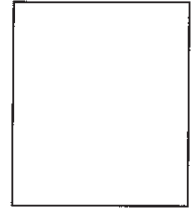




**SHEFFIELD CITY COUNCIL  
Licensing Sub Committee  
Report**



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

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**Date:** 18<sup>th</sup> March 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.

Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD

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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 12 / 14

**Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD**

**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 Mr James Green.

2.2 The application, which was received on 22<sup>nd</sup> January 2014, 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.

**3.0 REASONS FOR REFERRAL**

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

2 No. public objections

Appendix 'B'

3.2 Officers have unsuccessfully attempted to resolve the objections. Copies of relevant correspondence in this regard are included within appendix 'B'.

3.3 Both the Environmental Protection Service and the Health Protection Service have agreed licence conditions with the applicant. These conditions are attached at appendix 'C'.

3.4 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 '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 'D'.

6.3 Attached at Appendix 'D' 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 grant the premises licence in the terms requested.

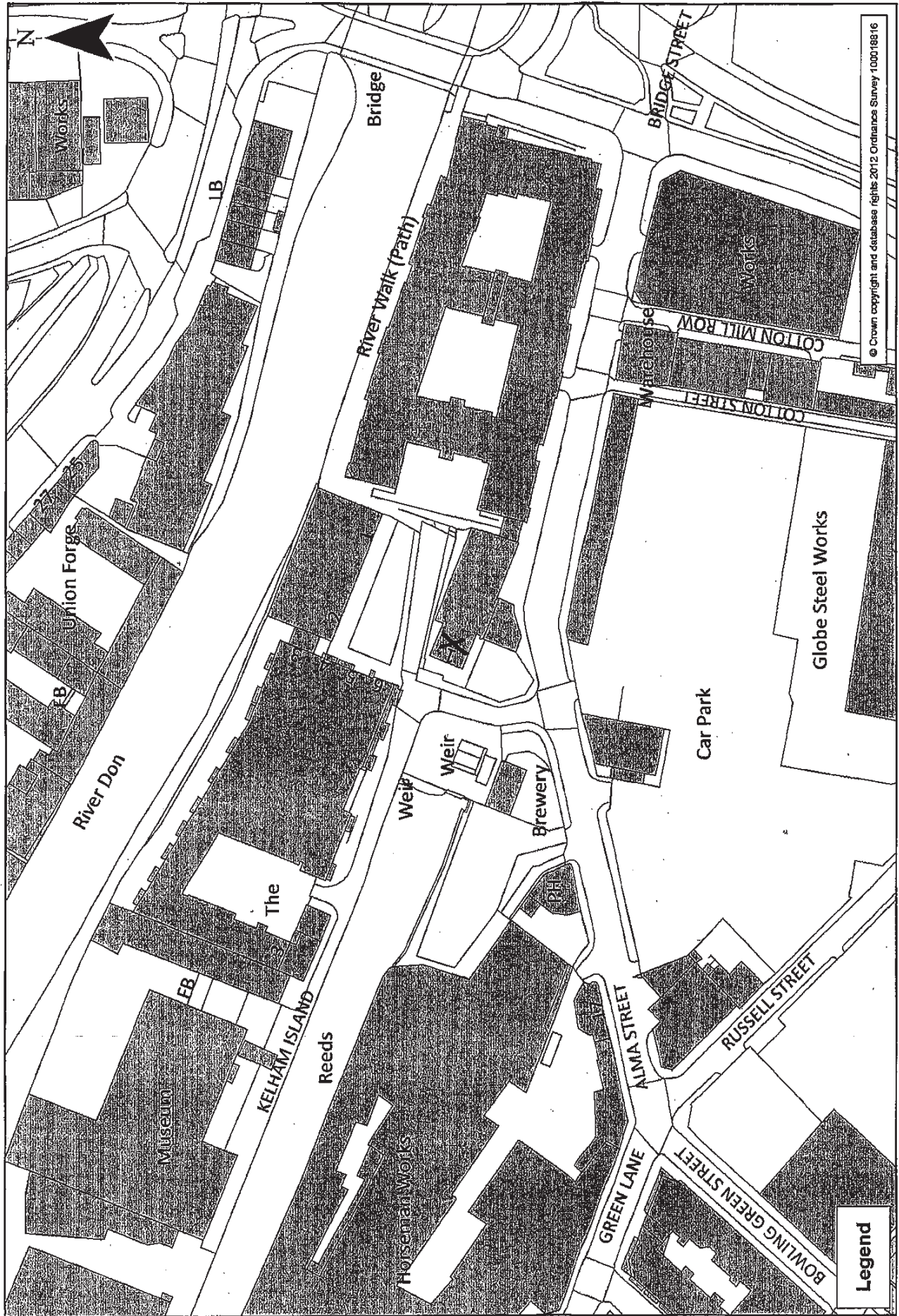
9.2 To grant the premises licence with conditions.

9.3 To reject the whole or part of the application.

*Stephen Lonnia*

Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

18<sup>th</sup> March 2014



# Appendix A

The Application

LAST DATE  
19/2/14

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



A1

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We JAMES GREEN  
(Insert name(s) of applicant)

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

### Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
UNIT 1 KRLHAM SQUARE KRLHAM ISLAND			
Post town	SHEFFIELD	Postcode	S3 8SD

Telephone number at premises (if any)	01142 762803
Non-domestic rateable value of premises	£ 17,000

### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- 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)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)

*[Handwritten signature]*

A2

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

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

Please tick yes

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

I am making the application pursuant to a statutory function or   
a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname GREEN			First names JAMES		
I am 18 years old or over			<input checked="" type="checkbox"/> Please tick yes		
Current postal address if different from premises address		[REDACTED] GLENALMOND ROAD.			
Post town	SHEFFIELD		Postcode	S11 7GX.	
Daytime contact telephone number		07572 [REDACTED]			
E-mail address (optional)					

Part 3 Operating Schedule

A3

When do you want the premises licence to start?

DD	MM	YYYY
15	01	2014

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

DD	MM	YYYY
1	1	1

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

COFFEE SHOP/DELICATESSEN WITH ITS OWN OFF STREET VERANDA AREA. THE BUILDING IS BORDARED BY A ROAD AND THEN AN OPEN PAULD SQUARE.

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

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

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

- |  |   |
|--|---|
| <p>Provision of regulated entertainment</p> <ul style="list-style-type: none"> <li>a) plays (if ticking yes, fill in box A)</li> <li>b) films (if ticking yes, fill in box B)</li> <li>c) indoor sporting events (if ticking yes, fill in box C)</li> <li>d) boxing or wrestling entertainment (if ticking yes, fill in box D)</li> <li>e) live music (if ticking yes, fill in box E)</li> <li>f) recorded music (if ticking yes, fill in box F)</li> <li>g) performances of dance (if ticking yes, fill in box G)</li> <li>h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)</li> </ul> <p><b>Provision of late night refreshment</b> (if ticking yes, fill in box I)</p> <p><b>Supply of alcohol</b> (if ticking yes, fill in box J)</p> | <p>Please tick any that apply</p> <ul style="list-style-type: none"> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> </ul> |
|--|---|

In all cases complete boxes K, L and M



E \*

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish			
Mon	11:00	<del>22:30</del> 22:30	Please give further details here (please read guidance note 3) MUSIC WILL BE AMPLIFIED AND ON-AMPLIFIED.		
Tue	11:00	<del>22:30</del> 22:30			
Wed	11:00	<del>22:30</del> 22:30	State any seasonal variations for the performance of live music (please read guidance note 4) KELHAM ISLAND AREA HAS FESTIVALS. LIVE MUSIC WILL BE MORE COMMON AT THESE TIMES		
Thur	11:00	<del>22:30</del> 22:30			
Fri	11:00	<del>22:30</del> 22:30	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 (please read guidance note 5) N/A.		
Sat	11:00	<del>22:30</del> 22:30			
Sun	11:00	<del>22:30</del> 22:30			

F \*

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
Day	Start	Finish			
Mon	11:00	<del>22:30</del> 22:30	Please give further details here (please read guidance note 3) N/A		
Tue	11:00	<del>22:30</del> 22:30			
Wed	11:00	<del>22:30</del> 22:30	State any seasonal variations for the playing of recorded music (please read guidance note 4) N/A.		
Thur	11:00	<del>22:30</del> 22:30			
Fri	11:00	<del>22:30</del> 22:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A.		
Sat	11:00	<del>22:30</del> 22:30			
Sun	11:00	<del>22:30</del> 22:30			

G\*

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	11:00	<del>22:30</del> 22:30	Please give further details here (please read guidance note 3) DANCING MAY OCCUR WHEN LIVE MUSIC IS PLAYING.	Both	<input type="checkbox"/>	
Tue	11:00	<del>22:30</del> 22:30				
Wed	11:00	<del>22:30</del> 22:30		State any seasonal variations for the performance of dance (please read guidance note 4) DURING KILHAM ISLAND FESTIVALS		
Thur	11:00	<del>22:30</del> 22:30				
Fri	11:00	<del>22:30</del> 22:30		Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)  N/A		
Sat	11:00	<del>22:30</del> 22:30				
Sun	11:00	<del>22:30</del> 22:30				

H\*

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
			AS ABOVE.			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Mon	11:00	<del>22:30</del> 22:30		Outdoors	<input type="checkbox"/>	
Tue	11:00	<del>22:30</del> 22:30	Please give further details here (please read guidance note 3)  AS ABOVE.	Both	<input type="checkbox"/>	
Wed	11:00	<del>22:30</del> 22:30				
Thur	11:00	<del>22:30</del> 22:30		State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	11:00	<del>22:30</del> 22:30				
Sat	11:00	<del>22:30</del> 22:30		Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)  N/A		
Sun	11:00	<del>22:30</del> 22:30				

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)			
Wed						
Thur			<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 5)			
Fri						
Sat						
Sun						

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption - please tick</b> (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)			
Mon	11:00	<del>22:30</del> 22:30				
Tue	11:00	<del>22:30</del> 22:30	N/A			
Wed	11:00	<del>22:30</del> 22:30				
Thur	11:00	<del>22:30</del> 22:30	<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 5)			
Fri	11:00	<del>22:30</del> 22:30				
Sat	11:00	<del>22:30</del> 22:30	N/A			
Sun	11:00	<del>22:30</del> 22:30				

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

Name		JAMES COOKIN.
Address		█ ALN ALMOND ROAD SHEFFIELD.
Postcode	S11 7GX.	
Personal licence number (if known)		SY 5207 PER.
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).

N/A.

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	8:00	<del>22:30</del> 22:30	N/A
Tue	8:00	<del>22:30</del> 22:30	
Wed	8:00	<del>22:30</del> 22:30	
Thur	8:00	<del>22:30</del> 22:30	
Fri	8:00	<del>22:30</del> 22:30	
Sat	8:00	<del>22:30</del> 22:30	
Sun	8:00	<del>22:30</del> 22:30	

**Non standard timings. Where you intend 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)**

M

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

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

STAFF TRAINING.  
CCTV MONITORING.  
STRICT ADMITTANCE POLICY.

b) The prevention of crime and disorder

ALWAYS HAVE A RESPONSIBLE PERSON ON DUTY.  
TO PREVENT UNDER AGE DRINKING AND  
DISORDER.

c) Public safety

WILL FILL OUT A RISK ASSESSMENT FOR  
THE PREMISES AND SURROUNDING AREAS.  
(STAIRS + OUTSIDE SPACE)

d) The prevention of public nuisance

RESPONSIBLE STAFF TO KEEP NOISE AND  
DISTURBANCES TO A MINIMUM DUE TO  
THE PROXIMITY OF APARTMENTS.

e) The protection of children from harm

SRE (D) (UNDERAGE DRINKING)  
NO CHILDREN TO BE ON PREMISES AFTER  
9 P.M. (E.G. CHILDREN'S LICENSE).  
CHALLENGE 21 FN. SCHEME.

Checklist:

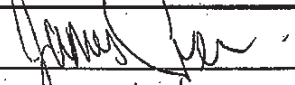
Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	15/1/2014
Capacity	OWNER - DIRECTOR

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 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

█ GUNALMOND			
Post town	SHEFFIELD	Postcode	S11 7GX
Telephone number (if any)	07572 █		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



# Appendix B

2 No. Public Objections



**From:** Licensing(General)  
**Sent:** 11 February 2014 09:39  
**To:** Gough Jayne (CEX)  
**Subject:** FW: Green City Coffee licensing application

B1

**From:** babak ghobadi [mailto:██████████@yahoo.co.uk]  
**Sent:** 10 February 2014 21:26  
**To:** Licensing(General)  
**Cc:** khodam  
**Subject:** Green City Coffee licensing application

Hello there,

My name is Babak Ghobadi and I live at Millau apartment next to Green City Coffee. I am writing to you in relation to licensing application by Green City Coffee requesting longer opening hours and also sale of alcohol for consumption on or off the premises and live and recorded music till late evening. I would like to take this opportunity and raise my objection for this licensing application. My objection is on the basis of "Public safety", "The prevention of public nuisance" and "The prevention of crime and disorder" as combination of opening till late evening with serving alcohol and music will fuel anti social behaviour in very residential area. This will deny our right of having peaceful and safe evening as it causes annoyance to neighbours around the premises.

These issues could be worsened as there would be more drunken member of public during late night hanging around the residential area on top of the existing one who are already using nearby premises (i.e. Fat Cat and Chimney House). Furthermore, if groups tend to congregate outside on the front of the premises (which it appears they will do so) to smoke or drink, then this would be impeding the carriageway so that members of the public have to walk on the road and feel threatened when passing the premises due to drunken behaviour. Most of these activities can fall under both the public safety and the public nuisance category. As I have mentioned above we have already got a regular problem during weekend's early hours of morning when drunken groups leaving Fat Cat and Chimney House nearby.

As the result, I would like you to take the consideration of the above points and reject this application in order to keep all the residence of Kelham Island safe and in peace as there are already enough of these premises nearby doing the same.

Yours sincerely,

Babak Ghobadi

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resident

B2

**Gough Jayne (CEX)**

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**From:** babak ghobadi <[REDACTED]@yahoo.co.uk>  
**Sent:** 11 February 2014 22:41  
**To:** Gough Jayne (CEX)  
**Subject:** Re: Green City Coffee licensing application

Hello Jayne,

Thanks for your email and also time you have spent over the phone to give me more information in relation to above licensing application. As we have discussed over the phone earlier today, I am still looking to object this application from Green City Coffee on the ground of the prevention of public nuisance and the prevention of crime and disorder. Green City Coffee is only around 10 meter away from our bedroom window and this makes it very difficult for us as residence to have a quite and peaceful night during week night and especially weekends. We have already have problem with nearby premises in this area which are open till late and Green City Coffee will make it very very difficult for us if granted this license. I would like you to take this to your consideration that this area (Kelham Island) is heavily residential and should stay this way during evening for us (as residents) to have at least some quality and peaceful family time on our homes.

yours sincerely,

Babak Ghobadi

On Tuesday, 11 February 2014, 10:27, Gough Jayne (CEX) <Jayne.Gough@sheffield.gov.uk> wrote:

Hello Mr Ghobadi,

Thank you for your comments regarding the above mentioned premises licence application. May I take this opportunity to give you more detail about the application.

The alcohol sales are intended to be connected directly with dining as the applicant wishes to provide more of a Bistro style premises in an evening, which is why his closing times are only 22:30 hours, and not any later in line with the surrounding public houses.

The music provision is only intended to be acoustic folk type music as he wishes to keep this in keeping with the nature of the premises, and it is agreed that the premises is not to be run like a 'pub' by the Health & Safety department as the facilities of the premises cannot allow this.

I understand your concerns as the premises is so close to residential properties, so I hope this information can help your understanding of what the applicant is hoping to do.

If you wish to still formally object to this application with this information in mind, please contact me back directly so I can add it to the file.

Kindest 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)

**From:** Licensing(General)  
**Sent:** 11 February 2014 12:40  
**To:** Gough Jayne (CEX)  
**Subject:** FW: Green City Council. Unit 1, Kelham Island, S3 8SD

**From:** JM R [mailto: [REDACTED]@hotmail.com]  
**Sent:** 11 February 2014 11:51  
**To:** Licensing(General)  
**Subject:** Green City Council. Unit 1, Kelham Island, S3 8SD

Dear Sir

I wish to object to the above licensing application on two grounds:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

The premises to which the application applies is directly opposite (50 yards) from a residential development, with over 150 dwellings. There is also a development of 12 apartments underway directly above the Green City Coffee premises. Any resulting noise from customers exiting the premises late at night is certain to disturb those residents, in addition to the volume of the live and recorded music that is being played. We already have students congregating on the steps outside the premises in the early hours of the morning and this will just add further to the disturbance which residents here already have to put up with.

Secondly, parking. There is already a significant parking problem in Kelham Square and the approach road to the Kelham Island Musueum - which is double yellow lines throughout and where no parking is permitted. This has been discussed recently with local councillors and the Parking Services group at SCC. Some of the illegal parking is from customers visiting the cafe during the day - extending the opening hours and licensing will only add to this problem and the parking situation in Kelham Island is undoubtedly due to get worse due to the closure of the Alma Street Car Park and the other housing developments underway in this area.

Yours faithfully

John Rannigan  
[REDACTED] Rialto, 1 Kelham Square, Sheffield S3 8SD

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B4

*Resident*

**Gough Jayne (CEX)**

---

**From:** JM R <[redacted]@hotmail.com>  
**Sent:** 11 February 2014 13:05  
**To:** Gough Jayne (CEX)  
**Subject:** RE: Green City Council. Unit 1, Kelham Island, S3 8SD

Thank you Jane for the further information. However, I still believe that the very close proximity of the premises to residential property and the parking issue I raised could still raise significant problems for local residents. Could you therefore please put my objection forward to the Licensing Committee.

Kind Regards  
John Rannigan

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**From:** [Jayne.Gough@sheffield.gov.uk](mailto:Jayne.Gough@sheffield.gov.uk)  
**To:** [redacted]@hotmail.com  
**Subject:** RE: Green City Council. Unit 1, Kelham Island, S3 8SD  
**Date:** Tue, 11 Feb 2014 12:52:11 +0000

Dear Mr Rannigan,

Thank you for your comments regarding the above mentioned premises licence application. May I take this opportunity to give you more detail about the application.

The alcohol sales are intended to be connected directly with dining as the applicant wishes to provide more of a Bistro style premises in an evening, which is why his closing times are only 22:30 hours, and not any later in line with the surrounding public houses. The music provision is only intended to be acoustic folk type music as he wishes to keep this in keeping with the nature of the premises, and it is agreed that the premises is not to be run like a 'pub' by the Health & Safety department as the facilities of the premises cannot allow this. I understand your concerns as the premises is so close to residential properties, so I hope this information can help your understanding of what the applicant is hoping to do. If you wish to still formally object to this application with this information in mind, please contact me back directly so I can add it to the file.

Kindest 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)

# Appendix C

Agreed Conditions

C1

**Gough Jayne (CEX)**

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**From:** Licensing(General)  
**Sent:** 18 February 2014 14:15  
**To:** Gough Jayne (CEX)  
**Subject:** FW: PL App; Green City Coffee Ltd

**From:** Pates Neal  
**Sent:** 18 February 2014 14:13  
**To:** Licensing(General)  
**Cc:** Pitts Steven; [james@greensinteriors.com](mailto:james@greensinteriors.com)  
**Subject:** PL App; Green City Coffee Ltd

**RE: Green City Coffee Ltd, Unit 1 Kelham Square, Kelham Island – New PL app**

Dear Licensing,

Could you please ensure that the following three conditions volunteered by the applicant Mr James Green are included in the new Premise Licence, assuming it progresses at Committee (see email chain below).

- All doors and windows shall be closed, save for access and egress, when regulated entertainment is present in the premises.
- The DPS or a designated member of staff must take a pro-active approach to noise control, regularly and frequently checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas is managed so as not to cause a nuisance to occupiers of adjoining and nearby residential properties.
- Live and recorded music shall be moderated to a style and character in accordance with the agreed operational details (i.e. acoustic/folk style music) such that amplified music with a heavy bass content is not played, so as to avoid noise nuisance to occupiers of adjoining properties due to structure borne noise.

Many thanks.

Kind Regards,

Neal Pates

Neal Pates  
Environmental Protection Officer  
Environmental Protection Service  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB  
Tel: +44 (0)114 205 3588  
Fax: +44 (0)114 273 6464  
web: <http://www.sheffield.gov.uk/environment/environmental-health>

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**From:** James Green [<mailto:james@greensinteriors.com>]  
**Sent:** 18 February 2014 14:04  
**To:** Pates Neal  
**Subject:** Re: Premises Licence application,

hi neal

I am happy to accept your conditions and will ensure to comply and be pro-active with noise control.

kindest regards

C2

**Business Strategy & Regulation**

Director of Business Strategy & Regulation: Mick Crofts

**Health Protection Service**

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Mr S Pitts

Ref: GreenCity/rl

Tel: 0114 273 4616

Date: 12 February 2014

James Green  
56 Glenalmond Road  
SHEFFIELD  
S1 7GX

Dear Sirs

**Licensing Act 2003**

**Application for a Premises Licence**

**Premises: Green City Coffee, Unit 1 Kelham Square, Sheffield S3 8SD**

Thank you for the additional information in which you remove dancing from the application and confirm you wish a capacity of 40 covers presently, however, at this stage, I have no alternative than to make a formal representation (objection) as the Responsible Authority towards public safety.

I will require the proposed conditions set out below to be imposed on the new premises licence and my representation will be withdrawn subject to the conditions being agreed.

1. A residual current device (RCD) must protect the electrical power serving amplified music equipment.
2. The provision of alcohol shall be ancillary to the provision of food.

I would be grateful if you would confirm, as a matter of urgency, whether or not your client is prepared to agree to these conditions.

Other issues that require your attention that are not proposed to be conditions:

1. Anti-slip mats are required in the main entrance.
2. Anti-slip surface treatment is required to the external decking.
3. Highlight the nosings to the steps on the external decking.

Email Address: [HealthProtection@sheffield.gov.uk](mailto:HealthProtection@sheffield.gov.uk)

Visit us at: [www.sheffield.gov.uk/environment/how-we-work/health-protection/](http://www.sheffield.gov.uk/environment/how-we-work/health-protection/)

Large print versions of this letter  
are available by telephoning **Page 27**  
**(0114) 273 4415/273 5774**

# Appendix D

Hearing Notices / Regulations / Procedures





DI

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

Mr James Green  
■ Glenalmond Road  
Sheffield  
S11 7GX

The Sheffield City Council being the licensing authority, on the 22<sup>nd</sup> January 2014 received your application in respect of the premises known as Green City Coffee, Unit 1, Kelham Square, Kelham Island, Sheffield, S3 8SD.

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

2 No. public representations / objections

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 18<sup>th</sup> March 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: 27<sup>th</sup> February 2014

Signed:                     Matt Proctor                      
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.

general.licensing@sheffield.gov.uk

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

Babak Ghobadi

██████████@yahoo.co.uk

The Sheffield City Council being the licensing authority, on the 22<sup>nd</sup> January 2014 received an application in respect of the premises known as;

**Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD**

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

- **2 No. public representations / objections**

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 18<sup>th</sup> March 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) 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: 27<sup>th</sup> February 2014

Signed: \_\_\_\_\_ Matt Proctor  
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.

[General.licensing@sheffield.gov.uk](mailto:General.licensing@sheffield.gov.uk)

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

Mr John Rannigan  
Rialto  
1 Kelham Square  
Sheffield  
S3 8SD

██████████@hotmail.com

The Sheffield City Council being the licensing authority, on the 22<sup>nd</sup> January 2014 received an application in respect of the premises known as;

**Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD**

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

- **2 No. public representations / objections**

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 18<sup>th</sup> March 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) 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: 27<sup>th</sup> February 2014

Signed: \_\_\_\_\_ Matt Proctor  
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.

[General.licensing@sheffield.gov.uk](mailto:General.licensing@sheffield.gov.uk)

**Right of attendance, assistance and representation**

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

**Representations and supporting information**

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

**Failure of parties to attend the hearing**

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

**Procedure at hearing**

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

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

D5

**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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