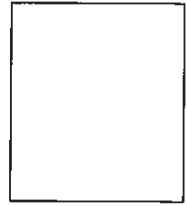




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 8th January 2015

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.

Koko Restaurant 503, Ecclesall Road, Sheffield S11 8PR

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 02 / 15

Koko Restaurant Ltd, 503 Ecclesall Road, Sheffield S11 8PR

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 Koko Restaurants Ltd.
- 2.2 The application, which was received on 19th November 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 Public Objections Appendix 'B'

- 3.2 Representations were made by Health Protection Service, Environmental Protection Service and South Yorkshire Police. Conditions were agreed and as such the representations were withdrawn. A copy of the correspondence is attached at Appendix 'C'
- 3.3 Officers from the licensing service have tried to resolve the issues with the applicant and objectors to avoid the need for a hearing. These attempts have been unsuccessful. Copies of correspondence are attached at appendix 'D'
- 3.4 There are no outstanding representations from any Responsible Authority.
- 3.5 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
Chief Licensing Officer
Head of Licensing

8th January 2015

Appendix A

The Application

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



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Koko Restaurant Ltd

(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

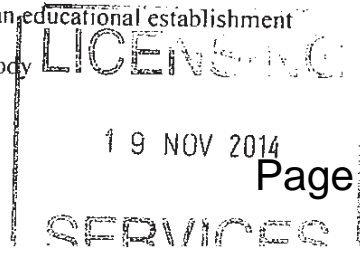
Postal address of premises or, if none, Ordnance Survey map reference or description 503 Ecclesall Road			
Post town	Sheffield	Postcode	S11 8PR
Telephone number at premises (if any)		Not available yet	
Non-domestic rateable value of premises		£	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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



A2

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

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

Please tick yes

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

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

(B) OTHER APPLICANTS

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

Name KOKO RESTAURANT LIMITED
Address NORTHCHURCH BUSINESS CENTRE 84 QUEEN STREET SHEFFIELD ENGLAND S1 2DW
Registered number (where applicable) Company No. 09245040
Description of applicant (for example, partnership, company, unincorporated association etc.) Ltd Company
Telephone number (if any) 07894118767
E-mail address (optional)

Part 3 Operating Schedule

A4

When do you want the premises licence to start?

DD	MM	YYYY
01	12	2014

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 The premises are on Ecclesall rd Sheffield. It is on a corner with 3 large windows in total. There is one entrance/exit door to the front of the premises. The restaurant will consist of a small dining area to the front to allow a capacity of around 20 customers at one time. There will be a small bar and open kitchen, neither of which will be accessible by customers. Due to the small size of the premises I have provided one fully automatic uni sex toilet that also meets access toilet regulations.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

E

AS

Live music 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 type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)			
Wed						
Thur			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)			
Fri						
Sat						
Sun						

F

Recorded music 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	Please give further details here (please read guidance note 3) We will play background music for customers. This music will just loud enough to hear and not overbearing. You will not be able to hear any music outside of the premises			
Mon	09:00	23.30				
Tue	09:00	23.30	State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Wed	09:00	23.30				
Thur	09:00	23.30	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)			
Fri	09:00	23.30				
Sat	09:00	23.30				
Sun	09:00	23.30				

AC

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	09:00	23.30	Please give further details here (please read guidance note 3) Provide alcohol for Diners <i>diners</i> in the restaurant, also sell alcohol to customers to take home. <i>Indoors only</i>		
Tue	09:00	23.30			
Wed	09:00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	09:00	23.30			
Fri	09:00	23.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	23.30			
Sun	09:00	23.30			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	09:00	23.30	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>Sale of alcohol to diners and for sale to take home.</i>		
Tue	09:00	23.30			
Wed	09:00	23.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	09:00	23.30			
Fri	09:00	23.30			
Sat	09:00	23.30			
Sun	09:00	23.30			

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

A7

Name Stuart Anthony MacFarlane	
Address 27 campo lane Sheffield	
Postcode	S1 2eg
Personal licence number (if known) PERS/567	
Issuing licensing authority (if known) WEST LANCASHIRE DISTRICT 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).
Sale of alcohol

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	09:00	23.30	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)
Tue	09:00	23.30	
Wed	09:00	23.30	
Thur	09:00	23.30	
Fri	09:00	23.30	
Sat	09:00	23.30	
Sun	09:00	23.30	

M

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

48

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

Strong management controls and effective training of all staff so that they are aware of the premises licence and the Requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behaviour on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

As a licensed premise we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures

(Including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol in non licensed areas.

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well-trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

Our system will ask the member of staff to confirm checks have been completed before serving alcohol.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

A9

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as suitable to prevent nuisance and disturbance to nearby residents.. I.e. early morning or late night.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

Well trained staff about requirement for persons' identification, age establishment etc.

All the details provided in Training Record Book available at the unit.

Checklist:

Please tick to indicate agreement


1/0

- 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	11/11/14
Capacity	20-25 Director - confirmed by TIC 19/11/14

Ans
15:49

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

Signature	
Date	
Capacity	

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

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

All

Consent of individual to being specified as premises supervisor

I

of

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

by

relating to a premises licence

for

and any premises licence to be granted or varied in respect of this application made by

concerning the supply of alcohol at

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

A12

Personal licence number
PERS/567]

GP 411017

Personal licence issuing authority
WEST LANCASHIRE COUNTY
COUNCIL

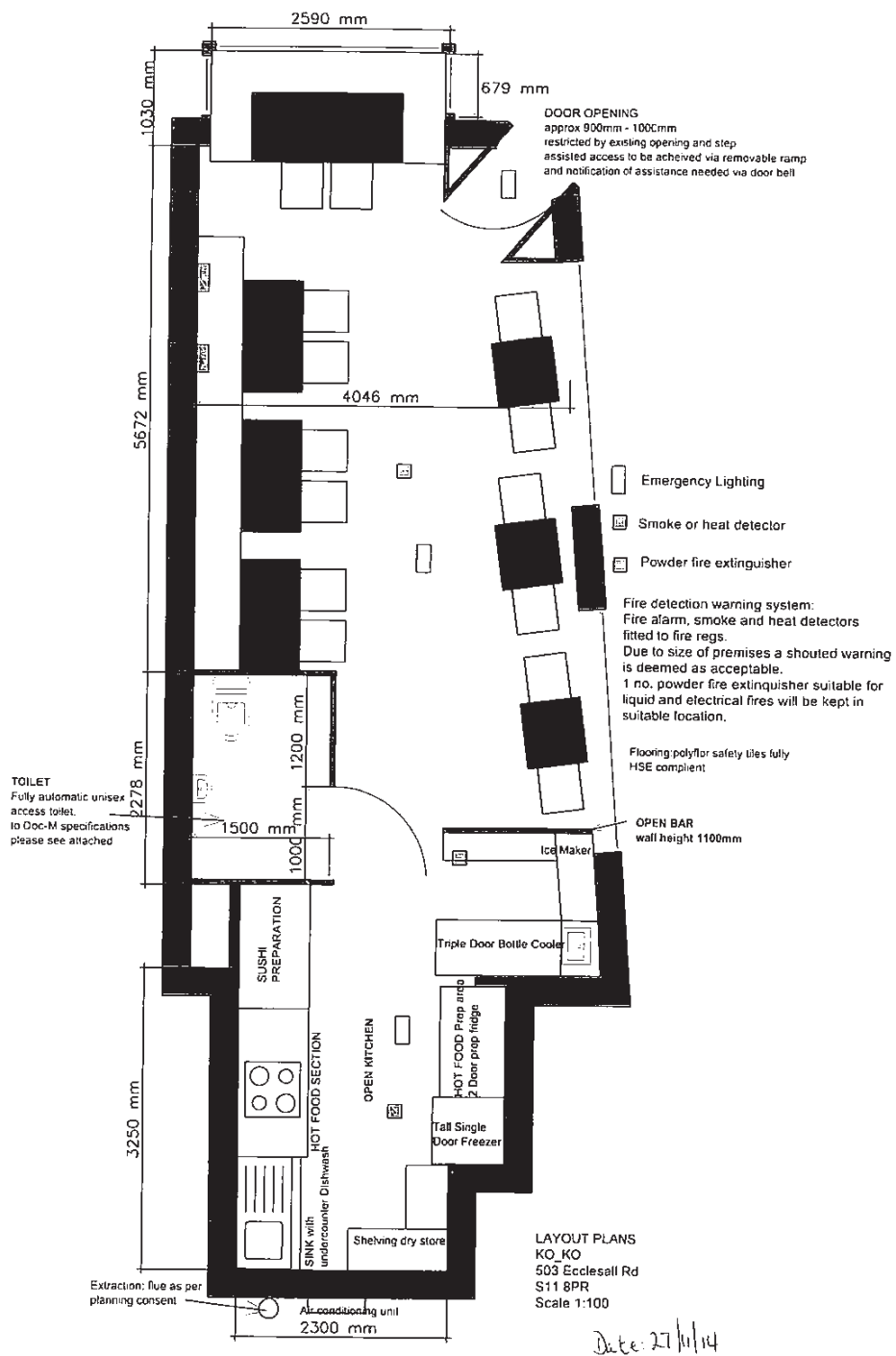
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print) STUART MACFARLANE

Date 11/11/14



Appendix B

Objections – 2 No. Members of the Public

0

BI

From: [REDACTED]
Sent: 17 December 2014 21:08
To: licensingservice
Subject: Objection to Bruce Rd 'bar premises with late alcohol license'

----- Forwarded message -----

From: [REDACTED]
To: <licensingservices@sheffield.gov.uk>
Cc: [REDACTED]
Subject: Objection to Bruce Rd 'bar premises with late alcohol license'
Date: Wed, Dec 17, 2014 19:50

Hi there

I was made aware of a potential new bar on the same road as my property on Bruce Rd, S11. As a homeowner, [REDACTED], and a resident who enjoys the residential 'feel' of our area, I do strongly object to the proposed new bar business.

My reasons are:

Increase in unsavoury drunk persons within 50 metres of my home.

Increase in noise late night and early morning (deliveries/bottle collection)

Litter more probable/vomit

Parking massively compromised. I already pay for a residential permit which seems unfair if said plans go ahead....

It blocks a small business opportunity which I would advocate instead of.

Please consider my email objection carefully before proceeding.

Kind regards.

[REDACTED]

Sent from my HTC

Ruston Andy (CEX)

0

From: [REDACTED]
Sent: 17 December 2014 11:48
To: licensingservice
Subject: Licensing Application

B2

New Bar License Application - KOKO Restaurant Limited

Bruce Road/Ecclesall Road Corner

I live at [REDACTED]

I have great difficulty parking near my house as it is.

Can you please give consideration to the negative impact granting the application would have in terms of further reduced parking and increased noise and refuse the application.

Yours sincerely

[REDACTED]



Please join us at our annual charity Christmas carol concert here at our offices in Paradise Square, Sheffield on Monday 22nd December 2014 at 12 noon, where we will be joined by singers from Sheffield Cathedral Choir for festive songs and refreshments. All proceeds will be donated to The Children's Hospital Charity.

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Please note that all e-mails being received and sent by Graysons with Watson Esam Solicitors are routinely processed by Anti-Spam software. It is therefore not safe to assume that messages have been received by their intended recipient and we strongly advise that confirmation of receipt be sought.

Appendix C

Agreed conditions – Health Protection

17/12

Gough Jayne (CEX)

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 28 November 2014 09:16
To: Gough Jayne (CEX)
Subject: FW: Premises Licence, 503 Ecclesall Road.

CI

From: Round Jonathan
Sent: 27 November 2014 17:50
To: stu_macfarlane@hotmail.com
Cc: licensingservice
Subject: Premises Licence, 503 Ecclesall Road.

Hello Stuart,

This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.

I have the following representation to make with regards to Public Nuisance for the application for a Premises Licence for the above premises.

Further to our conversation you indicated that you intend to have recorded music present within the premises at a background level only.

I would suggest that the condition below is attached to the premises licence:

- Recorded music shall only be played inside the premises at background levels.

If you are happy to attach the above condition to your premises licence then please reply to this email and cc licensingservice@sheffield.gov.uk so they are aware, and it will negate the need for a formal objection to your application.

If you wish to discuss the matter further please reply or call on the number below.

Regards,

Jon.

Jonathan Round
Environmental Health Officer
Environmental Protection Service
Business Strategy and Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

Tel +44 (0)114 273 4658
Fax +44 (0)114 273 6464

Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

Anderson Anne (CEX)

(Conditions)

From: Ruston Andy (CEX) on behalf of licensingservice
Sent: 01 December 2014 14:20
To: Anderson Anne (CEX)
Subject: FW: Application for a premise licence-503 Ecclesall Road

Q

From: SHEFFIELD_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]
Sent: 01 December 2014 14:16
To: licensingservice
Cc: Hague Julie
Subject: FW: Application for a premise licence-503 Ecclesall Road

Apologies, please find the two agreed conditions below for the above application-

~~Children under the age of 16 are prohibited after 21:00 hours unless accompanied by a responsible adult and attending a private family type function~~

~~No sales of alcohol for consumption off the premises except in sealed containers~~

Thanks

Lucy

Sheffield Licensing Section
1st Floor
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD
Licensing Team

Lucy Adams 0114 2523617 internal 718617
Tracey Klein 0114 2523948 internal 718948
Andrea Marsden 0114 2523618 internal 718618
Lizzie Payne 0114 2523163 internal 718163
Alicia Marsden 0114 2523111 internal 718 111
Linsey Fletcher 0114 2523556 internal 718556
Benita Mumby (Licensing Manager) 0114 2964308 internal 714308
Fax 0114 2523688 Internal 8688

Please be advised email correspondence may be submitted as evidence to a licensing hearing should issues arising not be resolved. As such they will be passed onto the relevant parties involved in the hearing process. The local council may post them, as part of this process, on their website to which the public has access

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

From: SHEFFIELD_Licensing
Sent: 01 December 2014 14:09
To: 'licensingservice@sheffield.gov.uk'
Cc: Julie Hague
Subject: FW: Application for a premise licence-503 Ecclesall Road

Officer: Mr S Pitts
Ref: koko503ecclesallroad/sh

Tel: 0114 273 4616
Date: 2 December 2014

Koko Restaurant Limited
North Church Business Centre
84 Queen Street
Sheffield
S1 2DW

Dear Sirs

**Licensing Act 2003
Application for a Premises Licence**

Premises: Koko. 503 Ecclesall Road, Sheffield S11 8PR

I write with reference to the above application and would inform you that, 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 condition being agreed.

1. A satisfactory electrical certificate should be provided for the premises.

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

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

1. A Building Regulation Completion Certificate will be required.
2. New floor surfaces must be suitable anti slip surfaces.
3. Anti slip mat is required in the main entrance.

Disabled Access

The City Council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 for people to access and use the building and its facilities.

Email Address: HealthProtection@sheffield.gov.uk
Visit us at: www.sheffield.gov.uk/environment/how-we-work/health-protection/

Large print versions of this letter
are available by telephoning
(0114) 273 4415/273 5774 Page 28

Appendix D

Licensing Service – Additional
information.

From: Stephenson Clive (CEX)
Sent: 18 December 2014 15:13
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection to Alcohol licence

Dear Sir,

I have received your email as part of the licence application process. You have raised an objection to a new bar.

Your email states that you are objecting to a premises that is to open on your road. I note that is Bruce Rd, there is not an application for Bruce Road. We do have an application for a restaurant which has a maximum 20 persons, to sell alcohol to diners only, till 23.30 hours. I am assuming this is the business that your objection relates to.

If this is correct, can I ask a couple of questions about this.

You have objected to a BAR due to noise and others matters regarding drunks and late night early morning disturbance. I need to know that you still wish to raise this objection against the premises of 503 Ecclesall Road, for the same reasons, even considering it to be a restaurant and not a Bar, an alcohol sales being restricted to just diners, and the licence to cease at 23.30 hours.

If you wish your objection to stand, I will arrange the hearing for early in the new year. It is more than likely that it will be 8th January as an objector you will be invited to attend the hearing and give evidence to the panel.

Please note that if the owner of the premises wishes to open as a restaurant without the sale of alcohol then they do not need to have a licence to do this, and so you may see that the restaurant is open prior to any hearing that is arranged to hear their application to sell alcohol on the premises.

Regards

Clive Stephenson
Licensing Strategy & Policy Officer
Chairman National Association of Licensing Officers
Licensing Service
Business Strategy & Regulation
Block C, Staniforth Road Depot, Sheffield, S9 3HD
Telephone: 0114 2734264
Email: clive.stephenson@sheffield.gov.uk
Web: www.sheffield.gov.uk

Stephenson Clive (CEX)

From: Stephenson Clive (CEX)
Sent: 18 December 2014 15:22
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection to restaurant licence

D2

Dear Sir

Further to my earlier email, the applicant has asked if he could speak to you regarding his application. I said I was unable to give out personal information to him, so I have informed him that I would give his details to you. If you wish to contact him about the matter that is your decision.

Applicant is
Stuart Macfarlane
07894118767

stu_macfarlane@hotmail.com

Thanks

Clive Stephenson
Licensing Strategy & Policy Officer
Chairman National Association of Licensing Officers
Licensing Service
Business Strategy & Regulation
Block C, Staniforth Road Depot, Sheffield, S9 3HD
Telephone: 0114 2734264
Email: clive.stephenson@sheffield.gov.uk
Web: www.sheffield.gov.uk

Stephenson Clive (CEX)

From: Stephenson Clive (CEX)
Sent: 18 December 2014 15:31
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: Objection to restaurant licence

D3

Dear [REDACTED]

I have been given the application for KOKO Restaurant at 503 Ecclesall Road, to which you have objected on the grounds of primarily parking, and noise nuisance. I also note that you have referred to the application as a New Bar.

I can only accept an objection on the nuisance of noise for these types of application as part of the 4 licensing objectives.

The application is for a restaurant of 20 persons maximum and the application is to serve alcohol to diners only. There will be no upright drinking, the licence applied for is till 23.30 hours.

I would be obliged if you could let me know that you wish your objection over the increased noise nuisance to still be considered as I am preparing the hearing papers. You will as an objector be invited to attend the hearing which is more than likely to be on 8th January 2015.

The applicant has asked if he could speak to you regarding his application. I said I was unable to give out personal information to him, so I have informed him that I would give his details to you. If you wish to contact him about the matter that is your decision.

Applicant is
Stuart Macfarlane
07894118767

stu_macfarlane@hotmail.com

Thanks

Clive Stephenson
Licensing Strategy & Policy Officer
Chairman National Association of Licensing Officers
Licensing Service
Business Strategy & Regulation
Block C, Staniforth Road Depot, Sheffield, S9 3HD
Telephone: 0114 2734264
Email: clive.stephenson@sheffield.gov.uk
Web: www.sheffield.gov.uk

Stephenson Clive (CEX)

From: [REDACTED]
Sent: 18 December 2014 16:04
To: Stephenson Clive (CEX)
Subject: RE: Objection to restaurant licence

D4

Thank you for your response. I do still wish to object; residents of Eastwood Roads are kept awake as it is all hours of the night with people returning from clubs / pubs / restaurants at unsocial hours. At 11 30, allowing for time for diners to finish their drinks will still mean people leaving after midnight which is late enough for it to be a problem sleeping.

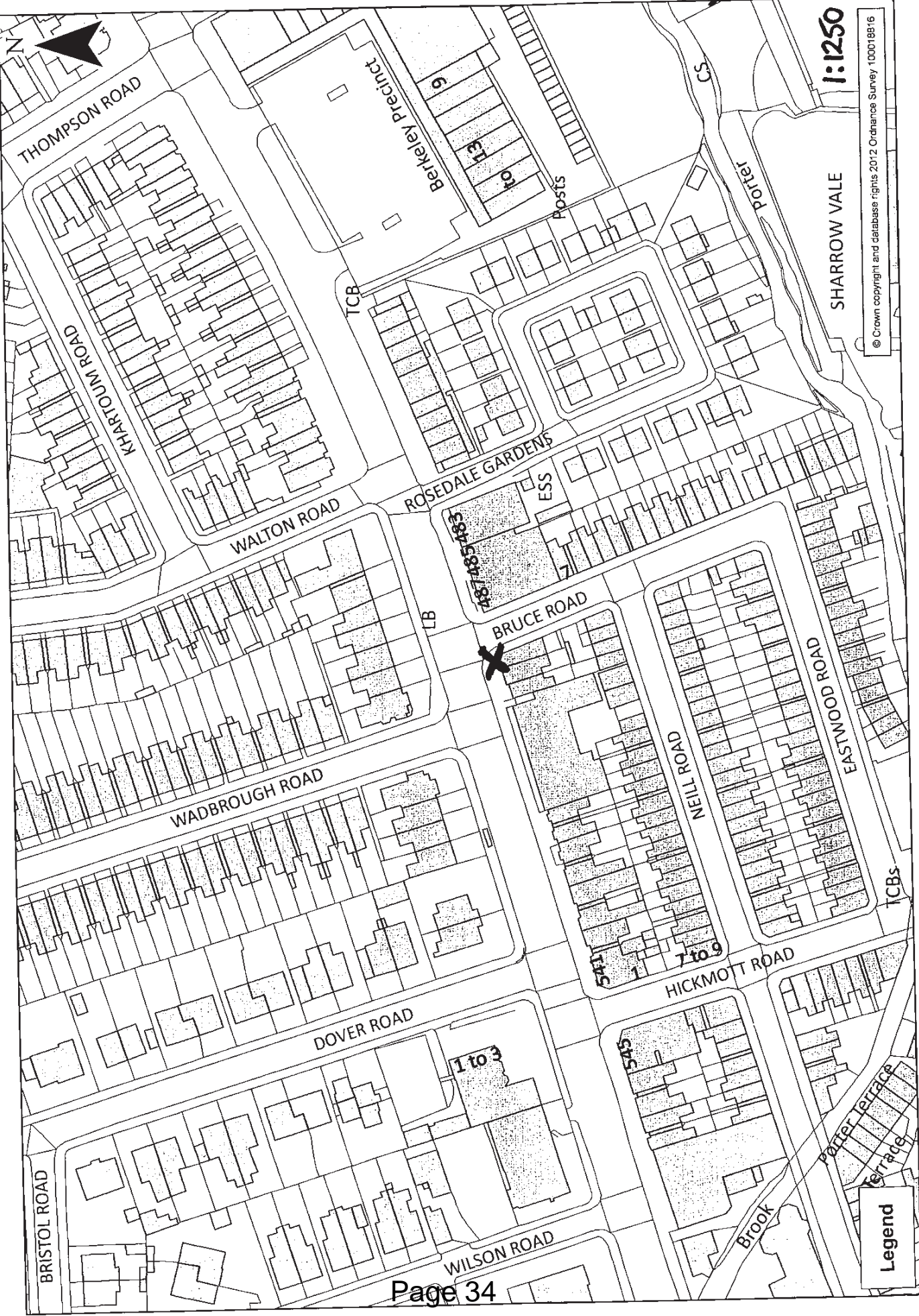
Many thanks

[REDACTED]

D5

1:1250

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Legend

Appendix E

Hearing Notices / Regulations /
Procedures



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

Mr Stuart A MacFarlane
Koko Restaurant Ltd
North Church Business Centre
84 Queen Street
Sheffield
S1 2DW

Stu_macfarlane@hotmail.com

The Sheffield City Council being the licensing authority, on the 19th November 2014 received your application in respect of the premises known as;

Koko Restaurant 503 Ecclesall Road Sheffield S11 8PR.

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 **Thursday 8th January 2015 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: 24th December 2014

Signed: _____ Clive Stephenson
The officer appointed for this purpose
Licensing Officer

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

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.

E3

Notice of actions following receipt of notice of hearing

To **Licensing Service,
Sheffield City Council
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD**

I **Stuart Macfarlane**

of **Koko Restaurants Ltd**

hereby confirm that I have received the Notice of Hearing dated 24th December 2014 and notify you as follows **(please complete)**:

I intend to attend the hearing at 10am on Monday 1st September 2014

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I consider the hearing to be unnecessary because:
.....

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

General.licensing@sheffield.gov.uk

Regulation 8

E4

- (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

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

[REDACTED]
[REDACTED] 10
Sheffield
S11

[REDACTED]

The Sheffield City Council being the licensing authority, on the 19th November 2014 received an application in respect of the premises known as;

Koko Restaurant 503, Ecclesall Road Sheffield S11 8PR

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

2 No. objections / representations from members of the public

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 8th January 2015 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: 24th December 2014

Signed: _____ Clive Stephenson _____
The officer appointed for this purpose
Licensing Officer

Please address any communications to:

Licensing Service, Sheffield City Council Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD.
General.licensing@sheffield.gov.uk

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

EG

[REDACTED]
[REDACTED]
Sheffield
S11
[REDACTED]

The Sheffield City Council being the licensing authority, on the 19th November 2014 received an application in respect of the premises known as;

Koko Restaurant 503, Ecclesall Road Sheffield S11 8PR

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

2 No. objections / representations from members of the public

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

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Dated: 24th December 2014

Signed: _____ Clive Stephenson _____
The officer appointed for this purpose
Licensing Officer

Please address any communications to:

Licensing Service, Sheffield City Council Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD.
General.licensing@sheffield.gov.uk

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.