



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 12th October 2015 at 11am

Subject: Licensing Act 2003

Author of Report: Jayne Gough

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

283 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 73 / 15

283 Ecclesall Road, Sheffield, S11 8NX

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Mr Chia Hevedi.

2.2 The application which was received by the Licensing Service on 18th August 2015, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence (SY 2183 PR Issue No: 3) is attached at Appendix 'B'

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix C:-

2 Public Objections
1 Councillor Objection (Councillor Aodan Marken)

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 '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 vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

12th October 2015

Appendix A

The Application

Application to vary a premises licence under the Licensing Act 2003

(1)

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

(2) ~~NAME~~ MR CHIA HEVEDI

being the premises licence holder, apply to vary
a premises licence under section 34 of the Licensing Act 2003 for the premises described in
Part 1 below

Premises licence number

Sy 2183 PR.

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

283 Ecclesall Road

Post town

Sheffield

Post code

S11 8NX

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 8500.

Part 2 - Applicant details

Daytime contact telephone number

E-mail address
(optional)

Current postal address if different from premises address

Post town

Post code

- (1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

To change to a convenient store
selling alcohol.

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick ✓ yes

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

L

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

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Mon	07:00	0:300	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	07:00	0:300	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	07:00	0:300	
Thur	07:00	0:300	
Fri	07:00	0:300	
Sat	07:00	0:300	
Sun	09:00	0:200	

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

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick yes

N/A

N/A

} Transfer
App
Submitted

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

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

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

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

- To design a physical layout of store that will be safe, presentable and staff to be in total control of the customer activities.
- To employ staff with knowledge of licensing law.
- To display adequate information regarding the licensing law and public safety.
- To display alcohol out of reach of children and vulnerable.

b) The prevention of crime and disorder

- To install CCTV both internally & externally with clarity and good visibility.
- To install security alarm including panic button.
- To display effective security information.
- To train staff in all aspects of security.
- To keep log book of refusing entry to persons do not meet security and safety standards. Such as drunk or violent person.

c) Public safety

- A routine risk assessment to be carried out regularly to prevent hazards posed to staff & public.
- First aid kit readily available, - Good clear access & exits means of escape.
- Accidents book, - NO drugs - zero tolerance policy to implement.
- Fire detection system - Discouragement of over crowd -
- Maintenance of equipment used by public & staff.
- CCTV operation.

d) The prevention of public nuisance

- To implement noise management policy not to disturb member of public or neighbours.
- Display notices discouraging customers not to drink in the street and respect local residence.
- Deliveries kept to normal working hours.
- Bins to be provided outside premises to prevent litter & waste.
- Refusal to serve any drunk or anti social behaviour persons.

e) The protection of children from harm

- Operate NO ID NO Sale Policy.
- Challenge 25 to be effectively promoted.
- Refusal log book kept in clear record. EPOS sale system to refuse.
- Display posters that it is an offence to purchase alcohol on behalf of underage person.
- All staff fully trained & to wear challenge 25 badge.
- Restrict access to alcohol within easy reach of underage person.

Please tick ✓ yes

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

insert
mount **IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [^{*}], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

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

Signature 

Date 12.08.15

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) 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


Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Consent of individual to being specified as premises supervisor

I [full name of prospective premises supervisor] **CHIA HEVEDI.**

of [home address of prospective premises supervisor]


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

[type of application] **full variation to Prem Lic**

by

[name of applicant] **CHIA HEVEDI.**

relating to a premises licence

[number of existing licence, if any] **SY 2183 PN.**

for

[name and address of premises to which the application relates]
**283 Ecclesall Road
Sheffield S11 8NX.**

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

[name of applicant] **As Above.**

concerning the supply of alcohol at

[name and address of premises to which application relates]
As Above

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.

Personal licence number

[insert personal licence number, if any]

SY2188 PER

Personal licence issuing authority

Sheffield City Council

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

Signed

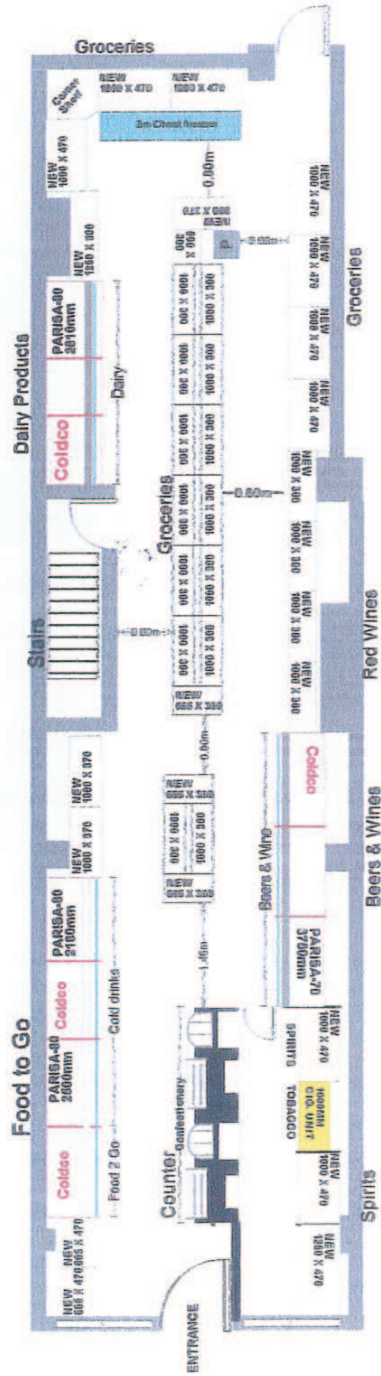


Name (please print)

CHIA HELVEDI

Date

12-08-15



SCALE: 1:100

°ColdCo
REFRIGERATION
 Unit 14 Fieldhouse Way
 Sheffield S4 7SF
 Tel: 0114 242 5912

Customer Name: Organic Food & Wine
Trading Name: 283, Ecclesall Road
Address: Sheffield
Post code: S11-8NX
Email: info@coldco.co.uk
Contact Number: 07903866117

Project Designer:	
Jay Chhatraia	
Project Contact:	
Project #	WCH#
15618	
Date:	Rev. Date:
18/06/2015	

Appendix B

Current Premises Licence

THE LICENSING ACT 2003

Premises Licence No: SY 2183 PR

Issue No: 3

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

PART 1 – Premises details

Chunky's Fast Food
283 Ecclesall Road
Sheffield
S11 8NX

Telephone Number: 0114 2669844

Where the licence is time limited, the dates:

Not applicable.

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

1. Late Night Refreshment:

Indoors

Sunday	23:00 to 02:00 hours the following day
Monday to Saturday	23:00 to 03:00 hours the following day

The opening hours of the premises are:

Sunday	11:00 to 02:00 hours the following day
Monday to Saturday	11:00 to 03:00 hours the following day

PLEASE NOTE:

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

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

PART 2

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

Mr Chia Hevedi
306 St Paul's Square
City Lofts
Sheffield
S1 2LN

Telephone Number: 07903866117

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

Not applicable.

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

Restricted

This Premises Licence shall be in force from the 11th April 2013.

Issued on: 17th April 2013



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

Sheffield City Council – For Office use only	
Variation of Premises Licence	
Variation of DPS	
Transfer of Premises Licence	No: 2 Issue Date: 12/08/2015
Minor Variation	

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Condition effective from 28th May 2014:

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

Annex 1C - Mandatory Conditions effective from 1st October 2014:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. A member of staff must carry out a check for litter in the immediate area surrounding the premises each evening after the premises has closed and remove any such litter.

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

Annex 4 – Plans

Plan Reference: Ref:2012/01/01

Dated: 15/08/2012

Appendix 1

LICENSING ACT 2003

Premises Licence Summary Issue No: 3

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

Premises licence number **SY 2183 PR**

Chunky's Fast Food
283 Ecclesall Road
Sheffield
S11 8NX

Telephone Number: 0114 2669844

Where the licence is time limited, the dates:

Not Applicable

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

1. Late Night Refreshment:

Indoors

Sunday	23:00 to 02:00 hours the following day
Monday to Saturday	23:00 to 03:00 hours the following day

The opening hours of the premises are:

Sunday	11:00 to 02:00 hours the following day
Monday to Saturday	11:00 to 03:00 hours the following day

PLEASE NOTE:

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

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

PART 2

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

Mr Chia Hevedi
306 St Paul's Square
City Lofts
Sheffield
S1 2LN

Telephone Number: 07903866117

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

Not applicable.

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

Restricted

This Premises Licence shall be in force from the 11th April 2013.

Issued on: 17th April 2013



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

Appendix C

Objections

2 Members of the Public

1 Councillor Objection

15-9-15

Finch Shimla (CEX)

From: Mike West [REDACTED]
Sent: 03 September 2015 14:47
To: licensingservice
Cc: ERCG
Subject: 283 Ecclesall Road

Objection to Variation of Premises Licence
Sale of alcohol
Hours 0700 - 0300
283 Ecclesall Road S11 8NX

I write on behalf of the members of the Botanical Gate Community Association, representing residents in Khartoum, Thompson, Wadbrough and Walton Roads. These roads are about 500m from 283 Ecclesall Road. We already experience the public nuisance of noise and litter as groups of students and others return to their homes in this area after nights out in the city centre. The market for alcohol sales after midnight is for those who have already been drinking at city centre locations and wish to continue their drinking whilst they walk home and within their home. Their social inhibitions would be further relaxed by more drinking, leading to an unacceptable increase in the public nuisance experienced by local residents. We urge the Licensing Authority to reject this and any application to allow alcohol sales in the Ecclesall Road after midnight

Michael West
[REDACTED]



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Stephenson Clive (CEX)

From: Jill Thompson <[REDACTED]>
Sent: 09 September 2015 15:13
To: licensingservice
Subject: Objection to Variation of Premises Licence, 283 Ecclesall Road

Application for variation of premises license; 283 Ecclesall Road S11 8NX

I am writing on behalf of the Broomhall Park Association, representing over 70 households, to object to the application for a license to serve alcohol till 3 am at 283 Ecclesall Road.

These premises were first granted conditional permission to trade as a hot food takeaway in 2013 (12/04039/CHU). One of the conditions (No 3) restricted trading hours to 11:30 pm, Monday to Saturday and 11:00 pm, Sunday and public holidays. The planning decision to restrict opening hours to those consistently applied to similar premises in the Ecclesall Road was “to protect and maintain adequate residential amenity for neighbours living on the Ecclesall Road, in the adjacent side streets and above the premises”. The owners appealed against planning condition No 3, but their appeal was dismissed in 2014. In her Appeal Decision, the Secretary of State’s planning inspector concluded that “the original condition, No 3 of planning permission 12/04039/CHU is an appropriate control to ensure that the takeaway operates in a neighbourly way which meets the tests of Circular 11/95 having regard to local plan policies. The proposed change in the hours the takeaway is open would be harmful to the living conditions of the neighbouring residents in terms of noise and disturbance and as such would be contrary to Policy S10 (b) of the adopted Sheffield Unitary Development Plan.”

This has been the consistently held rationale, where it has been possible to impose it, for trading hours on the Ecclesall Road.

The current application for a license to sell liquor between 7 am and 3 am purports to be for trading as a General Store. As the premises are currently closed and the interior fittings in disarray, it is not at all clear in what capacity the late liquor license would be used. We are only too well aware that one of the very few grounds upon which the issue of liquor licenses can be rejected is that of causing public nuisance. Clearly, it is considered by both Sheffield City Council and the Government’s Planning Inspector that trading as a takeaway after 11:30 pm would cause a public nuisance. Whether the owners trade as a general store or continue to trade as a hot food takeaway is probably irrelevant. What is relevant is that a public nuisance will be created if this license is approved and we urge you, in the interests of public harmony that it be rejected.

Jill Thompson (for the BPA)

[REDACTED]
[REDACTED]
[REDACTED]

Gough Jayne (CEX)

From: Marken Aodan (GN-CLLR)
Sent: 10 September 2015 18:32
To: licensingservice
Subject: Objection 283 Ecclesall Rd (13/01367/CHU)

Good evening,

Please, see below my comments on this application. Do let me know if there is anything further that I need to put forward.

Warm regards,

Aodan

Broomhill Councillor
07471025113

“Broomhill Green Party objects to this application. It has been submitted knowing that a planning application for the premises to open until 0300 6 days a week was turned down in 2013 when it was Chunky’s fast food. That decision was then confirmed by the Planning Inspectorate on appeal in February 2014. We share the concerns of many local residents

1

and community groups about the much later opening hours requested. They experience more noise disturbance and littering as increasing drunkenness takes over past midnight and an off licence will clearly make this a lot worse. Closing at 2330 is in line with the closing time for licensed premises on Ecclesall Road – only a handful are permitted to open later due to historic situations.

Relevant sections from the Planning Inspectorate report follow for information. I ask you to consider it as evidence of the impact of later opening should permission be given.

5 - I accept that there is a considerable amount of activity on Ecclesall Road both during the day and in the evening. However, from the evidence presented to me it appears that the Council have sought to strike a balance between business needs and the needs of local residents regarding reasonable living conditions. Comments from local residents indicate that there is clearly a concern about noise and disturbance late at night. As such the Council has consistently applied a closing time of 2330 hours to premises that open in the evenings to ensure the area is calmer and quieter by midnight. Recent appeal decisions highlighted by the Council follow the same principle. I have noted the appellants’ contention that other business have been granted permission to open late but there is no evidence before me to that effect.

6- 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.

7- The appellant has drawn my attention to a nearby bar that is open later into the night. I noted that these premises do not directly front the road but are set back from the highway off a courtyard. I understand that this is a historic use and has not been subject to the Council's control but nevertheless I accept that it does generate activity late at night. Notwithstanding this, it seems to me that the proposed extension of hours at the takeaway would consolidate and intensify activity so causing harm to local residents."

Appendix D

Hearing Notices / Regulations / Procedures



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

Mr Chia Hevedi
306 St Paul's Square
City Lofts
Sheffield
S1 2LN

The Sheffield City Council being the licensing authority, on the 18th August 2015 received your application in respect of the premises known as;

283 Ecclesall Road, Sheffield, S11 8NX

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

**2 x Public representations / objections
1 x Councillor objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12th October at 11am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 24th September 2015

Signed: Jayne Gough

The officer appointed for this purpose
Licensing Officer

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

LICENSING ACT 2003

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

Mr Michael West
[REDACTED]
[REDACTED]

The Sheffield City Council being the licensing authority, on the 18th August 2015 received an application in respect of the premises known as;

283 Ecclesall Road, Sheffield, S11 8NX

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

**2 x Public representations / objections
1 x Councillor objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12th October at 11am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 35(5) of the Act.

The particular points on which the Council considers that it will want clarification at the hearing from a party are as follows:

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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Dated: 24th September 2015

Signed: Jayne Gough

The officer appointed for this purpose
Licensing Officer

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

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

Ms Jill Thompson
[REDACTED]
[REDACTED]

The Sheffield City Council being the licensing authority, on the 18th August 2015 received an application in respect of the premises known as;

283 Ecclesall Road, Sheffield, S11 8NX

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

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Dated: 24th September 2015

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Officer

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

Cllr Aoden Marken
Sheffield City Council
Town Hall
Sheffield
S1 4EX

aodan.marken@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 18th August 2015 received an application in respect of the premises known as;

283 Ecclesall Road, Sheffield, S11 8NX

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

**2 x public representations / objections
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Dated: 24th September 2015

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Officer