

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 19 July 2022

PRESENT: Councillors David Barker (Chair), Abdul Khayum and Maroof Raouf

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Roger Davison 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 - CORNER SHOP, 253 GLOSSOP ROAD, SHEFFIELD, S10 2GZ

4.1 The Chief Licensing Officer submitted a report to consider an application, under section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 107/22).

4.2 Present at the meeting were Rebwar Okhrati (Applicant), Ian Rushton (Applicant's Representative), Ruth Johnson and Steve Lee (Local Residents), Jayne Gough (Licensing Strategy and Policy Officer), Paul Barber (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Paul Barber outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from Councillors Douglas Johnson and Brian Holmshaw, and from 11 local residents, and were attached at Appendix "C" to the report. Ms Gough added that representations had also been received from the Public Health Service and Changing Sheff, but had subsequently been withdrawn following the agreement of conditions with the applicant.

4.5 Steve Lee, who attended on behalf of a number of local residents, stated that whilst the residents welcomed the use of the currently vacant unit, there was a considerable level of concern regarding the application. The premises were

located to the rear of a terrace of housing, at the top of a private alleyway, where Mr. Lee lived with his family. Mr. Lee stated that the local community comprised families, with children of all ages, as well as elderly people, and was very close-knit. The residents were concerned as it appeared, from both the application and the signage in the shop window, that it was going to comprise an alcohol-led retail unit. He referred to the existing problems caused by alcohol in the city centre, and particularly on West Street, and to previous efforts of Changing Sheff to request the Council to undertake a cumulative impact assessment of licensed premises in the city centre area. Mr. Lee referred to the extensive research undertaken by one of the local residents, which was detailed in the report, and which highlighted the significant difference in the number of reported violent crimes at licenced premises on and around West Street, as compared with the Gell Street area, where the premise were located. Mr. Lee stated that whilst residents appreciated the steps taken by the applicant with regard to the installation of CCTV and the installation of a gate stopping people accessing the alleyway leading to the rear of their properties, he believed that this was mainly to safeguard the security of the premises, and wouldn't reduce levels of anti-social behaviour in the area. Mr. Lee stated that, whilst he was aware that such applications could not be refused on the grounds of the likelihood of there being trouble, he believed that evidence pointed to the fact that the availability of alcohol, particularly cheap alcohol, and especially where there were a number of vulnerable people living in the area, would lead to an increase in crime and disorder, public nuisance and be a threat to public safety. He referred to problems of anti-social behaviour in the area, and that residents had worked closely with the local authority and the local neighbourhood police team, which had resulted in the installation of a gate at the end of the alleyway leading to the rear of their properties, and which had resulted in a reduction in anti-social behaviour. Further to a query by Mr Lee regarding the opening hours, Jayne Gough stated that whilst the Licensing Service had to include the original premises licence application in the report, the agreement regarding the reduction in the opening hours had been formally documented. Further to a query regarding the ownership of other licenced premises by the applicant, Mr Rushton confirmed that Mr Okhrati had been the premises licence holder of licenced premises at 272 South Road, but had since transferred this licence. Mr. Lee stated that he had visited the premises on South Road, and had observed that the store had been very sparsely stocked with dry goods, which raised concerns as to the potential of the premises on Glossop Road being similar, and thereby alcohol-led. Mr. Lee concluded by stating that there were many established retail and commercial premises in the area, including licenced premises which closed at 23:00 hours, with no late night licenced premises. Residents were concerned that the premises, given the late opening hours, and the fact that it was apparently alcohol-led in terms of sales, would create noise nuisance and anti-social behaviour in the area.

- 4.6 Ruth Johnson pointed out that 50% of the advertisements the shop window were alcohol-related.
- 4.7 In response to questions from Members of the Sub-Committee, Mr. Lee stated that he had lived in the area for over 16 years, with some of his neighbours having lived there for much longer. He stated that it was a very close-knit, well-

established community, and that there were children aged between one and 17 living with their families in the terrace to the rear of the premises. The majority of residents in the area were in support of, and used, the local shops, restaurants and cafes which served the local community, and would support the Corner Shop if it sold a wide variety of produce, and not predominantly alcohol. The owners and staff of the local enterprises in the area were very much part of the local community. Mr. Lee believed that it would have been helpful if Mr Okhrati had made contact with the residents living within the immediate vicinity of the premises, such as asking them what they would like to see being sold in the shop but, unfortunately, this hadn't been the case. The residents would like to see a traditional convenience store, having a wide range of produce for sale, and not predominantly alcohol, as appeared to be the case at present. Mr. Lee confirmed that he had seen the Operating Schedule set out in the application, and which comprised a comprehensive list of rules and regulations which the premises had to adhere to. He stated that whilst it was not possible to pre-empt any issues, he wasn't convinced that all such rules and regulations safeguarded local residents as much as the premises itself. There were six off-licences between Gell Street and the bottom end of West Street, as well as a number of restaurants and bars. The nearest off-licence to Gell Street was Bargain Beers, which was situated around 200/300 metres away. He referred again to the research highlighting the number of alcohol-related incidents that had occurred within 100 metres of Bargain Beers, as compared to the number within a similar area surrounding the Corner Shop.

- 4.8 Ian Rushton, for the applicant, stated that the premises, which had been fitted out and refurbished to a good standard, would operate as a convenience store, selling a range of goods, including bread, milk, sweets and cigarettes, as well as alcohol. He stressed that it would not be operating as a "bargain booze"-style establishment, and that sales would not be predominantly alcohol-led. Mr Okhrati had taken out a 10-year lease on the premises, and wanted to invest, long-term, in the local community. Mr Rushton referred to the floor plan of the premises, and explained where the various goods on sale would be located, stressing that the alcohol would be secured safely and/or easily supervised by staff. There would be two to three members of staff in addition to Mr Okhrati, and he would always ensure that there was a sufficient number of staff on duty, particularly during the expected busier times. Mr Okhrati had over 18 months experience in the retail trade, which had included alcohol sales, and had a clean record. He was previously the premises licence holder of a licensed convenience store on South Road in the city. He had since transferred this licence, and was now focusing on the Corner Shop. Mr Okhrati had lived reasonably close to the premises, for four years, and was getting to know the local area. He held a premises licence, and would be the Designated Premises Supervisor of the Corner Shop. Mr Rushton referred to the opening hours, indicating that following concerns expressed by local residents, the applicant had reduced the hours regarding alcohol sales to 08:00 to 23:00 hours, Monday to Sunday. Whilst the shop may open earlier and/or close later, he would only be able to serve alcohol between these times. Mr Rushton referred to the Operating Schedule, highlighting those conditions regarding CCTV and staff training, and stressing that all such conditions had been accepted by the responsible authorities. Mr Rushton referred to a further condition added to the licence, following residents' concerns, to the effect that no

more than 20% of the shelf space in the shop should contain alcohol. With regard to the representations made in respect of the application, it was highlighted that, following the agreement by the applicant to reduce the licenced hours in terms of the sale of alcohol, following objections received from the Public Health Service, there were currently no outstanding objections from any of the responsible authorities. Regardless of this, Mr Okhrati appreciated the residents' concerns and, to allay any fears, he had worked closely with the responsible authorities, which had resulted in the agreement of the two additional conditions. Further to concerns regarding access to the alleyway at the rear of the terrace on Gell Street, Mr Okhrati had installed a gate, with the approval of his landlord, to the side of the premises, which was covered by CCTV. Mr Rushton referred to the concerns raised regarding anti-social behaviour linked to other premises in the surrounding area, pointing out that this wasn't relevant for consideration by the Sub-Committee as part of this application.

- 4.9 In response to questions raised by Members of the Sub-Committee and Jayne Gough, Mr. Lee, on behalf of Mr Rushton, explained the precise location of the premises, pointing out that the rear of the shop overlooked the alleyway to the rear of the terrace on Gell Street, which was well-used by residents. Mr Rushton stated that, as far as he was aware, there had been no issues with the installation of the gate to the side of the premises, and he confirmed that the installation had been approved by the landlord of the premises. The gate was currently open, but there were plans, subject to the approval of local residents, to have a padlock, with residents being given keys. He added that a "Private" sign could be fixed to the gate and that details regarding the gate would be formally documented as part of the application. Further to comments raised regarding anti-social behaviour in the alleyway, which included drug dealing, Mr Rushton stated that whilst Mr Okhrati would do everything in his powers, including sharing CCTV images with the police, to help deal with this, this was not a relevant consideration as part of the application. The signage in the shop window would be changed to reflect the condition regarding the percentage sales of alcohol, and such condition would be enforceable. It was likely that the shop would open at 07:00 hours and close later than 23:00 hours in order to provide Mr Okhrati with some flexibility in terms of the sale of non-alcoholic goods. During the hours when alcohol was not being sold, it would be screened off, and there would be a sign in the window publishing the hours when it could be sold. The 20% alcohol sales and 80% other goods sales would be worked out based on available shelf space, and this would be regularly monitored, particularly as it was an enforceable condition. If staff witnessed a violent incident in or around the premises, they would contact the police, make a log of the incident and maintain any CCTV images. If there were issues regarding low level anti-social behaviour, such as young people hanging around outside the premises, staff would approach them and politely ask them to move on. All staff would receive appropriate training to enable them to deal with such incidents. Mr Okhrati chose the premises because he viewed it as a good business opportunity, and that he liked the local area. The late opening hours would provide an opportunity for local residents or anyone else passing by to purchase any essentials, such as bread and milk, and provide Mr Ohkrati with an opportunity to assess whether there was a demand at such times. There would be a range of alcohol for sale, which could include a small range of strong beers.

- 4.10 Mr Rushton summarised the case on behalf of the applicant.
- 4.11 Jayne Gough outlined the options available to the Sub-Committee.
- 4.12 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.
- 4.13 Paul Barber 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, in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the Sub-Committee agrees to grant the premises licence in the terms requested, in respect of the premises known as Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 107/22) subject to the conditions agreed with the Public Health Service and Changing Sheff, as follows:-
- (a) the sale of alcohol be only allowed between 08:00 and 23:00 hours, Monday to Sunday; and
 - (b) alcohol stock levels on display will not exceed 20% of the overall shelf space at any time.

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

5. LICENSING ACT 2003 - GUYSHI, 180 WEST STREET, SHEFFIELD, S1 4ET

- 5.1 The Chief Licensing Officer reported that the representations made by Environmental Health had been withdrawn prior to the hearing, therefore the application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Guyshi, 180 West Street, Sheffield, S1 4ET (Ref No. 108/22) had been allowed, subject to the agreed conditions, as follows:-
- (a) there shall be a written safe system of work for the transportation of food on the public staircase throughout opening hours to control risks from slips, trips and falls. This written system is to be put in place prior to opening for business and a copy submitted to the responsible authority for public safety. (Examples of issues to consider include deep trays to

minimise spillage, 'stop/go' system on the staircase, suitable footwear for staff, mirror/s to prevent blind spots, staff training, written spillage policy. This list is not exhaustive.);

- (b) a written scheme of maintenance is to be put in place for areas of flooring requiring slip-resistant treatments to ensure the equivalent of a pendulum wet test rating of 36 or above is achieved in public areas and thoroughfares. This scheme is to be put in place prior to opening for business;
- (c) a Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety prior to opening for business; and
- (d) a satisfactory Electrical Installation Certificate shall be submitted to the responsible authority for public safety prior to opening for business. (If an electrical condition report is provided it should cover 100% of the premises).