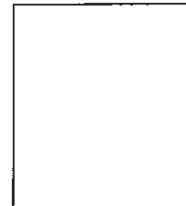




**SHEFFIELD CITY COUNCIL**  
**Licensing Sub Committee**  
**Report**



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

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**Date:** 28<sup>th</sup> January 2014

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**Subject:** Licensing Act 2003

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**Author of Report:** Matt Proctor

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

Costcutter Supermarket, 2 Bevan Way, Chapeltown, Sheffield, S35 4RP

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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 03 / 14

**Costcutter Supermarket, 2 Bevan Way, Chapeltown, Sheffield, S35 4RP**

**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 Ebor Foodmarkets Ltd.
- 2.2 The application, which was received on 2<sup>nd</sup> December 2013, 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 The proposal is to construct a new store on the site of an existing licensed store. The alcohol sales hours for the new store are proposed to be identical to those of the existing licensed premises. Indicative layout plans showing the existing and proposed premises are attached at the end of this report.

**3.0 REASONS FOR REFERRAL**

- 3.1 Representations concerning the application have been received from the following:-

1 public objection – Mr & Mrs Simpson Appendix 'B'

- 3.2 Officers have unsuccessfully attempted to resolve the objection. Copies of relevant correspondence in this regard are attached at page B2.
- 3.2 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 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 'C'.

6.3 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.

## **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 necessary for the promotion of the Licensing Objectives.

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

9.1 To grant the premises licence in the terms requested.

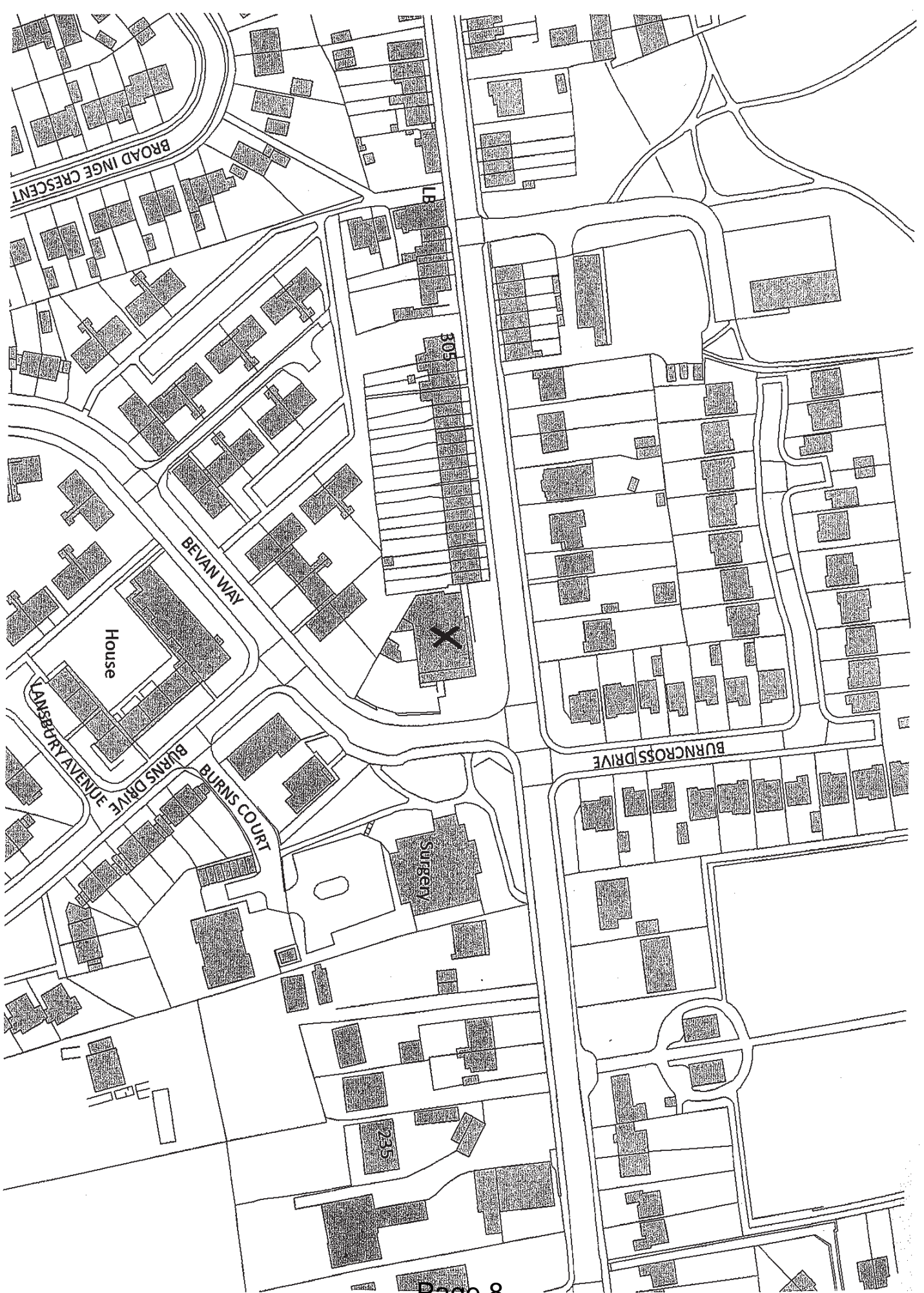
9.2 To grant the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

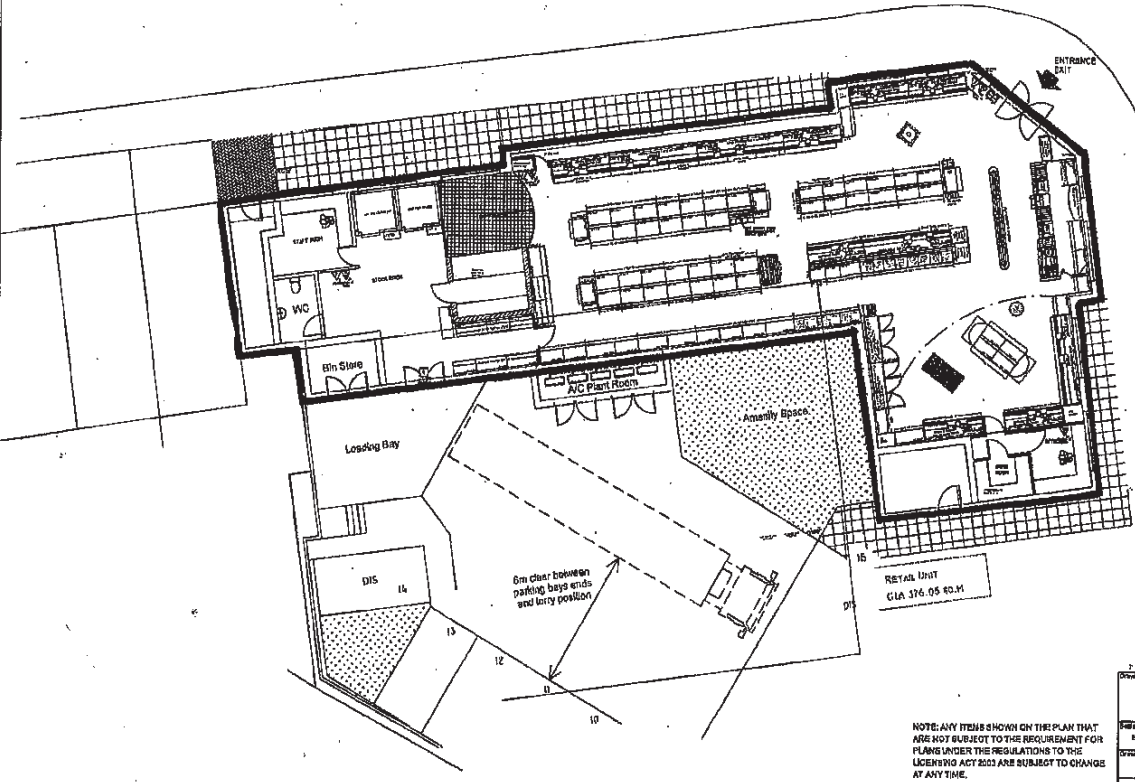
28<sup>th</sup> January 2014



# PROPOSED LAYOUT

BURNCROSS ROAD

BEVAN WAY

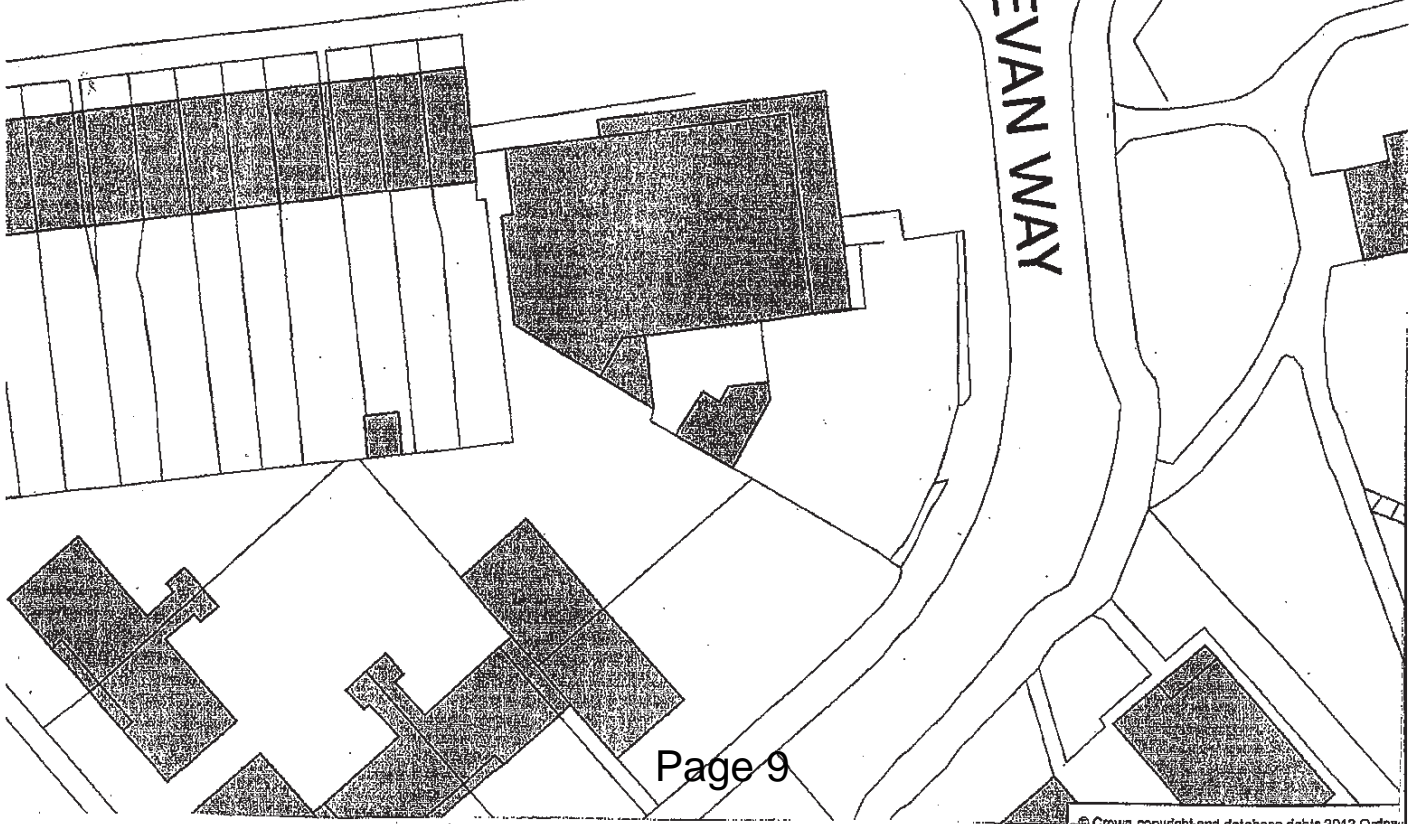


NOTE: ANY ITEMS SHOWN ON THE PLAN THAT ARE NOT SUBJECT TO THE REQUIREMENT FOR PLANS UNDER THE REGULATIONS TO THE LICENSING ACT 2003 ARE SUBJECT TO CHANGE AT ANY TIME.

Drawing No.			
East Farnham Ltd			
BURNINGHAM			
COSTCUTTER			
DEVELOP			
DATE	DRAWN BY	REV. DATE	SCALE
08/01/03	REL. 04/01/03		1:100
Project		Revision	
Amenity Space		1	
<b>Costcutter</b>			
<small>Registered Ltd, Common Lane, Southampton, Hampshire, SO11 1BY Telephone: 01703 60000 Fax: 01703 60001</small>			

# EXISTING LAYOUT

BEVAN WAY



# Appendix A

The Application



Sheffield  
Application for a premises licence  
Licensing Act 2003

For help contact  
[general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Telephone: 0114 2734264/2734880

\* required information

Section 1 for 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number  Put "none" if the applicant is not registered for VAT.

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

**Agent Business**

\* Is your business registered  Yes  No

In the UK with Companies House?

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status



Continued from previous page...

\* Your position in the business ADMIN ASSISTANT

Home country United Kingdom

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name TIME TECHNOLOGY PARK

\* Street BLACKBURN RD

District

\* City or town SIMONSTONE

County or administrative area

\* Postcode BB12 7TW

\* Country United Kingdom

Section 2 of 19

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name COSTCUTTER (NEW BUILD)

Street 2 BEVAN WAY

District

City or town CHAPLETOWN

County or administrative area

Postcode S35 1RP

Country United Kingdom

**Further Details**

Telephone number

Non-domestic rateable value of premises (£) 0

**Section 3 of 19**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19**

**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

LIMITED COMPANY

Address

Building number or name 105

Street DUKE ST

District

City or town CHAPLETOWN

County or administrative area

Postcode S35 1RP

Country United Kingdom

Contact Details

E-mail

Telephone number

Other telephone number

Add another applicant

Section 5 of 19 OPERATING SCHEDULE

When do you want the premises licence to start? 01 / 07 / 2014 dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end dd / mm / yyyy

Provide a general description of 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.

THE PREMISES (NOT YET BUILT) WILL BE SITUATED DIRECTLY IN FRONT OF THE CURRENT STORE, & WILL REPLACE THE CURRENT STORE. THE PREMISES WILL CONTINUE TO BE OPERATED AS A FULL RANGE CONVENIENCE STORE.

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

<i>Continued from previous page...</i>
<b>Section 6 of 19</b>
<b>PROVISION OF PLAYS</b>
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 7 of 19</b>
<b>PROVISION OF FILMS</b>
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 8 of 19</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 9 of 19</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 10 of 19</b>
<b>PROVISION OF LIVE MUSIC</b>
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 11 of 19</b>
<b>PROVISION OF RECORDED MUSIC</b>
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 12 of 19</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
Will you be providing performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 13 of 19</b>
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>
Will you be providing anything similar to live music, recorded music or performances of dance?
<input type="radio"/> Yes <input checked="" type="radio"/> No
<b>Section 14 of 19</b>
<b>LATE NIGHT REFRESHMENT</b>
Will you be providing late night refreshment?

Continued from previous page...

Yes

No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 06:00

End 23:00

Start

End

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.

TUESDAY

Start 06:00

End 23:00

Start

End

WEDNESDAY

Start 06:00

End 23:00

Start

End

THURSDAY

Start 06:00

End 23:00

Start

End

FRIDAY

Start 06:00

End 23:00

Start

End

SATURDAY

Start 06:00

End 23:00

Start

End

SUNDAY

Start 06:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Empty box for seasonal variations]

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

**Name**

First name PHILIP KENNETH WILLIAM

Family name HAYHURST

**Enter the contact's address**

Building number or name

Street LINLEY LANE

District FRECHEVILLE

City or town SHEFFIELD

County or administrative area

Postcode S12 4SL

Country United Kingdom

Personal Licence number (if known) SY 0550 PER

Issuing licensing authority (if known) SHEFFIELD CC

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

NONE

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 06:00

End 23:00

Start

End

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.

TUESDAY

Start 06:00

End 23:00

Start

End

WEDNESDAY

Start 06:00

End 23:00

Start

End

THURSDAY

Start 06:00

End 23:00

Start

End

FRIDAY

Start 06:00

End 23:00

Start

End

SATURDAY

Start 06:00

End 23:00

Start

End

SUNDAY

Start 06:00

End 23:00

Start

End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

[Empty box for additional days during summer months]

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

[Empty box for non standard timings]

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

THE PREMISES WILL BE MANAGED IN LINE WITH THE FOUR LICENSING OBJECTIVES.

b) The prevention of crime and disorder

- 1) THE PREMISES WILL HAVE COMPREHENSIVE CCTV BOTH INSIDE & OUTSIDE THE PREMISES WHEN THE PREMISES ARE OPEN TO THE PUBLIC. THE SYSTEM RECORDS & DATA WILL BE KEPT FOR A MINIMUM OF 31 DAYS. DOWNLOADS WILL BE MADE AVAILABLE TO THE POLICE & AUTHORISED OFFICERS OF THE COUNCIL UPON REASONABLE REQUEST.
- 2) A CHALLENGES & REFUSALS REGISTER WILL BE MAINTAINED AT THE PREMISES.

c) Public safety

CCTV AS ABOVE

d) The prevention of public nuisance

- 1) YOUTHS WILL BE DISCOURAGED FROM GATHERING OUTSIDE THE STORE.

e) The protection of children from harm

- 1) THE PREMISES WILL OPERATE A CHALLENGE 25 POLICY. WHENEVER A PERSON LOOKS OR APPEARS TO BE UNDER THE AGE OF 25, THEY WILL BE ASKED FOR ID TO PROVE THAT THEY ARE 18 YEARS OR ABOVE.
- 2) THE ONLY TYPES OF ID THAT WILL BE ACCEPTED ARE PASSPORTS, PHOTO CARD DRIVING LICENCES & PASS CARDS.



Continued from previous page...

3) STAFF WILL BE TRAINED BEFORE MAKING SALES OF ALCOHOL. THE TRAINING WILL BE DOCUMENTED, REFRESHED AT LEAST EVERY 6 MONTHS, & MADE AVAILABLE TO THE POLICE & AUTHORISED OFFICERS OF THE COUNCIL UPON REASONABLE REQUEST.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/Index.htm](http://www.voa.gov.uk/business_rates/Index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

**Add additional signature**

Once you're finished you need to do the following:  
1. Save this form to your computer by clicking to file/save as...  
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sheffield/apply-1> to upload this file and continue with your application  
Don't forget to make sure you have all your supporting documentation to hand.

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

# Appendix B

Public Objection – Mr & Mrs Simpson

BI

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**From:** trevor simpson [<mailto:trevorsimpson2002@yahoo.com>]  
**Sent:** 27 December 2013 21:14  
**To:** Licensing(General)  
**Subject:** costcutter application

260 Burncross road  
Burncross  
Sheffield  
S35 1sh

Dear Sir,

We are objecting to the recent application for the sale of alcohol and the extended hours by Costcutters on Bevan Way for the following reasons.

We don't think that it is appropriate for the premises to be open for the length of time that is proposed. We are already plagued by gangs of youths shouting, using foul language and generally causing a nuisance until the early hours of the morning.

I have personally been approached by under aged youths to purchase alcohol and cigarettes for them. I have also observed adults purchasing alcohol and passing it to youths in front of the shop. As you are aware alcohol and under age youths are a recipe for trouble.

We feel that if the present application is granted the next step is for 24 hour opening.

We feel that with 12 public houses and 4 supermarkets and 2 petrol stations in the vicinity, there are enough outlets for the sale of alcohol for you to refuse the Costcutter application.

Yours truly,  
Mr and Mrs Trevor Simpson

**Gough Jayne (CEX)**

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**From:** Gough Jayne (CEX) on behalf of Licensing(General)  
**Sent:** 30 December 2013 10:22  
**To:** 'trevor simpson'  
**Subject:** RE: costcutter application

Hi Trevor,

Thank you for your correspondence regarding the Cost Cutter, Bevan Way.

Are you aware that the opening hours that have been applied for are identical to the existing opening hours at the current store?

The new licence is to replace the existing one as the existing building is going to be knocked down and surrendered once this one has been granted, so the actual amount of shops and hours of trade will not alter as per the existing shop/hours.

With this information given, are you still wishing to make a formal objection?

Kind regards

Jayne

*Jayne Gough*

**Licensing Officer**

Licensing Services

Business Strategy and Regulation

Place Portfolio

Sheffield City Council

**Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD**

Tel: 0114 2734880/ 0114 2734264

Fax: 0114 2734073

E Mail: [jayne.gough@sheffield.gov.uk](mailto:jayne.gough@sheffield.gov.uk)

Team E Mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)

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**Gough Jayne (CEX)**

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**From:** trevor simpson <trevorsimpson2002@yahoo.com>  
**Sent:** 31 December 2013 14:51  
**To:** Gough Jayne (CEX)  
**Subject:** costcutter

Hi Jayne,

In answer to your question as to whether i wish to make a formal complaint regarding the license application by costcutters, the answer is yes.

kind Regards.

Mr Trevor Simpson.

# Appendix C

Hearing Notices / Regulations / Procedures



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

CI

Ebor Foodmarkets Ltd  
c/o Licensing Matters Ltd  
Time Technology Park  
Blackburn Road  
Simonstone  
BB12 7TW

[gemma.goodwin@licensingmatters.net](mailto:gemma.goodwin@licensingmatters.net)

The Sheffield City Council being the licensing authority, on the 2<sup>nd</sup> December 2013 received your application in respect of the premises known as **Costcutter (new build), 2 Bevan Way, Chapeltown, Sheffield, S35 1RP.**

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

1 public representation

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 **Tuesday 28<sup>th</sup> January 2014 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) 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: 9<sup>th</sup> January 2014

Signed:                     Matt Proctor                      
The officer appointed for this purpose  
Licensing Officer





**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.

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

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.