

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 January 2024

PRESENT: Councillors Abdul Khayum (Chair), David Barker and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence had been received from Councillor Sioned-Mair Richards.

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3.1 Councillor Maroof Raouf had declared a prejudicial interest prior to the meeting and withdrawn from membership of the Sub-Committee.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 EATS, 287 ECCLESALL ROAD, SHEFFIELD, S11 8NX

4.1 The Chief Licensing Officer submitted a report to consider an application made under section 17 of the Licensing Act 2003 to consider an application to grant a premises license in respect of the premises known as 418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX (Ref No 07/24).

4.2 Present at the meeting were Saeed Ibrahimi (Applicant), Samantha Bond (Legal Adviser to the Sub Committee), Shimla Finch (Principal Licensing Policy and Strategy Officer), Joanne Cooper (Democratic Services), Councillor Angela Argenzio (Objector), and Mike West, Botanical Gate Residents Association (Objector).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Shimla Finch presented the report to the Sub Committee, and it was noted that

representations had been received from two interested parties and were attached at Appendix B of the report. Two objectors had given notice that they were going to attend the hearing.

- 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 Samantha Bond queried the opening hours for Sundays, and the Applicant, confirmed his intention to close at 11pm, rather than 1am which had been stated in the application form.
- 4.7 Councillor Abdul Khayum, Chair of the Sub-Committee, invited objectors present to speak at the meeting.

(a) Councillor Angela Argenzio, Broomhill and Sharrow Vale Ward

Councillor Argenzio stated that whilst she had not had any communications regarding this application, it was still a cause for concern as despite the area being a lively business area, the nearby roads were all residential. These were inhabited not just by students but also by long term older residents and young families who would be impacted by longer opening hours and increased noise from waiting taxis, and noise from lingering customers.

Councillor Argenzio explained that local residents were keen to keep the 11.30pm business curfew which had been upheld by a decision made by the Planning Inspectorate in February 2014 regarding 283 Ecclesall Road. It was important to balance the needs of business and residents.

Additionally, there were anecdotal reports of increased drug dealing in the area which would be exacerbated if people were there later into the night.

(b) Mike West, Botanical Gate Residents Association.

Mr West stated that he was representing the Residents Association who had been consulted regarding his objection. He advised that he welcomed the buzz successful businesses brought to Ecclesall Road and contrary to assertions made by the applicant, he was not confused with the 418 Lounge which he was aware was a separate premises.

Mr West explained that there was concern over the application including 3-4 tables outside the premises, which felt more appropriate to a restaurant than a takeaway. The mopeds used by delivery companies would be noisy. It was likely that customers would buy food late and night and then walk with it and litter further down the road, as this happened already. He felt that the needs of residents were best met by businesses closing at 11.30pm, and this created a balance with the needs of the business owners.

- 4.8 In response to questions from Members, objectors stated the following:

Councillor Angela Argenzio

- She was not sure if all nearby businesses closed at 11.30pm but most of them that served alcohol did.
- Whilst this was not an application for an alcohol license, nevertheless it would encourage people to linger and potentially increase anti-social behaviour.
- She was present at the Sub-Committee representing the views of herself and fellow Ward Councillor, Brian Holmshaw.
- Noise late in the night was particularly problematic for residents who had family members with autism.
- Noise late in the night would disturb more people than earlier noise, as residents were likely to be in bed.
- Residents were encouraged to contact the Police regarding anti-social behaviour.

Mike West

- Customers were likely to be under the influence of alcohol which would affect their behaviour.
- Papa John's late license should not be seen as a precedent.
- It was not possible to identify if an individual business was causing a nuisance, but any nuisance would be reduced by an 11.30pm curfew being observed.
- Ambient noise was lower after midnight so additional noise was more noticeable.

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

Mr Ibrahim stated the following:

- Papa John's, next door to the proposed premises had a license the same as the one he was applying for and there were nightclubs and pubs nearby which operated until 2.00 or 3.00am.
- The area was the less residential end of Ecclesall Road.
- Food being available later in the night would help to sober people up on their way home from the bars and nightclubs.
- He had put bins in place for rubbish and litter picked the nearby area. He also removed mud and leaves from outside the premises.
- The Council should encourage small businesses, not limit them.
- Filling vacant commercial premises helped the Council.
- His business was a sandwich bar and would use fresh ingredients daily.
- There would be two tables inside so customers could wait for their food inside the premises.
- He had built a good reputation which was reflected in Google reviews.
- He worked hard and worked long hours and his businesses created jobs.
- Utility bills were expensive and extended opening hours would help create the funds to pay them and to pay staff wages.
- Other businesses were closing as they were getting insufficient help from the Council and from local people.

- He has not received any complaints so far.

4.10 In response to questions from Members of the Sub Committee, the Applicant, Mr Ibrahim, provided the following additional information:

- It took 3 to 5 minutes for a customer to be served.
- There would be sufficient staff on site to manage any crowds and guide customers through the premises.
- He attended Pubwatch meetings and this enabled him to put a message out to other businesses for help managing situations if necessary.
- A door supervisor could be employed but this was unlikely to be necessary.
- There were four bins inside and two outside the premises.
- He had encouraged other business owners to keep the area tidy.
- Litter discouraged people from coming to the area and so was bad for business.
- Planning permission was not yet in place for the proposed opening hours but has been applied for.
- He was the Designated Premises Supervisor at 418 Lounge but it was managed by his sister.
- His chef would manage 418 Eats as well as cooking. There would be 3 other staff.
- He would mainly be at 418 Lounge but it was only a 3 minute journey between the two by car.
- 418 Eats would not add additional footfall to the area, the customers were already there.

4.11 Councillor Argenzio stated that the applicant had not answered as to how he would adequately work between two businesses and that contrary to what the applicant had stated the area was residential.

The Applicant responded that it was a family business and management arrangements would be sufficient to guide customers. He would be available every night.

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

4.13 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.

4.14 **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.

4.15 Samantha Bond 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, and the webcast was recommenced.

4.17 **RESOLVED:** That the application to grant a premises license in respect of the premises known as 418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX (Ref No 07/24) be granted in the terms requested and to include the following conditions agreed with South Yorkshire Police:

1. Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
2. Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and area quietly.
3. A Challenge 25 scheme must be implemented by all sales and delivery staff at the points of taking the order and delivery. The scheme must include the maintenance of refusals records, staff training records and the display of signage at the points of sale. Records of such training will be kept and made available for inspection of the authorities.

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