

Licensing Sub-Committee

Tuesday 23 May 2017 at 10.00 am

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend

Membership

Councillors Josie Paszek (Chair), Andy Bainbridge and Gail Smith

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
23 MAY 2017**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Waingate Express, 36 Waingate, Sheffield S3 8LB**
Report of the Chief Licensing Officer
- 6. Hackney Carriage and Private Hire Licensing - Individual Cases***
Report of the Chief Licensing Officer.

*(NOTE: The report at item 6 in the above agenda is not available to the public and press because it contains exempt information described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 (as amended))

This page is intentionally left blank

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

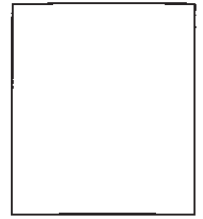
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 23rd May 2017

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider an application to grant a premises licence made under the Licensing Act 2003.

Waingate Express 36 Waingate Sheffield S3 8LB .

Recommendations: That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE
LICENSING ACT 2003**

Ref No 60/17

Waingate Express 36 Waingate Sheffield S3 8LB.

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is. Aron Nefetalam

2.2 The application, which was received on 30th March 2017, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- No 1 – Public.

3.3 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

5.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

6.0 THE LEGAL POSITION

6.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

Section 6 Cont'd

6.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

7.0 HEARINGS REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.

7.3 Attached at Appendix 'C' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

8.0 APPEALS

8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

9.0 RECOMMENDATIONS

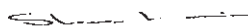
9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Appendix A

Application

Application for a premises licence to be granted under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We ARON NEFETALAM

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <u>36 WAINGATE</u> <u>WAINGATE EXPRESS</u> <u>SHEFFIELD</u>			
Post town	<u>SHEFFIELD</u>	Postcode	<u>S3 8LB</u>

Telephone number at premises (if any)	<u>01144380976</u>
Non-domestic rateable value of premises	<u>£ 3065.60</u>

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |

A2

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname NEFETALAM			First names ARON		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		ERSKINE CRESENT SHEFFIELD			
Post town	SHEFFIELD			Postcode	S1 2AA
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)		[REDACTED]			

Part 3 Operating Schedule

A3

When do you want the premises licence to start?

DD	MM	YYYY
01	05	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

THIS PARTICULAR PREMISES LOCATED ON THE BOTTOM SIDE OF WAINGATE SHEFFIELD JUST LEFT SIDE FROM CASTLEGATE. THE SHOP LOCATED NEAR BY COMMERCIAL STREET JUST 50 YARDS FROM THE HIGH MARKET SHEFFIELD. THIS PARTICULAR SHOP IS ON THE GROUND FLOOR OF THE BUILDING, AS THE BUILDING CONSISTS UPPER FLOORS. THE PREMISES NAMED AS WAINGATE EXPRESS, WHICH INTEND TO USE AS OFF LICENCE AND CAR VEHICLE STORE.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>				
					Outdoors	<input type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	Please give further details here (please read guidance note 3)							
Mon										
Tue										
Wed							State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur										
Fri							Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sat										
Sun										

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input type="checkbox"/>				
					Off the premises	<input checked="" type="checkbox"/>				
					Both	<input type="checkbox"/>				
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>AS OFF LICENCE SHOPS WE WILL OPERATE ON THE STANDARD HOURS MENTIONED ON THE LEFT HOWEVER DURING CHRISTMAS AND NEW YEAR WE WILL CONSIDER TO CLOSE ONE HOUR EARLIER IN ORDER TO GIVE ALIANCE.</i>							
Mon	07:00 AM	23:45 PM								
Tue	07:00 AM	23:45 PM								
Wed	07:00 AM	23:45 PM								
Thur	07:00 AM	23:45 PM					Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) <i>I JUST INTEND TO USE THE PREMISES FOR THE SUPPLY OF ALCOHOL AS THE TIMES MENTIONED ON THE LEFT. THEREFORE THE PREMISES NOT TO BE USED OUTSIDE THIS HOURS. ALL PREMISES ACTIVITIES STRICTLY BASED ON THE TIMES LISTED ON THE LEFT.</i>			
Fri	07:00 AM	23:45 PM								
Sat	07:00 AM	23:45 PM								
Sun	09:00 AM	23:45 PM								

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

A5

Name		ARON NEFETALAM
Address		ERSKINE CRESCENT SHEFFIELD [REDACTED]
Postcode	[REDACTED]	
Personal licence number (if known)	SY06495PER	
Issuing licensing authority (if known)	SHEFFIELD CITY COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

THE PREMISES INTEND TO USE FOR OFF LICENCE SHOP AND THERE IS NO ANY ADULT ENTERTAINMENT OR SERVICES TO TAKE PLACE AND I CAN'T SEE ANY BIG ISSUE OR CONCERN IN RESPECT OF CHILDREN. SINCE THERE IS NO ADULT ENTERTAINMENT ON THE PREMISES.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:45	AS OFF LICENCE AND CONVENIENCE STORE WE WILL OPERATE BASED ON THE HOURS MENTIONED ON PART J. CHRISTMAS AND NEW YEAR WILL CLOSE ONE HOUR EARLIER AT 22:45. OTHER WISE THERE IS NO VARIATION.
	AM	PM	
Tue	07:00	23:45	
	AM	PM	
Wed	07:00	23:45	
	AM	PM	
Thur	07:00	23:45	
	AM	PM	
Fri	07:00	23:45	
	AM	PM	
Sat	07:00	23:45	
	AM	PM	
Sun	09:00	23:45	

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

I WILL HAVE STRONG MANAGEMENT CONTROL AND EFFECTIVE TRAINING OF ALL STAFF IN ORDER TO INCREASE THEIR AWARENESS. STAFF TRAINING PROGRAMME. TO BE RESPONSIBLE ON UNDER AGE CHECK AND TAKE ALL RESPONSIBILITY FOR PUBLIC SAFETY AND TO PROTECT CHILDREN FROM HARM. TO PREVENT OF PUBLIC NUISANCE AND TO COMPLY WITH THE PREVENTION OF NOISE.

b) The prevention of crime and disorder

- ALL THE PREMISES TO BE COVERED BY CCTV SYSTEM IN ORDER TO ADDRESS CRIME OBJECTIVES.
- NO SELLING OF ALCOHOL TO DRUNK OR INTOXICATED CUSTOMERS
- CLEAR AND LEGIBLE NOTICE THAT INDICATE THE TERM OF THE WHICH LICENSABLE ACTIVITIES ARE PERMITTED.
- TO PREVENT AND VIGILANCE IN ILLEGAL DRUG USE AT THE AREA.

c) Public safety

I WILL TAKE ALL IMPORTANT STEPS TO DEMONSTRATE AWARENESS AND TO COMPLY WITH BASED ON HEALTH AND SAFETY AND FIRE PREVENTION LEGISLATION. I WILL TAKE ALL RESPONSIBLE APPROACH TO ENSURE THE SAFETY OF PUBLIC IN AND AROUND MY PREMISES.

- UNDER AGE ID CHECKS, TRAINED STAFF, PROVIDING THE LOG BOOK.

d) The prevention of public nuisance

I WILL MAKE SURE TO ACHIEVE ADDRESS THE PUBLIC NUISANCE OBJECTIVE. CLEAR AND LEGIBLE NOTICE WILL BE DISPLAYED AT THE EXIT REQUESTING THE PUBLIC TO RESPECT THE NEEDS OF THE NEARBY.

- DELIVERIES OF GOODS FOR BUSINESS WILL BE CARRIED AT SUCH A TIME OR IN SUCH A TIME OR SUCH A MANNER AS TO BE.

e) The protection of children from harm

I WILL STRICTLY CONTROL THE SELL OF ALCOHOL. "CHALLENGE 25" SIGN TO BE USED. TO ENCOURAGE ANY ONE WHO IS OVER 18 BUT LOOKS UNDER 25 TO CARRY ACCEPTABLE ID. LOG BOOK WILL BE KEPT UPON THE PREMISES ALL TIME.

A7

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>A7</i>
Date	30.03.2017
Capacity	DESIGNATED PREMISES SUPERVISOR

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Appendix B

Public Objection - No 1

B1

From: Valerie Bayliss [mailto:]
Sent: 26 April 2017 07:53
To: licensingservice
Cc:]
Subject: License Application, Waingate Express, 36 Waingate S3 8LB

Dear Sirs

I write on behalf of the Friends of the Old Town Hall, Waingate. We are a community organisation concerned to secure the restoration and re-use of the Old Town Hall in Waingate. We are represented on the City Council's Castlegate Partnership Steering Group. We have received public funding (including from the Heritage Lottery Fund) to pursue our objectives which include acquisition of the building, in due course, by a charitable trust (which we have now established – charity no 1170599).

We wish to object to the granting of a license to Mr Aron Nefetalam in respect of the above-named premises. In our opinion refusal to grant this license application will serve to support the licensing objectives set out in the Licensing Act 2003, and in the Council's Licensing Policy, by containing or reducing risks to public safety, removing the scope for increased crime and disorder and reducing the scope for public nuisance.

The Waingate area is currently run-down and there is little residential population there. This suggests there is no existing mainstream market for another off-license, do we assume the intention is mainly to serve people drawn into the area by the availability of alcohol, particularly outside regular retail hours. There are already some 6 licensed premises within a 200 yard radius of 36 Waingate. It is reasonable to assume that these premises are already, in effect, servicing the demand from such residential population as exists, and from street drinkers (of whom there is a noticeable number at many points in the day and evening). We are also aware from direct observation of some illicit/illegal alcohol sales in Dixon Lane. Refusal to allow another source of alcohol, especially one open until late every night, will prevent the area from becoming even more attractive to the potentially and actually disruptive, who will be sources of increased levels of anti-social behaviour, crime and disorder; with yet another source of supplies, especially for the very long hours proposed, Waingate is at risk of becoming as risky and unsafe an area as West Street and we believe it would be wrong to encourage any further moves in that direction.

Daytime footfall in the area is largely shopping traffic in Haymarket, and people waiting for buses in Waingate, Castle Street and Haymarket. Our recent experience indicates that even in the mornings there are people hanging around the area who are drunk (for example, Friends' supporters carrying out a litter pick – funded by the Council's ward pot for City ward – on 22 April 2017 observed and/or were approached by numerous street drinkers between the hours of 10 am and 12 pm). The license application seeks permission to undertake retail sales of alcohol from 7 am. Refusal to grant a license will help the daytime users of the shops in the area by reducing the possibility that street drinkers will be a nuisance throughout retail hours.

The application also seeks permission to sell alcohol up to 11.45 pm every night. The area is mainly used after shop hours by people waiting for buses, of which very large numbers pass through. We are aware of individuals, especially women, who have already – at some inconvenience - stopped using these bus stops at night because they are no longer prepared to put up with hassle from drunks. From reports received it is reasonable to assume that the persons causing this nuisance are largely street drinkers and/or customers of the drugs trade. We are aware that staff in some of the Haymarket shops are dismayed at the prospect of a source of off-sales in Waingate and anticipate further problems from drinkers given even easier access to sales into the evening. Granting permission for such sales will help these staff.

BZ

There is no viable night-time economy in Castlegate at the moment and while we note that the Council's Licensing Policy seeks to encourage the development of a night-time economy it is clear this is envisaged as comprising seated venues, not more off-licenses.

More broadly, refusing this application will, by containing or reducing the opportunities for more anti-social behaviour and crime and disorder, and reducing the risk of threats to public safety, help support the regeneration of Castlegate to which the City Council and community groups like ours are fully committed.

We are copying this communication to South Yorkshire Police.

Valerie Bayliss
Chair, Friends of the Old Town Hall

Appendix C

Hearing notices and Regulations



**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

9

Mr Aron Nefetalam
20 Erskine Crescent
Sheffield
S2 3LQ

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 30th March 2017 received an application in respect of the premises known as;

Waingate Express – 36 Waingate Sheffield S3 8LB .

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **23rd May 2017 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 11th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

A handwritten signature in black ink, appearing to be 'C2'.

Ms Valerie Bayliss
Chair of Friends of Old Town Hall

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 30th March 2017 received an application in respect of the premises known as;

Waingate Express – 36 Waingate Sheffield S3 8LB .

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **23rd May 2017 10.00am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 11th May 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD. licensing@sheffield.gov.uk

Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
 - (b) if given permission by the authority, question any other party; and
 - (c) address the authority

Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
 - (b) permit him to return only on such conditions as the authority may specify,
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
3. The Chair will ask the applicants to formally introduce themselves.
4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - (d) Members may ask questions of those parties
 - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (h) The applicant will then be given the opportunity to sum up the application.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for members to take legal advice and consider the application.
6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

NB: 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.

2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

This page is intentionally left blank

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank