residents and businesses around West Street, with some businesses giving consideration to leaving the area due to the extent of the problems.

- 4.6 Mr Sephton focused on the application, stating that there was a need for further conditions/requirements, over and above the CCTV system, which had been requested by the Licensing Service. One issue related to the layout of the premises, and Mr Sephton referred to the diagram of the proposed layout in the application, indicating that, due to the lack of secured display units and shelving, it would make it easy for alcohol to be stolen from the premises. He also raised the issue of staff safety, referring to a statement made by a resident, who had witnessed a street drinker in Bargain Booze, West Street who, when ordering some drinks, dropped a penknife, with blade out, on to the floor. Mr Sephton also made the point that there was very little detail in the application, referring specifically to staffing, supervision and training, as well as there being no reference to any agreement not to sell single cans of strong alcohol or to a minimum pricing policy. Mr Sephton stated that, whilst he appreciated it wasn't a matter for this Sub-Committee, he and fellow residents and businesses were very frustrated at the failure of the Licensing Service to produce a Cumulative Impact Policy, and believed that consideration of any new Premises Licence applications should be deferred until such a Policy was in place. In his opinion, he believed that adopting such a Policy would reduce, if not stop, such alcohol-related anti-social behaviour. Contrary to the view that having such a Policy could jeopardise the Purple Flag and Best Bar None accreditations, Mr Sephton considered that if businesses and residents reported the problems to the accreditation committees, this was more likely to jeopardise the awards.
- 4.7 Whilst Mr Sephton acknowledged that it was not possible for objectors to prove that there would be an increase in alcohol-related anti-social behaviour prior to the application being granted, therefore go against the licensing objectives, he referred to revised guidance issued under

Section 182 of the Licensing Act 2003, which required the Licensing Authority to provide a regulatory framework for alcohol, which reflected the needs of the local communities, and which tasked the Licensing Authority with encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. He stated that the guidance indicated that a regulatory framework should be one that reflected the needs of local residents and businesses, so that they could go about their activities without crime and disorder, nuisance and risk to public safety, and made reference to representations made from a Director at Creator Hair, regarding street drinkers entering the salon, and stealing retail items, being abusive to clients and workers, and asking clients for money when they entered or left the salon. In summary, Mr Sephton stated that if the application was granted, there would be six off-licences within 400 yards, which would more than likely result in an increase in alcohol-related anti-social behaviour in the area. Best Bar None and Purple Flag Awards.

- 4.8 Tibor Killi stated that his family business had been located on West Street for 52 years, and that there had been an increase in the problems of alcohol-related anti-social behaviour in the area over the last few years, with incidents in and around the vicinity of his premises getting more regular. He provided dates and times of specific incidents, which had included drunks going into the shop whilst staff were serving customers, and swearing, groups of men fighting outside the shop and staff and customers being approached by street drinkers being asked for money. He made reference to road signs being kicked over by street drinkers, which made it very dangerous for pedestrians, and made the point that he had not seen any police in the area for a long time.
- 4.7 Steve Lee, a local resident living close to West Street, stated that the street drinkers were attracted to the area as there was everything they needed, such as off-licences, pubs, pharmacies, a park and students, who were often considered 'easy pickings' when they were begging for money. He stated that there were already five off-licences on West Street and Glossop Road, and raised concerns in connection with their operation, particularly regarding the conditions in terms of the sale of strong alcohol, the sale of alcohol to people already drunk, and the maintenance of Refusal Logs. Mr Lee stated that students/young people were often employed to work in such off-licences, and was not convinced that, due to them being intimidated, they would refuse to sell alcohol to someone who was drunk and aggressive. He was also not convinced that officers from the Licensing Authority, or any other responsible authorities, would regularly check the Refusal Logs. He considered that granting this application would create further competition between the off-licences on West Street, resulting in potential price reductions and he also believed that, in the light of the number of off-licences, the street drinkers were likely to get served at one of them, irrespective of their

condition. Mr Lee referred to the licensing objectives, namely the prevention of crime and disorder, indicating that incidents of violence and anti-social behaviour were becoming common on, and around West Street, and he referred specifically to a recent incident whereby one of his neighbours had been broken into, by someone demanding money. He stated that there was often broken glass, needles and vomit on the streets, and the public were being intimidated by street drinkers, who were becoming increasingly aggressive in their demands. In terms of the licensing objective relating to the protection of children from harm, Mr Lee stated that there were several families with young children living very close to West Street, as well as Springfield Primary School and Gell Street Park being very close by, with several children now being too frightened to go to the park on their own. He believed that granting this application would result in an increase in the problems, and considered that local residents and businesses had put up with enough and needed the support of the Council.

- 4.8 Emma Mohan, an employee at Day Lewis Pharmacy, stated that the Day Lewis Pharmacy had been located on West Street for around 12 years, and that over the last few years, the area had deteriorated, due mainly to the increasing problems associated with street drinkers. She stated that several street drinkers were also their clients, and would visit the pharmacy to collect their methadone, and it was clear that the health of a number of them had deteriorated, presumably due to drugs and cheap alcohol. A number of them would be verbally and racially abusive to staff, and staff, who had to leave the premises regularly to collect prescriptions from the local GP, found it very intimidating walking past groups of drunk people, having been threatened with violence on occasions. Staff had been forced to ring the police on a number of occasions, including when one aggressive client was racially abusive to a member of staff, and when one client came in drunk, laid on a bench in the shop, and went to sleep. Ms Mohan also stated that on most mornings, the area in front of the pharmacy was littered with half-drunk and empty beer cans and occasionally, pools of vomit and urine, which they had to clear up.
- 4.9 Councillor Douglas Johnson, who, following legal advice, could only make representations on behalf of his constituents on the grounds that the representations he had made had not been received by the Licensing Service within the relevant timescales, stated that there were massive problems on West Street, and that there was a strong likelihood that this application, if granted, would add to the existing problems. He stated that the application was of a poor standard, and that there was little in the application to appease those local residents and businesses being affected by the problems. Councillor Johnson referred specifically to Section 5 of the application, which gave the applicant an opportunity to provide a general description of the premises, together with any information which could be relevant to the licensing objectives, and which had been left blank. He referred to

paragraph 4 in the report, specifically that part which indicated that West Street and Division Street had been identified as an area, due to a concentration of licensed premises, that was causing issues which were leading to problems of public nuisance and disorder, but not yet at the level, in the opinion of the Licensing Authority, where a formal Cumulative Impact Policy had been considered or adopted. He believed that the area was at the point of saturation, and that a Cumulative Impact Policy should now be considered or adopted. He concluded by referring to his request, made to the Licensing Service, for the extension of the period in terms of representations, in the light of the Christmas holidays, which would also provide the applicant more time to address the concerns now raised.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that staff at TL Killis Cleaning Equipment and Day Lewis Pharmacy had been forced to ring the police to report problems of anti-social behaviour on a number of occasions. It was confirmed that none of the objectors knew the applicant personally. Clive Stephenson confirmed that Licensing Officers would, as a part of their enforcement duties, visit licensed premises to check Refusal Logs but, due to staffing and resource issues, it was accepted that this was not done on a regular basis. In addition, Trading Standards officers, the police and Safeguarding Children officers would also check the Refusals Logs, as part of their enforcement and monitoring procedures. A lot of the problems on West Street were not linked to any specific licensed premises, but related to wider problems in the area, mainly with regard to street drinkers. There had been no reviews or prosecutions, either by the Local Authority or the police, in respect of any off-licences on West Street.
- 4.11 Patrick Robson, on behalf of the applicant, stated that Mr Periyasamy ran a family business, comprising four convenience stores in Chester, and had had no issues in terms of their operation. He had sold three of the stores, and was planning on selling the fourth one, prior to re-locating to Sheffield. The premises on West Street would comprise a convenience store, selling food, cigarettes, confectionery, sandwiches and alcohol. He had applied for a 24-hour licence, but if this was not successful from a business point of view, he would consider closing the premises earlier. Mr Robson referred to the proposed conditions, which included those which had been suggested by, and agreed with, responsible authorities before the meeting, and further conditions offered by the applicant, and which were circulated at the meeting, indicating that the applicant accepted all the conditions. Mr Robson also circulated an amended plan showing the layout of the premises, showing a glass screen which would be erected at 23:00 hours, and which would restrict any access by customers to alcohol in the store. He added that he considered that the shelving in the store met all relevant health and safety requirements. Mr Robson stressed that, apart from the suggested CCTV condition, there had been no

representations from the police, nor had there been any representatives from any other of the responsible authorities. In terms of the representations now made, Mr Robson stated that all the concerns raised related to existing problems in the West Street area, and did not relate to the applicant himself. The applicant planned to sell late night refreshments between 23:00 and 05:00 hours, and there had been no representations made with regard to this element of the business. Mr Robson stated that there were a number of reasons why street drinkers visited the area, and it was not just to purchase alcohol, and that information on the South Yorkshire Police website indicated that, from June to November 2016, there had been no increase in anti-social behaviour in the West Street area. Mr Robson believed that setting a minimum price for alcohol was a decision for the Government, and that there shouldn't be any conditions attached to the licence in terms of the strength of alcohol or any limits in terms of single can sales. In terms of the representations made by Public Health, Mr Robson indicated that there was no evidence to show that the situation would get worse, and no specific evidence in terms of problems on West Street.

- 4.12 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Clive Stephenson and the objectors, as part of the suggested conditions now circulated, it was stated that the applicant would be happy with the addition of further wording to the condition on training, to the effect that staff would not be able to sell alcohol unless they had received adequate training beforehand. Although the applicant's other businesses had been in Chester, in areas where there had been no specific problems, he had friends in Sheffield, who had made him aware of the issues in terms of West Street. It was proposed that the glass screen would be used between the hours of 23:00 and 06:00 hours. The applicant had considered it necessary, from a commercial point of view, to sell alcohol in the store. In terms of proof of age schemes operated at his current premises, two operated with Challenge 25 and the others with Challenge 21. The applicant owned four convenience stores in Chester, having sold three, and planning to sell the remaining one very shortly. Two of the stores had been located in nice areas and the other two in less desirable areas, and although all the stores had operated without any major problems, the applicant had operated glass screens in the two stores in the less desirable areas. In all the stores, staff had been instructed not to sell alcohol to customers who appeared drunk, and to refuse to sell alcohol or cigarettes to anyone under the age of 18. The applicant had very good relationships with the local communities in respect of all the stores. In terms of precautions, although the applicant had not spoken directly to the police in terms of any potential issues with the store, he would ensure that CCTV images were made accessible to the police, on request, the glass screen was down in the store between 23:00 and 06:00 hours and there was more than one member of staff on duty during the night. Whilst the applicant planned to treat all customers in the same manner, staff would be instructed

not to serve any customers if they appeared drunk. If staff experienced any problems with the street drinkers during the day, the applicant would ensure there were at least two members of staff on duty each day. The applicant would be selling a selection of beers, wines and spirits, and considered it necessary to sell strong beers, lagers and ciders from a business point of view. Unless instructed, the applicant would not like to have the glass screen down at all times alcohol was for sale. In terms of the ratio of food, drink and other goods on sale, the applicant planned to operate as he had in terms of his other stores in Chester, on the basis of 40% cigarettes/tobacco and 20% each for confectionery, alcohol and soft drinks. The applicant had purchased the premises on the basis that he considered it to be a good business prospect.

- 4.13 Patrick Robson summarised the case on behalf of the applicant.
- 4.14 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.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the Convenience Store, 111 West Street, Sheffield, S1 4EQ, in the terms requested and subject to the addition of the three conditions now suggested, and two further 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 whilst the premises are open. The CCTV images will be stored for 30 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police on request. Members of the management team will be trained in the use of the system. A copy of the specification, dated July 2016, will be available at all times for inspection by the police and authorised officers;
 - (b) A Refusals Log (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:

- the basis for the refusal;
- the person making the decision to refuse; and
- the date and time of the refusal.

Such records shall be retained at the premises for at least twelve months, and shall be made available for inspection by the police or any other authorised person on request;

- (c) All members of staff involved in the retail sale of alcohol shall be trained at least every twelve months. Details of training will be recorded in an electronic or paper record. This information shall be made available for inspection by the police or any other authorised person on request, and all such records shall be retained for at least twelve months;
- (d) The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years, and signage to effect is to be prominently displayed within the premises; and
- (e) The glass screen in the premises shall be in use at all times the shop is open.

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