

# **Licensing Sub-Committee**

**Thursday 1 June 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), George Lindars-Hammond and Gail Smith  
Jack Clarkson (Reserve)**

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## **PUBLIC ACCESS TO THE MEETING**

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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](http://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](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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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.

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**LICENSING SUB-COMMITTEE AGENDA  
1 JUNE 2017**

**Order of Business**

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- 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 - Page Hall Off Licence, 81-83 Page Hall Road, Sheffield S4 8GU**  
Report of the Chief Licensing Officer
- 6. Licensing Act 2003 - Taco Bell, 116-118 Devonshire Street, Sheffield S3 7SF**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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.

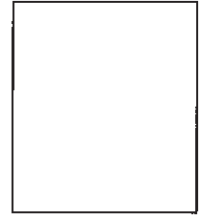
Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 1<sup>st</sup> June 2017

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

Page Hall Off Licence – 81-83 Page Hall Road.

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**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.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

Ref No 63/17

Page Hall Off Licence 81-83 Page Hall Road Sheffield S4 8GU.

**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. Shokat Ali

2.2 The application, which was received on 10<sup>th</sup> April 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 – Trading Standards.
- No 1 – South Yorkshire Police

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

AI

**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 Shokat Ali 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 am 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 Page Hall Off-Licence, 81-83 Page Hall Road,	
Post town Sheffield,	Post code S4 8GU

Telephone number of premises (if any)

Non-domestic rateable value of premises

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

AZ

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  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  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

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

The premises is a convenience shop established with an off-licence which also sells groceries, confectionery and other periodicals and household items.

In accordance with the appropriate Guidance, the store is to be licensed in its entirety. The plans give an indication as to the likely location of alcoholic products. The applicant seeks to license the store for sale of alcohol between the hours of 08.00 to 23.00 Monday to Saturday and 10.00 to 22.30 Sunday, 08.00 to 22.30 Good Friday, Christmas Day (25/12) 12.00 to 15.00 and 19.00 to 22.30.

In terms of underage sales, a minimum of "Challenge 25" will be operated at the premises.

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

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

Please tick ✓ yes

**Provision of regulated entertainment**

- 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)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

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J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
				Both	✓
Mon	08:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00	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)  Good Friday 08.00 - 22.30 Christmas Day (25/12) - 12.00 - 15.00 and 19.00 - 22.30		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30			

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

**Name:** Shokat Ali.....

**Address:** 81-83 Page Hall Road,, Sheffield.....

.....

**Postcode:** S4 8GU .....

**Personal Licence number (if known):** SY01081PER .....

**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)

NONE



Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)  Please see box M above
Day	Start	Finish	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>Good Friday 08.00 – 22.30 Christmas Day (25/12) – 12.00 – 15.00 and 19.00 – 22.30</p> <p>This application does not intend to restrict the premises to open for non-licensable activities outside the specified times</p>
Mon	08:00	23:00	
Tue	08:00	23:00	
Wed	08:00	23:00	
Thur	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	08:00	23:00	

**M**

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

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

I have undertaken my own risk assessment. I will be re-branding the name of the premises and ensuring upon the basis of my risk assessment that all four licensing objectives are upheld with agreed conditions in partnership with the relevant authorities.

I am keen to re-name, re-brand and re-invent the premises and business to become a responsible retailer of alcohol. I propose to take the following steps.

**b) The prevention of crime and disorder**

1. Staff involved in the sale of alcohol will receive training on matters concerning underage sales and operating procedures.
2. The premises will operate an approved proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years. A refusal book (or equivalent) will be maintained at the premises and will be available to the Police and Licensing Authority upon reasonable request.
3. Suitable signage will be displayed at the premises.
4. The management of the premises will liaise with Police on issues of local concern or disorder.
5. The minimum CCTV requirements at the premises will include a camera on the counter and entrance. Images will be retained for at least 30 days and will be downloaded upon the request of a Police Officer or Officer representing a Responsible Authority as long as that request is made with sufficient information to properly identify the request. Any reasonable request made by South Yorkshire Police in relation to the CCTV will be adhered to.
6. The Challenge 25 age verification scheme will operate. All staff will be trained to operate the scheme and staff training records will be maintained, including a date and content of the training, the qualifications and name of the trainer. Appropriate signage will be displayed prominently within the store, including at the point of sale. The refusals record maintained by the premises will be counter-checked by the Premises Licence Holder and / or the Designated Premises Supervisor on a regular basis.
7. No alcohol or tobacco products will be purchased from unknown sources such as itinerant traders "cold callers" at the premises. A notice shall be displayed close to the entrance to the premises (either on a shop window or door etc) which clearly indicates that alcohol and tobacco products will

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not be purchased from "cold callers" visiting the premises.

8. The Premises Licence Holder and /or the Designated Premises Supervisor will ensure that all staff are instructed and trained on the subject of illicit alcohol and tobacco products, include periodic refresher training. Records of the training will be made and kept up to date and checked on a regular basis by the Premises Licence Holder and / or Designated Premises Supervisor.
9. The business will take all necessary steps to ensure that no illicit tobacco products are kept on the premises, either for supply or for personal consumption.
10. All alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme No. for that supplier. Invoices will be retained on the premises for a minimum of 6 months and will be provided on request to a Police Office or authorised officer of Sheffield City Council with a reasonable and valid reason for doing so.
11. There shall be no 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.

**c) Public safety**

1. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
2. The fire alarm system will be maintained in good operational order.
3. Fire Exits and means of escape shall be kept clear and in good operational condition.
4. The Premises Licence Holder will comply with any current Fire Risk Assessment with regard to the premises.
5. A satisfactory Electrical Certificate shall be provided for the premises.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed.

**e) The protection of children from harm**

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. There shall be no 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.
3. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
4. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

**Checklist:**

Please tick to indicate agreement

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- 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 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
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.**

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• {Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
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Signature: John Gaunt & Partners 

Date: 7 April, 2017.....

Capacity: Solicitors.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners .....

Date:.....

Capacity: Solicitors.....

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Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
<b>John Gaunt &amp; Partners Omega Court 372 Cemetery Road</b>	
Post town <b>Sheffield</b>	Post code <b>S11 8FT</b>
Telephone number (if any)	<b>0114 2668664</b>
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <b>jgaunt@john-gaunt.co.uk</b>	

### Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

**15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

*Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).*

**Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK .
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

A10

- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, Issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



All

Schedule 11

Consent of individual to being specified as premises supervisor

I, Shokat Ali of Double Diamond 81-83 Pagehall Road, Sheffield S4 8GU hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a premises licence by me relating to a premises licence for **81-83 Page Hall Road, Sheffield, S4 8GU** and any premises licence to be granted in respect of this application made by me concerning the supply of alcohol at **81-83 Page Hall Road, Sheffield, S4 8GU**.

I also confirm that I am applying for, intend to apply for, or currently hold, a personal licence.

Personal Licence number:

SY01081PER

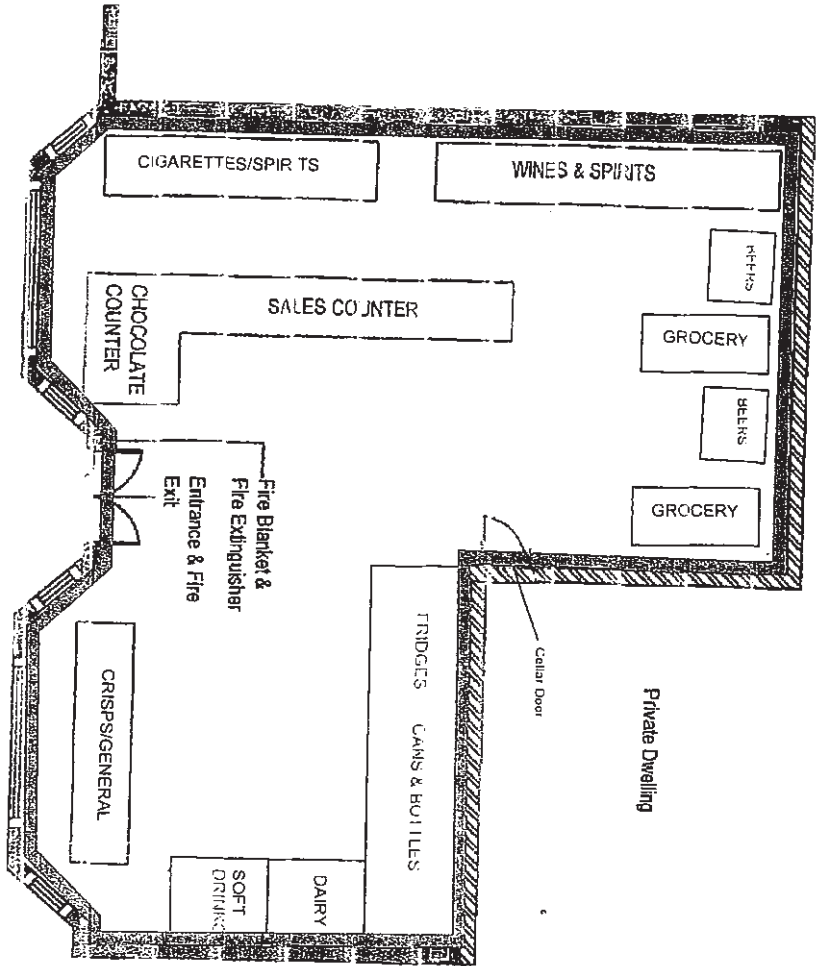
Personal Licence issuing authority: Sheffield City Council

Signed:  .....

Name (please print): Shokat Ali

Dated: 5/4/2017 .....

AIR



FOOTPATH

# GROUND FLOOR SHOP PLAN

Client

SHOKAT ALI  
81 - 83 MAGI  
SHEHID  
S48GID

Project Title

DOUBLE DIA  
LICENSING /

Drawing Title

GROUND FLOOR

Drawn By :

Checked By :

Scale :



# Appendix B

Objection - Trading Standards  
Objection – South Yorkshire Police

**From:** Palmer David  
**Sent:** 04 May 2017 13:35  
**To:** licensingservice  
**Cc:** CHERYL TOPHAM (Cheryl.Topham@southyorks.pnn.police.uk); Hague Julie; Sheffield. Liquor-Licensing (Sheffield.liquor-licensing@southyorks.pnn.police.uk)  
**Subject:** Page Hall Off Licence (AKA Double Diamond)  
**Attachments:** D Diamond Cheryl.pdf; D Diamond photos.pdf

To Members of the SCC Licensing sub-committee.

On behalf of SCC Trading Standards service, I wish to make representations in respect of the application for a premises licence for

81 – 83 Page Hall Road, Sheffield S4 8GU.

The following representations relate to the prevention of crime and disorder, and the protection of children from harm.

1. The applicant, Shokat Ali, was the Premise Licence Holder (PLH) and Designated Premises Supervisor when, on 15<sup>th</sup> July 2014, over 11,000 illicit cigarettes were found at the premises by Trading Standards Officers. All of the cigarettes were smuggled and non-duty paid and none bore the correct health warnings. Some of the cigarettes were made and branded specifically for the illicit tobacco trade.
2. Shokat Ali continued to be the PLH and DPS when, on 8<sup>th</sup> January 2016, Trading Standards Officers discovered over 1400 illicit cigarettes and six packs of illicit hand rolling tobacco (HRT) hidden in a carefully constructed concealment in the shop (see two photographs). As before, all of the goods were smuggled and non-duty paid, the HRT was counterfeit and none were marked with the correct health warnings.
3. At the time of the offences previously outlined, Shokat Ali was the owner of the premises and his ownership was confirmed in a document provided by him to the Licensing sub-committee on 9<sup>th</sup> February 2017, during a licence review hearing.
4. On 9<sup>th</sup> March 2016, officers from SY Police and Safeguarding Children Board, visited the premises. They were told that Shokat Ali was abroad. No one appeared to be in control of the premises apart from the shop assistant, Shwan Said. Officers noted that the measures that were intended to control age restricted sales were in poor order (see para 1 in statement of Cheryl Topham).
5. On 17<sup>th</sup> March 2016, SCC Licensing Officers visited the premises. They spoke to Shokat Ali and were told that the proprietor of the business, Sherko Mohammed, was abroad and that he, Mr Ali, would be running the business until Mr Mohammed's return (see para 3 in statement of Cheryl Topham).
6. On 13<sup>th</sup> April 2016, Trading Standards wrote to Shokat Ali, informing him of the intention to submit a licence review application. Mr Ali responded by telephone, explaining that he no longer had involvement in the business and that Sherko Mohammed was in the process of transferring the Premise Licence and DPS to himself, but there had been a delay.
7. Sherko Mohammed transferred the licence and became DPS on 22<sup>nd</sup> April 2016.
8. During the following months, a multi-agency support group was formed with the intention of assisting the business to improve its procedures, including a written assurance provided by Mr Mohammed and additional conditions being added to the licence and an action plan was put in place. Mr Said assisted Mr Mohammed throughout this process.
9. On 27<sup>th</sup> October 2016, an un-announced visit to the premises by SCC Licensing and Trading Standards Officers, revealed four bottles of smuggled vodka on the shelves. The

B2

shop assistant summoned Shwan Said to the shop and he produced a false invoice and delivery note in relation to the purchase of the vodka. During the visit, Shokat Ali entered the premises on two or three occasions and he appeared to observe what was happening. Shwan Said spoke to him during one or more of Mr Ali's appearances. Mr Said seemed irritated by his interest and explained that the man was the landlord.

10. Trading Standards concerns are that, despite the impression given in the notice of application, of a "new broom" approach to the management of the premises, the criminal activity conducted at the premises over a number of years, will continue. The applicant has listed a range of steps he intends to take to promote the licensing objectives and has indicated a new trading name. However, the applicant has previously demonstrated that he has not taken his responsibilities as PLH and DPS seriously and has allowed counterfeit and smuggled tobacco to be stored at the premises on two occasions. He has also previously paid lip service to the measures which are required to be in place to guard against age restricted sales.
11. Trading Standards Officers are concerned that this application is part of a revolving door approach to licence holding and premise supervision and that possibly three individuals are involved in running the business. When the landlord, Shokat Ali, was previously PLH and DPS, Sherko Mohammed acted as business proprietor. When Mr Mohammed became PLH and DPS, he agreed to improve procedures, but illicit vodka was found on the premises, at a time when Shwan Said was assisting Mr Mohammed and assumed responsibility to produce false documents. This application, if granted, could revert the licence and supervision back to Mr Ali.
12. The Premises Licence was revoked at a review hearing on held on 9<sup>th</sup> February 2017 and is pending appeal at Sheffield Magistrates Court.
13. The Home Office guidance issued under Section 182 of the Licensing Act 2003 states:-  
*"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: .....for the sale or storage of smuggled tobacco and alcohol; as the base for the organisation of criminal activity, particularly by gangs;*
14. The Trading Standards service would ask the Licensing sub-committee to consider the refusal of this application.

David Palmer  
Senior Trading Standards Officer  
Sheffield Trading Standards

**Delamore Lindsey**

B3

**From:** SHEFFIELD\_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>  
**Sent:** 05 May 2017 09:23  
**To:** licensingservice  
**Cc:** Palmer David; CHERYL TOPHAM; JOHN OMALLEY  
**Subject:** Objection-Page Hall Off-Licence, 81-83 Page Hall Road

*Sent on behalf of Licensing, South Yorkshire Police*

Licensing General

Block C

Staniforth Road Depot

609 Staniforth Road

Sheffield

05.05.2017

### **Licensing Act 2003**

#### **Objection to premise licence application**

Page Hall Off-Licence, 81-83 Page Hall Road, Sheffield, S4 8GU

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

The grounds of objection are based on the prevention of crime and disorder. We have serious concerns regarding the proposed Premise Licence Holder and Designated Premise Supervisor and their ability to effectively manage the premise without issue. The applicant has failed to demonstrate an ability to operate within the law previously at this location and the new application gives little assurance these issues would not continue.

The location previously benefitted from a premise licence which has subsequently been revoked, following submission of review by Trading Standards. The review was supported by South Yorkshire Police and we share the same concerns outlined in David Palmer's objection to the new premise licence application.

We are happy to provide further information at the subsequent objection hearing.

Yours faithfully,

# Appendix C

Hearing notices and Regulations



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

9

Mr Shokat Ali  
81-83 Page Hall Road  
Sheffield  
S4 8GU

C/O John Gaunt & Partners

Sent via email: [phenocq@john-gaunt.co.uk](mailto:phenocq@john-gaunt.co.uk)

The Sheffield City Council being the licensing authority, on the 10<sup>th</sup> April 2017 received an application in respect of the premises known as;

Page Hall Off Licence 81-83 Page Hall Road Sheffield.

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

- **Trading Standards**
- **South Yorkshire Police**

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 **1<sup>st</sup> June 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: 11<sup>th</sup> 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](mailto:licensing@sheffield.gov.uk)

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

Licensing Team  
South Yorkshire Police

C2

Sent via email: [sheffield.Liquor-licensing@southyorks.pnn.police.uk](mailto:sheffield.Liquor-licensing@southyorks.pnn.police.uk)

The Sheffield City Council being the licensing authority, on the 23<sup>rd</sup> March 2017 received an application in respect of the premises known as;

Alpha Food & Wine 234 Abbeydale Road Sheffield S7 1FL

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

- 1 – **Trading Standards**
- 1 – **South Yorkshire Police**

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 **Thursday June 1<sup>st</sup> 2017 10am**; 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) the representations you have made, upon which you may 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 representation.

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: 12<sup>th</sup> May 2017

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing 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](mailto:licensing@sheffield.gov.uk)

LICENSING ACT 2003

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**Notice of hearing of representations  
in respect of the following application:  
Application to Grant a Premises Licence**

C3

Mr David Palmer  
Trading Standards  
Sheffield City Council

[David.palmer@sheffield.gov.uk](mailto:David.palmer@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 10<sup>th</sup> April 2017 received an application in respect of the premises known as;

**Page Hall Off Licence 81-83 Page Hall Road**

During the consultation period, the Council received representations from the following;

- 1 – Trading Standards
- 1 – South Yorkshire Police

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 **Thursday 1<sup>st</sup> June 2017 at 10am**; 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) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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 (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 12<sup>th</sup> 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](mailto:licensing@sheffield.gov.uk)



## NOTES

C4

### 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.

## Regulation 8

C5

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

## Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

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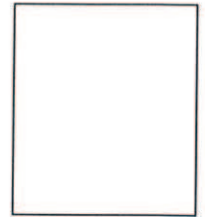
**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

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.

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 1<sup>st</sup> June 2017

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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

Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF

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**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.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

Ref No 67/17

**Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the variation of a premises licence made under Section 34 of the Licensing Act 2003.

**2.0 THE APPLICATION**

2.1 The applicants are Northgate Fast Food Limited, submitted by Tim Shield of John Gaunt and Partners Solicitors.

2.2 The application, which was received on 7<sup>th</sup> April 2017, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

2.4 During the consultation period, agreements were made between the applicant and South Yorkshire Police to amend the application and withdraw one of the conditions for removal as part of this variation application. The application was subsequently amended as shown in the attached form, with South Yorkshire Police withdrawing their initial objection.

**3.0 REASONS FOR REFERRAL**

3.1 A Representation concerning the application has been received from the following and are attached at Appendix 'C':-

1 Public objection

3.2 The applicant and objector have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'

**4.0 FINANCIAL IMPLICATIONS**

4.1 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.

**5.0 THE LEGAL POSITION**

5.1 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.

5.2 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.

## **6.0 HEARINGS REGULATIONS**

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

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

6.3 Attached at Appendix 'E' 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.

## **7.0 APPEALS**

7.1 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.

## **8.0 RECOMMENDATIONS**

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

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

1<sup>st</sup> June 2017

# Appendix A

The Application (amended)



Application to vary a premises licence 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.

We Northgate Fast Food Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

SY 2318 PR

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Taco Bell (Devonshire St) Sheffield , 116 - 118 Devonshire Street,	
Post town Sheffield	Post code S3 7SF

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant Details

Daytime contact telephone number

Email address (optional)

Current postal address if different from premises address

Post Town  Postcode

**Part 3 – Variation**

Do you want the proposed variation to have effect as soon as possible?

Please tick  yes

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1)

yes  no

**Please describe briefly the nature of the proposed variation** (please read guidance note 2)

The application falls into two parts as follows:

1. To extend the terminal hour for licensable activities seven days a week to 3 a.m. (currently the terminal hours is 00:30 Monday to Saturday and Midnight on Sunday).
2. To remove conditions on the Premises Licence being conditions under Annex 2 numbered 3 and 4 as follows:
- "3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.
4. No sales of alcohol for consumption off the premises in unsealed containers save for consumption in any designated external area provided by the premises licence holder or that purpose."

The application has been prepared on the basis that it will not undermine the licensing objectives.

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

### Provision of regulated entertainment

- 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)

Sale by retail of alcohol (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both - please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue					
Wed					
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both - please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	03:00	<b>Please give further details here</b> (please read guidance note 4)	Both	✓
Tue	10:00	03:00			
Wed	10:00	03:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur	10:00	03:00		N/A - save as below	
Fri	10:00	03:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	10:00	03:00			
Sun	10:00	03:00		As existing	

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b>Please give further details</b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Thur			
Fri			<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed			<b>Please give further details here</b> (please read guidance note 4)		
Thur					
Fri			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Sat					
Sun					
			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue					
Wed					
Thur			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue					
Wed					
Thur			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b>Please give further details here</b> (please read guidance note 4)	Both
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors		
Mon				<b>Please give further details here</b> (please read guidance note 4)	Outdoors	
Tue					Both	
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)			
Thur						
Fri			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Sat						
Sun						

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y}</b> (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon	23:00	03:00	<b>Please give further details here</b> (please read guidance note 4)	Both	✓
Tue	23:00	03:00			
Wed	23:00	03:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)  N/A – save as below		
Thur	23:00	03:00			
Fri	23:00	03:00	<b>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</b> (please read guidance note 6)  As existing		
Sat	23:00	03:00			
Sun	23:00	03:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> <b>(Please tick box Y)</b> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10:00	03:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)	Both	✓
Tue	10:00	03:00			
Wed	10:00	03:00	<b>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</b> (please read guidance note 6)  As existing		
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

**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 9)



L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variation</b> (please read guidance note 5)  Please see box J above
Day	Start	Finish	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)  The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	09:00	03:30	
Tue	09:00	03:30	
Wed	09:00	03:30	
Thur	09:00	03:30	
Fri	09:00	03:30	
Sat	09:00	03:30	
Sun	09:00	03:30	

**Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking**

**Annex 2 conditions 3 and 4 as follows:**

3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.

4. No sales of alcohol for consumption off the premises in unsealed containers save for consumption in any designated external area provided by the premises licence holder or that purpose.

*GH note:  
\* Condition to remain on licence as per agreement (see emails) 11/5/17*

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)**

This is an application for variation as described in Part 3 above.

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed.

**c) Public safety**

No further risks have been identified which need to be addressed.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed.

**e) The protection of children from harm**

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

All

I have made or enclosed payment of the fee

- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 6<sup>th</sup> April 2017

Capacity: Solicitors.....

**Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: .....

Capacity: Solicitors.....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
<b>Post town</b> Sheffield	<b>Post code</b> S11 8FT
<b>Telephone number (if any)</b> 0114 266 8664	
<b>If you would prefer us to correspond with you by email your email address (optional)</b> TShield@john-gaunt.co.uk	

## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.**

## Notes for Guidance

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

# Appendix B

Current Premises Licence

## THE LICENSING ACT 2003

Premises Licence No: SY 2318 PR

ISSUE NO: 1

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

### PART 1 – Premises details

Taco Bell  
116-118 Devonshire Street  
Sheffield  
S3 7SF

Telephone Number: Not Known

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

#### 1. Provision of regulated entertainment:

##### Exhibition of Films

Indoors

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

#### 2. Late Night Refreshment:

Indoors

Monday to Saturday	23:00 to 00:30 hours the following day
Sunday	23:00 to 00:00 hours
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

#### 3. Sale by retail of alcohol:

- a) for consumption on the premises
- b) for consumption off the premises

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

**The opening hours of the premises are:**

Monday to Saturday	09:00 to 01:00 hours the following day
Sunday	09:00 to 00:30 hours the following day
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to whichever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption both on and off the premises.

**PART 2****Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Northgate Fast Food Ltd  
1<sup>st</sup> Floor  
Kirkland House  
11-15 Peterborough Road  
Harrow  
Middlesex  
HA1 2AX

**Telephone Number:** Not Known

**Registered number of holder, for example company number, charity number (where applicable):**

02841815

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Arjun Bharat Patel  
4 Hooper Road  
Sheffield  
S11 9SF

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Personal Licence Number:** SY 5587 PER  
**Issuing Authority:** Sheffield City Council

State whether access to the premises by children is restricted or prohibited:

Restricted

This Premises Licence shall be in force from the 10<sup>th</sup> January 2015.

Issued on: 31<sup>st</sup> March 2015.



.....  
**Steve Lonnia**  
**Chief Licensing Officer, Head of Licensing Services**  
**On behalf of Sheffield City Council (issuing licensing authority)**



## **Annex 1A – Mandatory Conditions**

### **Mandatory Condition 1 (Section 19 ss 2)**

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

### **Mandatory Condition 2 (Section 19 ss 3)**

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Condition 3 (Section 20)**

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
  - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
  - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
  - "children" means persons aged under 18; and
  - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### **Mandatory Condition 4 (Section 21)**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

## **Annex 1B - Mandatory Condition effective from 28<sup>th</sup> May 2014:**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

## **Annex 1C - Mandatory Conditions effective from 1<sup>st</sup> October 2014:**

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## Annex 2 – Conditions consistent with the operating schedule

1. There shall be no 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.
2. A Satisfactory Electrical Certificate should be provided for the premises.
3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.
4. No sales of alcohol for consumption off the premises in unsealed containers save for consumption in any designated external area provided by the premises licence holder or that purpose.
5. All persons authorised to sell alcohol will complete an underage sales training programme, that written records of this training (which shall be available for inspection by the police or officers authorised by Sheffield City Council) to verify competency of that person. Refresher training will be carried out every 6 months, with records kept.
6. The DPS or any personal licence holder employed at the premises shall make and keep a record, at the premises, of all persons authorised to sell alcohol. The records will contain all training records for those persons and a copy of the authorisation (which must be given to the DPS) to sell. These records shall be available for inspection by police and authorised officers on request.
7. The use of door staff will be risk assessed on an ongoing basis by the Premises Licence Holder or DPS. Where door staff are to be engaged, they will be licensed by Security Industry Authority.
8. The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
9. CCTV will be installed with recording facilities. Such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
10. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
11. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
12. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
13. Patrons will be encouraged by staff to leave quietly and respect the interest of the occupiers of any nearby noise sensitive premise, where appropriate the licensee or suitable staff member will monitor patrons leaving at the closing time.

Annex 3 – Conditions attached after a hearing by the licensing authority

Appendix 1



**LICENSING ACT 2003**

**Premises Licence Summary**

ISSUE NO: 1

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

**Premises licence number SY 2315 PR**

Taco Bell  
116-118 Devonshire Street  
Sheffield  
S3 7SF

Telephone Number: Not Known

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

**1. Provision of regulated entertainment:**

**Exhibition of Films**

Indoors

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

**2. Late Night Refreshment:**

Indoors

Monday to Saturday	23:00 to 00:30 hours the following day
Sunday	23:00 to 00:00 hours
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

**3. Sale by retail of alcohol:**

- a) for consumption on the premises
- b) for consumption off the premises

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

**The opening hours of the premises are:**

Monday to Saturday	09:00 to 01:00 hours the following day
Sunday	09:00 to 00:30 hours the following day
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to whichever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption both on and off the premises.

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Northgate Fast Food Ltd  
1<sup>st</sup> Floor  
Kirkland House  
11-15 Peterborough Road  
Harrow  
Middlesex  
HA1 2AX

**Telephone Number:** Not Known

**Registered number of holder, for example company number, charity number (where applicable):**

02841815

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Arjun Bharat Patel

**State whether access to the premises by children is restricted or prohibited:**

Restricted

The Premises Licence shall be in force from 10<sup>th</sup> January 2015.

Issued on: 31<sup>st</sup> March 2015.



.....  
**Steve Lonnia**  
**Chief Licensing Officer, Head of Licensing Services**  
**On behalf of Sheffield City Council (issuing licensing authority)**



# Appendix C

Public representation

**Delamore Lindsey**

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**From:** [REDACTED]  
**Sent:** 07 May 2017 21:30  
**To:** licensingservice  
**Cc:** Dave Hussey-Yeo  
**Subject:** Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

Sheffield City Council Licensing Department:

Please accept this objection from SCCRAG for the revised licensing hours applied for by Northgate Fast Food Ltd to extend the terminable hours for licensable activities to 03:00 seven days a week (currently midnight seven days a week) at Taco Bell - 116-118 Devonshire Street, S3 7SF.

We would withdraw this objection if the licence conditions dictate that the premises become part of the UNight Best Bar None pub network night-time security scheme and have their own security staff on duty from 10:00 to 03:00. This ensures that management operates the recognised system to prevent any disruptive behaviour caused by customers using the premises to consume excessive alcohol.

Put in simple terms, if these premises want to move into the night-time economy, they must operate the same controls over anti-social behaviour as similar premises and this should be a condition on the licence.

We understand the closing date for objections is Monday 8<sup>th</sup> May and I will be grateful if you can confirm receipt of this objection. And when the hearing will take place.

Many thanks,

[REDACTED]  
Sheffield City Centre Residents Action Group

**Gough Jayne (CEX)**

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**From:** [REDACTED]  
**Sent:** 15 May 2017 22:44  
**To:** Gough Jayne (CEX)  
**Cc:** Lonnia Stephen (CEX); (GCSX) Fell Greg (CEX); Nick Simmonite  
**Subject:** RE: Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

Thank you for the emails below and the response from the solicitors on behalf of the Taco Bell applicant. The view of SCCRAG remains the same. If these premises want to stay open until 3am they should become part of the night-time security systems that are serving the city centre well. If door supervisors are agreed as a condition until 3am, that will serve the purpose we seek, which is to ensure that already drunk customers cannot access unsupervised premises to gain more alcohol which they cannot obtain in UNight and Best Bar None member premises. It should be a condition on the licence. We would however prefer ALL premises that serve alcohol into the early hours of the morning to belong to UNight and BBN, because these facilities have calmed down the unruly night-time revellers to a largely acceptable level for residents. It would be unfortunate if places like Taco Bell and other so-called food outlets are permitted to open late with an alcohol licence with minimal supervision and as a consequence the night-time economy reverts to its drunken past. We would like these comments to be placed before the Licensing Committee and ask for its consideration of a condition that covers the points made here. We are also pressing for a Cumulative Impact Policy that makes it mandatory for all outlets selling alcohol at any unsocial hours to be covered by UNight and BBN.

Best regards

[REDACTED]

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**From:** Gough Jayne (CEX) [mailto:Jayne.Gough@sheffield.gov.uk]  
**Sent:** 15 May 2017 13:57  
**To:** [REDACTED]  
**Subject:** FW: Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

[REDACTED]

I am acting in the absence of my colleague Miss Hollis, who is on leave for this week. Please find below the response from Tim Shield (acting on behalf of the applicant) for the Variation application for Taco Bell. Please advise how you wish to proceed. Kindest regards Jayne

*Jayne Gough*  
Licensing Strategy and Policy Officer

# Appendix D

Hearing Notices

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

Mr Tim Shield – acting on behalf of Northgate Fast Food Limited  
John Gaunt & Partners  
Omega Court  
372-374 Cemetery Road  
Sheffield S11 8FT

Emailed to: [tshield@john-gaunt.co.uk](mailto:tshield@john-gaunt.co.uk)

The Sheffield City Council being the licensing authority, on the 7<sup>th</sup> April 2017 received your application in respect of the premises known as;

**Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF**

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

**1 Public objection**

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 **Thursday 1<sup>st</sup> June 2017 at 11am**; 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: 16<sup>th</sup> May 2017

Signed: Jayne Gough  
The officer appointed for this purpose  
Licensing 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](mailto:licensing@sheffield.gov.uk)

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

[REDACTED] acting behalf of SCCRAG

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 7<sup>th</sup> April 2017 received an application in respect of the premises known as;

**Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF**

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

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Signed: Jayne Gough  
The officer appointed for this purpose  
Licensing 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](mailto:licensing@sheffield.gov.uk)

# Appendix E

Regulations / Procedures

**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.



- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

**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.