

**LICENSING SUB-COMMITTEE
25th March, 2025**

Present:- Councillor Hughes (in the Chair); Councillors Beresford and Jones.

30. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) FOR THE GRANT OF A PREMISES LICENCE IN RESPECT OF THE PREMISES KNOWN AS FUZION BITEZ, SITUATED AT 62 WALES ROAD, KIVETON PARK, SHEFFIELD S26 6RD

Consideration was given to an application (made in accordance with Section 17 of the Licensing Act 2003) for the grant of a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD.

The applicant, Anna Witham, was seeking authorisation to allow:-

- The sale of alcohol, for consumption on the premises, on every day of the week between 12.00 Noon and 10.30 p.m.
- Provision of recorded music, inside the premises, on every day of the week between 12.00 Noon and 10.30 p.m.

The premises were described as a restaurant with a bar and seating area on both the ground and first floors that also provide a takeaway service.

The applicant had offered 24 management control conditions in the application.

It was noted that licensing deregulation allowed limited forms of live and recorded music to be provided at a premises without the need for a Premises Licence. As a result any playing of recorded music between 08:00 a.m. and 11.00 p.m. on premises authorised to sell alcohol for consumption on those premises, provided that the audience did not exceed 500, did not require licence permission.

Consultation on the application had been carried out in accordance with the statutory requirements and the Council's procedure. At the end of the consultation period, 7 "Other Persons" had submitted representations opposed to the application (2 by Ward Councillors and 5 by local residents) as well as a petition signed by 24 local residents also opposing the application. The petition, although objecting to the grant of the application, failed to state which of the licensing objectives would be undermined if the application was to be granted.

Ms. A. Witham (Applicant) was in attendance together with Mr. L. Siaw (Fuzion Bitez) and Ms. A. Nawal (local business owner).

The applicant had responded to the "Other Persons" in an attempt to

address their concerns but this had not led to the withdrawal of any of the representations of the petition.

The Sub-Committee took into consideration the written submissions that had been provided as well as the verbal presentations by 2 of the local residents at the meeting:- The objections centred around:-

- Public Safety
- Potential impact on local residents/children in the area
- Could lead to increased foot traffic and activities in the vicinity posing safety risks for residents, especially children, who may be in the area
- Potential for increased noise levels, late night disturbances and possible anti-social behaviour
- There had been an increase in vehicular movements/parking since Fuzion Bitez had taken up occupancy, exacerbating the current issues with cars double parking etc. and alleged issues with residents being unable to access their properties due to delivery drivers/attending customers
- Why was there a need for the playing of music all day
- The premises were situated on a very busy main road within a built-up residential area
- There were already 5 fast food establishments and one licensed establishment within 50 yards of each other; there was no need for another alcohol licensed premise
- The business was already having an impact on local residents; the granting of a licence would escalate the problems currently experienced

There were no objections received from the Responsible Authorities.

In response to questions, the applicant provided the following information:-

- There was no access to the backyard of the premises so was not suitable/feasible to have anything there (with regard to the alleged use of a beer garden/BBQ) other than the storage of wastebins
- Ms. Witham would be the Designated Premises Supervisor and had a Personal Licence
- The manager would also be applying for a Personal Licence as well as someone on the opposite shift so that there was always someone on site who had a Personal Licence
- The restaurant had space for 28 seats
- A noise assessment survey had been submitted to the Council
- No-one would be allowed to take a drink outside of the premises
- The target audience were diners and not a pub. There was a micro bar opposite which served alcohol for the purpose only of drinking
- On Fridays and Saturdays there would be 9 people working solely for the purpose of sit down diners – 5 in the front and 4 in the back
- The aim was for a family environment restaurant and children only

- allowed with someone aged 18 and over, either parent or guardian
- ‘Ask Angela’ would be a standard element of staff training
- As the licence application was submitted, patrons would be unable to take any left over drink away with them. That would be made clear to customers
- The upstairs of the premises would eventually be an extension of the restaurant but not at the present time and would have to have an independent noise assessment
- Should there be a need for door security staff it would be implemented but was currently not necessary

The Licensing Manager drew the Sub-Committee’s attention to the issue of parking which could not be considered as part of the application as it did not apply to any of the 4 licensing objectives.

Resolved:- That the application, as amended, for the grant a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD be approved as follows:-

- (1) That a CCTV system that covers the internal and exterior of the premises shall be fully maintained and operational.
- (2) That the CCTV system shall show accurate dates and times of images that are recorded.
- (3) That CCTV images shall be kept for a minimum of 31 days and, if requested, made available for viewing immediately by the Police and/or Licensing Authority.
- (4) That there will be a Personal Licence Holder on the premises at all times.
- (5) That the Designated Premises Supervisor, or their nominated deputy, shall regularly attend local Pubwatch meetings.
- (6) That a record of each member of staff who is authorised to sell alcohol shall be kept on the premises. This record shall include the staff member’s full name, address and date of birth.
- (7) That all staff shall be trained to request photographic identification to control the sale of alcohol to anyone under the age of 18 years old and a “Challenge 25” Policy shall be operated.
- (8) That “Challenge 25” signs shall be on display at the premises.
- (9) That a log of all refusals made under the “Challenge 25” Policy shall

be kept on the premises. This log shall include the date of the refusal, the number of the member of staff who made the refusal and whether fake ID was used/seized.

(10) That an incident book shall be kept on the premises. Any incidents of crime/disorder at the premises, together with whether the Police have been called, shall be recorded in this book.

(11) That the Designated Premises Supervisor, or their nominated deputy, shall check the “Challenge 25” log and incident book each week and sign and date each check.

(12) That the “Challenge 25” log and incident book shall be kept on the premises and will, if requested, be made available for viewing by the Police and/or Licensing Authority.

(13) That the ‘Ask Angela’ scheme shall be in operation at the premises.

(14) That a zero drug tolerance policy shall be in operation at the premises. This policy shall require that regular checks are carried out and recorded by management to prevent the use of drugs by customers.

(15) That a copy of the premises’ drugs policy, and all associated records, shall be kept at the premises and, if requested, made available for viewing by the Police and/or Licensing Authority.

(16) That doors, except for access and egress, and windows shall be kept closed and there will be no outside entertainment provided at the premises.

(17) That signage shall be in place at the premises asking people to arrive and leave quietly.

(18) That there will be a sufficient number of staff on the premises at all times, regular glass collections shall be carried out and a taxi booking service shall be provided.

(19) That no adult entertainment or services shall be provided at the premises.

(20) That children must be accompanied by a responsible adult at all times and shall not be permitted in the first floor bar area or the outside smoking area.

(21) That the following measures be in place at the premises to ensure public safety:-

- Employers and public liability insurance

- Annual gas safety check
- Annual electrical check and PAT testing safety checks
- Up-to-date health and safety policy, risk assessments and asbestos survey of premises
- Sufficient lighting internally and externally
- Regular fire checks and servicing of fire detection and extinguishing equipment including 5 extinguishers located throughout the building
- Staff trained in emergency procedures

(22) That all staff receive training on induction and yearly on “Challenge25”, types of acceptable ID, method of recording refusals, refusing sales of alcohol to persons who appear to be drink, preventing proxy sales, incident recording and when to call the Police, operation of the ‘Ask Angela’ scheme and how to receive the CCTV system if requested.

(23) That staff training shall be recorded and training records shall be kept at the premises and if requested made available for viewing by the Police and/or Licensing Authority.

(24) That the premises shall operate primarily as a restaurant. Alcohol will only be sold with food which is to be consumed as a table meal, or immediately prior to or following the consumption of such a meal (for example whilst waiting for a booked table to become available). The premises will not operate exclusively as a bar.

(25) That alcohol will only be consumed by patrons whilst they are seated in the premises.