

MEETING OF THE LICENSING SUB-COMMITTEE

held 30th April 2012

PRESENT: Councillors Ian Saunders (Chair), Isobel Bowler
and Philip Wood.

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1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. **APOLOGIES FOR ABSENCE**

2.1 An apology for absence was received from Councillor Geoff Smith.

3. **EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

4. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 36/12 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 37/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
36/12	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to (i) there being no

offences or convictions reported and (ii) the applicant attaining the BTEC Level 2 Certificate "The Introduction to the Role of Professional Private Hire and Taxi Driver" and (b) the applicant be given a verbal warning as to his future conduct.

37/12	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee considers that the applicant is not a fit and proper person to hold a licence in view of the offences and convictions now reported and the responses given to the questions raised at the hearing.
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(NOTE: Councillor Philip Wood entered the meeting prior to the commencement of the consideration of the application in Case No. 37/12.)

At this stage in the proceedings, the public and press were re-admitted to the meeting.

5. LICENSING ACT 2003 - COUCH COFFEE SHOP, 412-416 ECCLESALL ROAD, SHEFFIELD, S11 8PJ

5.1 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 Couch Coffee Shop, 412-416 Ecclesall Road, Sheffield, S11 8PJ.

5.2 Present at the meeting were Michael Hulmes, Hurj Hullait and Nathan Scarlet (Sash Ventures Limited, Applicants), Michelle Hazlewood (John Gaunt and Partners, Solicitors, for the Applicants), Rob Marston and Chris Tyldesley (Objectors), Marie-Claire Frankie (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer) and John Turner (Democratic Services).

5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from Environmental Protection Service and local residents, and were attached at Appendices 'B' and 'C' to the report. He added that the representations received from the Environmental Protection Service had been withdrawn prior to the hearing,

subject to additional conditions requested by the Service, details of which were circulated at the hearing.

- 5.5 Rob Marston stated that, in his opinion, there were already too many licensed premises on Ecclesall Road and granting a license for the Couch Coffee Shop would result in a potential for additional noise, both from people sitting and standing outside and leaving the premises and from cars and taxis pulling up outside and leaving the premises. He referred to the fact that there had been 90 complaints of noise nuisance on Ecclesall Road, mainly relating to drunken behaviour, and regarding incidents between the hours of 23:00 and 06:00. He referred specifically to the potential for noise and inappropriate behaviour from customers using the proposed external terrace, particularly in the light of children using the bus stop on the pavement directly outside the premises. He also made reference to the curfew in terms of the use of external areas at other licensed premises on Ecclesall Road, indicating that such curfew was 21:30 hours, and requested that a similar condition be attached to the licence for the Couch.
- 5.6 Chris Tyldesley stated that Ecclesall Road was saturated with licensed premises already and, on the basis that there were a number of vacant units in the area, he believed that there was not enough demand for any more licensed premises. He stated that the residents of South Grove Road had particular concerns regarding potential noise breakout from the rear of the premises.
- 5.7 In response to a query by the Solicitor to the Sub-Committee, Mr Tyldesley pointed out, on the map contained in the report, the location of the properties on South Grove Road who were likely to be affected by any potential noise breakout from the rear of the premises.
- 5.8 Michelle Hazlewood emphasised the fact that the premises would be operating predominantly as a coffee shop and not a bar, and that the food and drink on offer, the internal layout and décor and the opening hours, would reflect this. The hours in terms of the sale of alcohol were from 11:00 hours to 23:00 hours, and it was unlikely that there would be any potential problems in terms of noise breakout from the premises, particularly as other licensed premises within the area would remain open after 23:00 hours. She stated that customers would not be able to use the external terrace after 22:00 hours, which would help to minimise any potential noise problems. The venue would be selling coffee, tea, pastries and sandwiches, together with a small selection of alcoholic drinks, and would mainly be targeting customers who had either been shopping or visiting other licensed establishments on Ecclesall Road. The premises would also be child-friendly. Whilst there would be amplified music played on the premises, and there may be a musician playing live music every now and then, the premises was not intending to operate as a bar or nightclub, but more as a venue for people who wanted to meet and talk, as opposed to partying. It was envisaged that the level of alcohol sales would not generate drunkard behaviour and this view had been shared by the Police who had raised no

objections to the application. It was also envisaged that there would be no significant parking problems within the immediate vicinity of the premises as the majority of customers were expected to have parked elsewhere, within the area, and would walk to the premises.

- 5.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Michelle Hazlewood pointed out on the site plan where the external terraced area would be. She also confirmed that the external bin store was situated at the rear of the premises and that access to this area would be up Thompson Road. In terms of potential noise nuisance, she stated that whilst it was difficult to predict what noise levels the premises would generate, as a result of the existing and additional conditions attached to the application, the nature of the operation of the premises, including its targeted clientele, and the closure of the external terrace area after 22:00 hours, it was envisaged that there would not be any serious problems. In the expectation that there would not be a great amount of alcohol sales, thus resulting in a low amount of glass bottle wastage, it was agreed that any empty glass bottles would be stored within the premises after 21:30 hours in an attempt to minimise any potential noise nuisance.

- 5.10 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.

- 5.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

- 5.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

- 5.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Couch Coffee Shop, 412-416 Ecclesall Road, Sheffield, S11 8PJ, subject to the amended application, operating schedule, agreed conditions and to the additional conditions agreed at the hearing, as follows:
 - (a) No glass bottles to be stored in the rear external area after 21:30 hours; and
 - (b) No glass bottle bins to be emptied between 21:00 and 09:00 hours.

Signed (Chair)

Date