

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 December 2023

PRESENT: Councillors Abdul Khayum (Chair), Henry Nottage and Joe Otten

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence had been received from Councillor Talib Hussain.

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- 3.1 Councillor Maroof Raouf had declared a prejudicial interest prior to the meeting and withdrawn from membership of the Sub-Committee.
- 3.2 There were no other declarations of interest.

4. LICENSING ACT 2003 - 418 STORE, 551 ECCLESALL ROAD, SHEFFIELD S11 8PR

- 4.1 The Chief Licensing Officer submitted a report to consider an application made under section 34 of the Licensing Act 2003, to vary a premises license in respect of the premises known as 418 Store, 551 Ecclesall Road, Sheffield S11 8PR (Ref. No. 144/23).
- 4.2 Present at the meeting were Mr Masoud Ibrahimi (Applicant), Mr Azar Iqbal (Applicant's Solicitor), Samantha Bond, (Legal Adviser to the Sub Committee), Mitchell Wibberley (Legal Adviser to the Sub Committee), Shimla Finch (Principal Licensing Policy and Strategy Officer) and Joanne Cooper (Democratic Services).
- 4.3 Samatha Bond outlined the procedure which would be followed during the meeting.
- 4.4 Shimla Finch presented the report to the Sub-Committee, and it was

noted that representations had been received from 13 interested parties and were attached at Appendix D of the report. Two objectors had given notice that they were going to attend the Committee.

- 4.5 During the consultation period, conditions had been agreed between the Applicant and South Yorkshire Police and were attached at Appendix 'C' to the report.
- 4.6 Councillor Abdul Khayum, Chair of the Sub-Committee, invited objectors present to speak at the meeting.

(a) Vivienne Smith, Botanical Gate Community Association.

Ms Smith stated that she was representing the local residents association which consisted of a very mixed community living near Ecclesall Road.

Anti-social behaviour was already an issue in the neighbourhood. This included bottles being left outside houses and in gardens which necessitated regular litter picks. Staff at the nearby Spar convenience store had advised that they had to lock their doors late at night on occasion due to anti-social behaviour after 11pm when people had already been drinking elsewhere.

The licence extension could cause noise, disruption, litter, mess, and inconvenience. Also, the premises were near a bus stop which children used to catch buses to school. Ms Smith stated that due to the Council's limited resources she did not anticipate the Council being able to monitor any conditions that might be imposed on the application.

(b) Carlo de Nardo

Mr de Nardo stated that he was a local resident. He and his neighbours could not take any more anti-social behaviour in the neighbourhood. They were already in touch with the universities to alleviate the existing anti-social behaviour. He felt that making money was not a good enough reason for disturbing residents and that the licence should be kept as it was, as there was no need for 24-hour drinking.

- 4.7 Vivienne Smith gave the following further information in response to questions from Members:
- The Spar convenience store with a 24-hour licence was around 200 metres from the premises in question and had been there for a long time. It was not possible to say whether any of the anti-social behaviour locally was caused by customers of the Spar.

- Often students held all night parties.
- There was a concern that a precedent might be set for other premises to gain later licences.

Carlo de Nardo gave the following further information in response to questions from Members;

- When anti-social behaviour was reported to universities, whichever university the student was registered at sent them a warning and then after 3 warnings they were struck off. This system worked well, but new students moved in every year.
- It had taken 10 years to set this system up and it had resulted in improvement.
- Noise warnings were also issued by the Council.

A discussion took place regarding the opening hours of the Spar, and it was confirmed by Shimla Finch that its licence was for 24 hours, but it currently chose to close around midnight.

4.8 Councillor Abdul Khayum, Chair of the Sub-Committee invited the applicant to state his case.

Mr Iqbal (Applicant's Solicitor) stated the following:

- The Applicant was a young entrepreneur who owned several businesses in Sheffield, none of which had received any complaints about anti-social behaviour. He understood his obligations and responsibilities. He had been the owner of this Off Licence for 3 months and there had been no nuisance caused.
- Several residents had been in the shop to talk through their concerns following which they had been supportive.
- The business was different from a conventional Off Licence as it targeted high end clientele and sold premium drinks and cigars along with fruit and vegetables.
- The business was not looking to attract the type of people who would engage in anti-social behaviour such as drinking outside the premises.
- The extended opening hours would provide a convenient service to its customers.
- Refusing the licence extension would not solve any of the preexisting issues of anti-social behaviour, the root causes of which were elsewhere. Ecclesall Road was already a busy and noisy road.
- The Applicant would accept an extended license e.g. to 3am rather than 24 hours as an alternative. The extra business from being open from 11pm to 3am would enable the business to survive.

- There would be serious financial implications for the Applicant if the application was refused including potentially cutting staff and ultimately closing the business.
- There was no intention of running a delivery service.

4.9 In response to questions from Members of the Sub Committee the Applicant, Mr Ibrahim confirmed:

- As well as high end goods he sold cheaper beers, wines and spirits.
- As it was an affluent area it was likely that it would be higher end customers visiting the shop out of hours rather than students coming home from nightclubs.
- That anybody who tried to buy alcohol when they were already very drunk would not be served.
- Families sometimes shopped late at night.
- He anticipated a good amount of trade after 11pm because that was when the nearby Sainsburys closed.
- There would be himself and another member of staff present between 11pm and 3am.
- The premises had previously been a bridal shop.
- The sale of juices, and fruit and vegetables was very popular.

Samantha Bond asked for confirmation of how often the Designated Premises Supervisor would be on site and the Applicant confirmed the DPS would be on site every day.

4.10 Shimla Finch outlined the options available to the Sub Committee.

4.11 The Chair explained that the hearing would pause to allow Members to seek legal advice, and then the decision of the Sub-Committee would be communicated.

4.12 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, 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 Samantha Bond 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, and the webcast was recommenced.

- 4.15 **RESOLVED:** That the application to vary a premiss licence in respect of the premises known as 418 Store, 551 Ecclesall Road, Sheffield, S11 8PR (Ref. No. 144/23) be refused on the basis that to grant it would undermine the Licensing Act objectives, namely prevention of crime, disorder, and public nuisance.

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