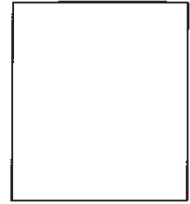




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 7th August 2014

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Papa Johns 289 Ecclesall Road, Sheffield S11 8NX

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

Background Papers: Attached documents

Category of Report: OPEN

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

Ref No 74 / 14

Papa Johns 289 Ecclesall Road, Sheffield S11 8NX

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 Gurnek Singh.
- 2.2 The application, which was received on 16th June 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:-

4 No Public Objections Appendix 'B'

- 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 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
Chief Licensing Officer
Head of Licensing

7th August 2014

Appendix A

The Application

Rec. 39028.
 Chq. 000702
 rec'd 16/04/14
 est

**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 **GURNEK SINGH**

(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 PAPA JOHNS 289 ECCLESHALL ROAD			
Post town	SHEFFIELD	Postcode	S11 8NX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£19250

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)

A2

- 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 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 SINGH			First names GURNEK		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		49 BATH STREET			
Post town	LEAMINGTON SPA		Postcode	CV31 3AG	
Daytime contact telephone number					
E-mail address (optional)					

A3

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	05.00			
Tue	23.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00	05.00			
Thur	23.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23.00	05.00			
Sat	23.00	05.00			
Sun	23.00	05.00			

A4

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

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	10.30	05.00	<p><u>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</u> (please read guidance note 5)</p>
Tue	10.30	05.00	
Wed	10.30	05.00	
Thur	10.30	05.00	
Fri	10.30	05.00	
Sat	10.30	05.00	
Sun	10.30	05.00	

AS

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)

The Premises Licence holder fully understands his roles and responsibilities concerning the four licensing objectives obtained within the 2003 Licensing Act, a comprehensive breakdown of these objectives and how to ensure they are met are detailed below. The premises serves the local community within a 3 mile radius for pizza takeaway and delivery. 70% of the orders taken are for home delivery.

b) The prevention of crime and disorder

The applicant has installed to the premises a CCTV recording system with 30 day recording capability to ensure the prevention of crime & disorder. The CCTV system will be in accordance with Police recommendations. The CCTV system will cover all key areas. All members of staff shall be trained to deal with suspicious customers efficiently. All CCTV recordings shall be available to local Police or relevant authorities upon request. Deliveries can be paid for over the phone at the point of order and by cash on delivery. Delivery drivers carry a small kitty of change for each delivery and return to the premises after each delivery to return any money taken from the customer. However, approx 60% of deliveries are paid for by card by the customer at point of order therefore minimising the amount of cash carried by any delivery driver. No member of the public has access to any staff areas of the premises as both the staff and customers have their own entrances to the premises.

c) Public safety

The installed and approved CCTV recording system of the premises with 30 days recording capability will monitor all public safety issues. The Premises Licence holder will be responsible for conducting a Fire Risk Assessment and also a Health & Safety Risk Assessment for the licensed premises. All notices in relation to public health & safety will be displayed at the premises. The Premises Licence holder will also ensure the premises will be operated in line with the Health & Safety Act and any environmental health issues will be the responsibility of premises licence holder and shift management.

d) The prevention of public nuisance

The Premises licence holder fully understands that it is their duty to prevent their business causing any nuisance to any local residents or businesses. They will monitor the external premises area in relation to any anti-social behaviour or public nuisance. The premises will only accept trade deliveries or rubbish collections during normal working hours. The premises shall ensure that any deliveries or collections are dealt with in a timely and prompt manner to reduce any risk of causing any nuisance. Refuse collections are made on a regular basis. The kitchen extraction unit is well filtered to ensure that no noxious smells emit from the premises. The premises licence holder and their staff will monitor the exterior of the premises to ensure litter is kept to a minimum. In the event of any anti-social behaviour both inside and outside of the premises, the premises licence holder will make any CCTV recordings available to the local Police.

AG

e) The protection of children from harm

As the premises is a takeaway business with a large proportion of its business being that of home delivery, there is a reduced risk of any risk to any minors. The premises will not be retailing any age restricted products. Any children who do enter the premises for the purchase of a food order must be accompanied by a responsible adult at all times.
As there is no access to any member of the general public to the staff areas including the kitchens, there is no risk of a child suffering an accident within those areas, especially where the hot pizza ovens are concerned.

Checklist:

Please tick to indicate agreement

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	<i>Outage</i>
Date	12/06/2014
Capacity	Licensing Consultants on Behalf of Client

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

Signature	
Date	
Capacity	

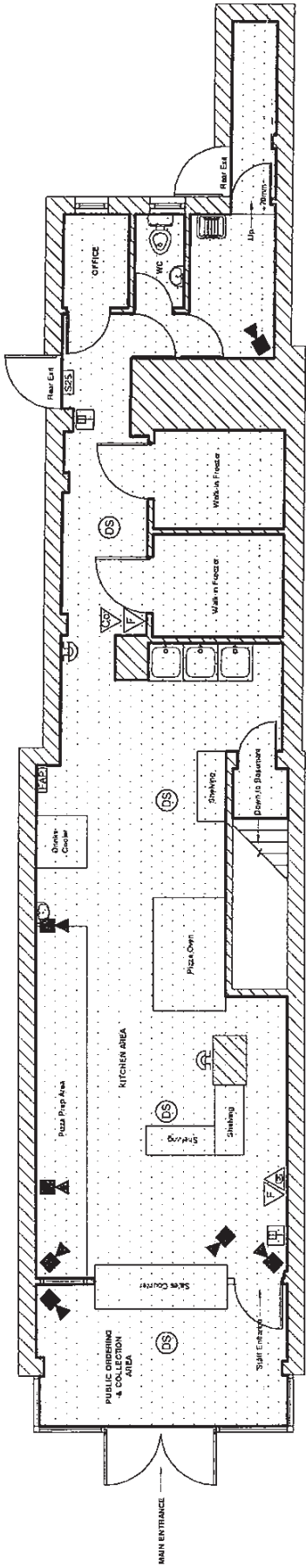
A7

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Personal Licence Training (UK) Ltd Unit 12B The Photo Block Hatherley Lane			
Post town	Cheltenham	Postcode	GL51 6PN
Telephone number (if any)	0845 388 9581		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) info@personalllicence.com			

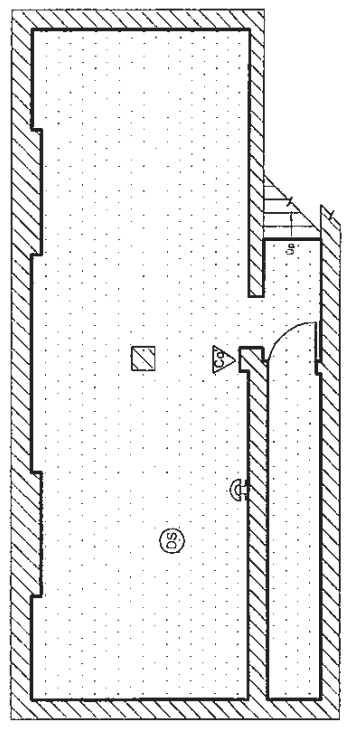
Notes for Guidance

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. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

A8



Ground Floor Scale 1:100



Basement Scale 1:100

Fire/Security Symbols

⊙H	: Heat Detector
⊙S	: Smoke Detector
⊙B	: Break Glass Point
⊙D	: Fire Exit Sign Directional
⊙E	: Fire Exit Sign
⊙F	: Sounder
⊙M	: Manual Call Point
⊙W	: Fire extinguisher Water
⊙C	: Fire extinguisher Carbon Monoxide 2kg
⊙V	: Fire extinguisher Wet Chemical
⊙P	: Fire extinguisher Powder
⊙F	: Fire extinguisher Foam
⊙A	: Fire Alarm Panel
⊙E	: Fire Escape, Keep Clear
⊙O	: Push Bar To Open Contained, Emergency Internally Illuminated
⊙L	: Exit Sign
⊙V	: Visual Warning Device Connected to Fire Alarm
⊙C	: CCTV
⊙L	: Licensed Area



Basement Licensed Area: 38.4sqm
 Ground Floor Licensed Area: 73.0sqm
 Total Licensed Area: 116.4sqm

Notes:
 No deviation may be made from the details shown on this drawing without prior written permission of UK Surveyors Ltd. Any discrepancy found between this drawing and any other document should be referred immediately to UK Surveyors Ltd.
IF IN ANY DOUBT PLEASE ASK.
 This drawing is to be removed from currency immediately a revised version is issued.
 All rights described in chapter IV of copyright design and Patents Act 1988 have been generally assigned.

Drawing No: 002798	Drawing Title: Licensing Plan	Drawing: Papa Johns Pizzas; 269 ecclesall road, Sheffield S11 8NX	Date: 02.05.2014	Sheet: 1 of 1
UK SURVEYORS LTD				
Gambling & Alcohol Licensing, Architectural CAD, Planning & Surveying Services				
Do not scale off this plan Drawn By: BC & DJR Scale: 1:100 @ A4				

Appendix B

Objections – 4 No. Members of the Public

From: Finch Shimla (CEX) on behalf of licensingservice
Sent: 15 July 2014 10:25
To: Hollis Georgina (CEX)
Subject: FW: Comment on licensing application by Papa Johns, Ecclesall Road

From: Webster Brian (GN CLLR)
Sent: 11 July 2014 16:21
To: licensingservice
Subject: Comment on licensing application by Papa Johns, Ecclesall Road

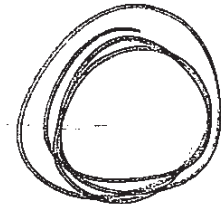
Dear Licensing,

Please find below my comment as a local councillor on the licensing application lodged by Papa Johns on Ecclesall Road. Myself and my Green Party colleague Eamonn Ward would like to be present at the Licensing meeting when this is considered if possible. I will be away from July 25th through to August 12th so if the meeting is likely to be within this period I would be grateful if you could forward meeting details to Eamonn at eamonnward@live.co.uk.

Thanks very much,
Brian

Councillor Brian Webster
Broomhill ward, Sheffield

brian.webster@sheffield.gov.uk
07583 015 928



COMMENT:

Licensing application by Papa Johns, 289 Ecclesall Rd, S11 8NX

I object to this application as it goes well beyond the accepted 11.30pm closing time for licensed premises and takeaways in this area. The processes for Planning and Licensing are totally separate but I feel it is appropriate to bring to your attention the recent planning application for later opening hours by Chunky's takeaway, 283 Ecclesall Road. The application (ref 13/01367/CHU) was refused and an appeal was lodged which was also refused. This is an extract from the Appeal Decision:

"The extension of the takeaway opening times as proposed would result in the unit being open later than surrounding businesses, with the exception of one nearby bar. As such the takeaway is likely to draw custom from patrons leaving public houses and bars at closing time resulting in increased activity in the area around the appeal property. Such activity could take the form of people congregating in the vicinity of the site, noise from talking and shouting and an increase in vehicle movements with attendant engine noise and noise from car doors closing. As a result there would be greater noise and disturbance to local residents, above that which currently exists, causing significant harm to living conditions. "

From: Finch Shimla (CEX) on behalf of licensingservice
Sent: 15 July 2014 10:26
To: Hollis Georgina (CEX)
Subject: FW: Papa Johns 289 Ecclesall Road



From: Jill Thompson [REDACTED]
Sent: 14 July 2014 13:08
To: licensingservice
Subject: Papa Johns 289 Ecclesall Road

Papa Johns 289 Ecclesall Road Application to extend opening hours till 5am

Broomhall Park Association Objection

On behalf of all our members, we would like to present our objections to this application in the strongest possible terms on the grounds of prevention of public nuisance and protection of children from harm.

The residents of the Broomhall Conservation Area (bounded roughly by the Ecclesall Road, Broomgrove Road, Clarkehouse Road, Brunswick Street and Wharnecliffe Road) are characterised by a mix of families, many with young children, students from the two universities, and elderly people in residential care homes. Our organisation, and a number of others in the area, make strenuous efforts to ensure that all these groups live in harmony and with consideration for each other. Inevitably, there are times when tensions arise, most commonly when exuberant young people, often away from home for the first time, are lured into poor behaviour by the overconsumption of alcohol. Fast food is frequently seen as an antidote, as evidenced by the large numbers of both types of premises in close proximity. We have objected on a number of occasions to the increasing number of licensed premises in the Ecclesall Road and to the great numbers of fast food outlets. The public nuisance created by the clientele of these establishments has led many of our residents to complain to the police on a frequent basis. The longer the opening hours, the greater the nuisance, as the noise of people coming home long after midnight and often right up till dawn, keeps many residents awake. Having fast food outlets open till 5am effectively prolongs noise and, therefore, disturbance of sleep, till the time early commuters are beginning to park in our area. On the health grounds of sleep deprivation alone, we would beg you not to allow any more late opening on the Ecclesall Road.

Noise alone, however, is by no means our only grounds for objecting to the issuance of this license to extend opening hours to 5am on the grounds of its creating a public nuisance. There is also the nuisance of littering. The streets and gardens of our area are littered continuously with discarded packaging from fast food outlets. Frequently, they still contain food remnants (and worse) which are the target for scavenging rats, foxes and badgers. Many of the foxes carry distemper; all these animals carry fleas. There are three nursery schools in our area, all with outside play facilities. The potential harm to children's health posed by diseased scavengers is incalculable.

In conclusion, we ask that you reject the current application for an extension of opening hours to 5am from 289 Ecclesall Road.

Thank you for your consideration.

-----Original Message-----

From: Jo Zasada [REDACTED]
Sent: 10 July 2014 10:52
To: Licensing(General)
Subject: Papa John's application

B3

To whom it may concern

I wish to object to the application by Papa Johns Ecclesall Road for an extension to their opening hours till 5am.

I wish to object under the category of public nuisance. I am widowed, I live alone at [REDACTED] Ecclesall rd not far from Papa Johns. I wish to remind the licensing committee that Ecclesall road is first and foremost a residential street, contrary to popular belief there are many families living on this road. We already have to put up with noise and nuisance from the many HMO housing about 6 students to a house. The universities and landlords are working hard to ensure the students understand they are living in a family residential area. The universities encourage the students to move through the area quietly after hours (from midnight) having a food outlet open until 5am goes against this approach the area has worked hard to support and will encourage loitering and noise. If this business cannot make a commercial success whilst open till 11.30pm then it is in the wrong place.

Jo Zasada
[REDACTED] Ecclesall Road, [REDACTED]

Sent from my iPad

From: Judith Harrison [redacted]
Sent: 07 July 2014 11:47
To: licensingservice
Subject: FW: Papa John's Pizzeria 289 Ecclesall Rd S11 8NX



Importance: High

Dear Sirs,

I am writing in connection with the licensing application to extend the opening hours of the Papa John's Pizzeria situated at 289 Ecclesall Rd S11 8NX.

I would urge the licensing authorities to reject the application on the following grounds;

The prevention of public nuisance

Although the Ecclesall Rd is a busy thoroughfare a large number of people live on Ecclesall rd and the roads bordering it. If the Pizzeria were to be allowed to open until 05.00 it would encourage additional traffic to the area when the vast majority of people are asleep. Currently we frequently awoken by noisy passers-by and this proposal could only worsen things. How can it be equitable for the sleep of a large number of people to be disturbed by a minority of late night revellers?

Public Safety

This area of Ecclesall Rd dates from Victorian times and we have a problem with collapsed sewers, broken conduits etc. As a result is we have a sizeable rat population. This is worsened by the considerable amount of discarded fast food packaging which litters the streets. It is unlikely that the customers who frequent take-away food outlets at 5.00am will take great care to carefully dispose of their litter, see the rubbish originating from Harlequins, nearby on Ecclesall Rd, which is licensed to open until very late.

The protection of children from harm

A number of young children live in locality, both on Ecclesall Rd and in properties backing onto Ecclesall Rd. Currently their sleep is disturbed by customers frequenting premises on Ecclesall rd and it would be harmful for them if this problem were to be allowed to worsen.

In conclusion I would like to make a more general point. The standard of life for people living alongside the Ecclesall rd from Sunny Bank up to Hunters Bar is being gradually eroded as establishments which should be located in the city centre are allowed to trade within a residential area. If this trend continues people will choose not to live in the area. Already Dover Rd is no longer as enviable place to live as it was a few months ago. The Council needs to value the vibrant mix found here, both of shops, bars, restaurants, and residential. Without the residents the area would suffer and a valuable resource for Sheffield will be lost.

Do please contact me if you need any more information.

Kind Regards

Judith Harrison,
[redacted] Victoria Rd.,
Sheffield
[redacted]
[redacted]

Appendix C

Hearing Notices / Regulations / Procedures



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

Mr Gurnek Singh
Papa Johns
289 Ecclesall Road
Sheffield
S11 8NX

The Sheffield City Council being the licensing authority, on the 16th June 2014 received your application in respect of the premises known as Papa Johns, Ecclesall Road, Sheffield, S11 8NX.

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

No 4 Public 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 **Thursday 7th August 2014. 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: 18th July 2014

Signed: _____ Cive 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.

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.

Regulation 8

C3

- (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)

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.