

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 August 2017

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Adam Hurst 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 - DOMINO'S PIZZA, 371-373 ECCLESALL ROAD, SHEFFIELD, S11 8PF

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 Domino's Pizza, 371-373 Ecclesall Road, Sheffield S11 8PF (Ref. No. 94/17).

4.2 Present at the meeting were Lisa Lee (for the applicant – DPSK Ltd), Vivienne Smith and Mike West (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond 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 in respect of the application had been received from three members of the public, and were attached at Appendix 'B' to the report. Two of the public objectors attended the meeting and made representations.

4.5 Mike West, who lived approximately 300 metres away from the premises, in a densely populated residential area, stated that his objection to the application related predominantly to the late opening hours. He stated that the premises' customer base would comprise people who had been drinking in the City Centre, or in bars on Ecclesall Road, and there would be an increase in noise nuisance and litter. Mr West stated that residents in the area were regularly disturbed or

woken up by people walking along Ecclesall Road late at night or early morning, and that having yet another takeaway, which could potentially open until 05:00 hours, would increase the potential for noise nuisance. He referred to the additional conditions being offered by the applicants, namely with regard to litter picks and the change of operation primarily to a delivery service during the early morning, indicating that, by offering such conditions, the applicants were basically accepting the likelihood of an increase in public nuisance and litter in the area.

- 4.6 Vivienne Smith, Secretary of the Botanical Gate Community Association, stated that she shared Mr West's concerns with regard to the potential increase in public nuisance and litter. She stated that there was often takeaway food containers strewn along Ecclesall Road, and adjoining roads, as well as in residents' front gardens, and that having another hot food takeaway in the area, which planned to open until 05:00 hours, would result in an increase in litter in the area, as well as an increase in noise nuisance caused by customers visiting the premises. There was also likely to be an increase in half-eaten food left on streets in the surrounding area, which she considered was not a pleasant or safe thing to find in a neighbourhood, and which could also attract rats or foxes. Ms Smith stated that she believed that the latest closing time for the premises, in line with other hot food takeaways in this residential area, should be 23:30 hours.
- 4.7 In response to questions from Members of the Sub-Committee, and the representative of the applicants, the objectors stated that, although there was another pizza takeaway already operating in this area, it was over 50 metres away, and a lot smaller than the Domino's Pizza premises. It was accepted that there were a number of other licensed premises on Ecclesall Road, but such premises did not experience problems of litter, had strict conditions in terms of the control of external areas, some had security staff on the doors and the majority closed at 23:30 hours. The objectors explained the precise location of the premises, indicating that there was dense residential accommodation very close by, with a number of properties comprising student accommodation, where there could be up to six students living, meaning a lot of people could be affected. In terms of public nuisance in the area, the main problems related to litter, although a number of residents continued to be affected by noise nuisance late at night and early morning created by people walking along Ecclesall Road and getting in and out of taxis. Whilst appreciating the offer to carry out litter picks within a 100 metres radius of the premises, the objectors considered that this distance should be increased, given the time it took to eat a pizza, and should be extended to a 500 metre radius.
- 4.8 Lisa Lee stated that there had been a Domino's takeaway on Ecclesall Road for a number of years and that the operation, which had previously been located higher up Ecclesall Road, at Banner Cross, had relocated to 371-373 Ecclesall Road. There had been no problems in terms of litter and noise nuisance associated with the previous premises. Ms Lee stated that she would be happy to offer further conditions, in the light of the objectors' concerns with regard to litter and noise nuisance, and assured the Sub-Committee that staff arranged litter picks at all its premises, regardless of opening hours.
- 4.9 In response to questions from Members of, and the Legal Advisor to, the Sub-

Committee and Clive Stephenson, Ms Lee confirmed that the former premises on Ecclesall Road had been open until 05:00 hours, and that there had been no problems associated with those premises. The opening hours of Domino's Pizza takeaways varied nationally, with approximately 40 of the 185 takeaways opening until 05:00 hours. It was planned that regular litter picks would be undertaken during opening hours. Whilst the premises had planning permission to open until 05:00 hours, Ms Lee considered a reasonable closing time in terms of collections would be between 00:00 and 01:00 hours. Whilst the company did not have signs by the door, asking customers to be quiet when leaving the premises, staff would often speak to customers, particularly if they appeared to be rowdy, asking them to quieten down. Noise nuisance was not considered a particular issue on the basis that there were usually only one or two customers in the takeaways at any one time. Ms Lee stated that approximately 70% of business took place between 18:00 and 21:00 hours, the busiest evenings being Friday and Saturday, and there were three to four drivers working on the delivery service.

- 4.10 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.11 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.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Domino's Pizza, 371-373 Ecclesall Road, Sheffield, S11 8PF, in the terms requested and subject to the addition of the following two conditions, as per the amended operating schedule (Ref. No. 94/17):-
- (a) The opening hours shall be 11:00 to 23:30 hours, Sunday to Thursday, and 11:00 to 00:30 hours, Friday and Saturday, with a delivery service being available between 11:00 and 05:00 hours, Sunday to Saturday; and
 - (b) Litter picks will be conducted throughout the day and the evening within a 100 metre radius of the premises.

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