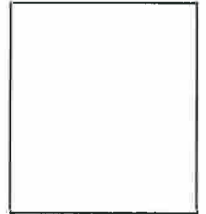




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 9th July 2019 - 10:30am

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.

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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: 63/19

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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 applicants are S11 (South Yorkshire) Ltd.

2.2 The application, which was received on 15th May 2019, 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. A copy of the full plan will be available at the hearing as it is too large and deteriorates on reduction.

2.3 A copy of the current Premises Licence 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':

- 1 Responsible Authority – Health Protection Service**
- 2 Residential objections**

3.2 Throughout the consultation period South Yorkshire Police, Health Protection and Environmental Protection Services have agreed conditions, as well as the applicant agreeing to reduce their end times for the licensable activities within the scope of this variation. These can all be found at Appendix 'D' of this report. The Health Protection Service has also requested an updated floor plan of the premises to meet their requirements, but this is yet to be supplied leading to their objection remaining in place.

3.3 Comments have also been submitted by the Planning Service and the Public Health Service throughout the consultation, but these were not formal objections under the Licensing Act 2003 and therefore not included in this report. These will be available on the day of the hearing if required.

3.4 There was an additional objection submitted by a local resident with concerns regarding the use of the outside area infringing the pedestrian area and nearby bus stop, and also the waste disposal from the premises. This was subsequently withdrawn after being advised that the applicant had agreed to a condition to remove waste daily, as well as confirmation that the outside area was within the existing curtilage of the premises and will therefore not impede the nearby bus stop and pedestrian area.

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 'E'.

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 HEARING 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 'E'.

- 6.3 Attached at Appendix 'E' 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

9th July 2019

Appendix A

The Application

**Application to vary a
premises licence under the Licensing Act 2003**

£190
Rec 83731

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

15 MAR 2019

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.

We S11 (South Yorkshire) Ltd.
(Insert name(s) of applicant)

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	<u>SY1197</u>
-------------------------	---------------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
<u>647 ECCLESALL ROAD</u>			
Post town	<u>SHEFFIELD</u>	Postcode	<u>S11 8PT</u>

Telephone number at premises (if any)	<u>N/A</u>
Non-domestic rateable value of premises	<u>£ 6000 7500</u>

Part 2 – Applicant details

Daytime contact telephone number	<u>07930220133</u>		
E-mail address (optional)	<u>hello@smithss11.co.uk</u>		
Current postal address if different from premises address			
Post town		Postcode	

Rateable value? Band B £190

Signature

Part 3 - Variation

Please tick as appropriate

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

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Refurbishment of the existing Takeaway premises into a Cafe-
ter with two floors & outside Area. The business will be
family friendly serving brunch & lunch dishes & a
small evening menu alongside locally roasted coffee & a
craft beer, cocktail & wine menu. The intention is to add
an alcohol licence to the existing premises licence
to enable the addition of alcoholic drinks served
on the premises to complement & enhance the business.

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:

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 see guidance note 3)

Please tick all 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

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	
			Indoors	<input type="checkbox"/>
Day			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Start	Finish	Please give further details here (please read guidance note 5)		
Mon				
Tue		State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed				
Thur				
Fri		Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
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 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			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 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	1:00	Please give further details here (please read guidance note 5)		
Tue	23:00	1:00			
Wed	23:00	1:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	1:00			
Fri	23:00	2:30	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 7)		
Sat	23:00	2:30			
Sun	23:00	1:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	11:30	1:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	11:30	1:00			
Wed	11:30	1:00	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 7)		
Thur	11:30	1:00			
Fri	11:30	2:30			
Sat	11:30	2:30			
Sun	11:30	23:00			
		01:00			

see email 15/5/19

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 10).

NONE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	7:30	1:00	<p>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 7)</p>
Tue	7:30	1:00	
Wed	7:30	1:00	
Thur	7:30	1:00	
Fri	7:30	2:30	
Sat	7:30	2:30	
Sun	7:30	1:00	

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.

- Current opening hours are 9:00 - 1:00 SUN - THURS
9:00 2:00 FRI - SAT
- THERE IS CURRENTLY NO LICENSE TO SERVE ALCOHOL
- Annex 3. Condition 9 to be removed
- THERE IS CURRENTLY A RESTRICTION TO BRAND ALL ITEMS FOR 'YUMMY HUT' - THIS WILL NO LONGER BE THE NAME / BRAND OF THE BUSINESS.
- Annex 3. Condition 10 - Remove as no delivery service available

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



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 not enclosed the premises licence or relevant part of premises licence.

still with the licensing service

M 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 and e) (please read guidance note 11)

THE BUSINESS IS PLANNED AS A FAMILY FRIENDLY CAFE & BAR & WILL BE FOCUSED ON BEING PART OF THE LOCAL COMMUNITY.
WE WILL WORK WITH SUGGESTIONS FROM LOCAL COMMUNITY, FIRE & POLICE SERVICES AS REQUIRED. LOCAL POLICE PROTOCOLS WILL BE ADOPTED. ALL REQUIRED INSURANCES WILL BE IN PLACE. PREMISES WILL BE SECURE & COVERED BY CCTV. COMPREHENSIVE FOOD SAFETY & HEALTH & SAFETY POLICIES WILL BE IN PLACE AND TRAINED & FOLLOWED BY ALL STAFF. A QUALIFIED DPS WILL BE IN CHARGE OF THE PREMISES.

b) The prevention of crime and disorder

✓ COLOUR CCTV WILL BE INSTALLED. THE BUILDING WILL BE SECURELY LOCKED AND ALARMED WHEN NOT IN USE. LOCAL POLICE PROTOCOLS WILL BE ADOPTED AND POLICE IMMEDIATELY INFORMED OF ANY SUSPICION OF ACTIVITY RELATING TO CRIME & DISORDER. CCTV WILL BE RECORDED & AVAILABLE FOR A 28 DAY PERIOD. DRINKS MAY NOT BE REMOVED FROM THE PREMISES IN OPEN CONTAINERS.

c) Public safety

✓ THE BUILDING WILL BE COVERED BY CCTV. A FULL PROCESS OF RISK ASSESSMENT WILL BE CARRIED OUT, IMPLEMENTED & TRAINED TO ALL STAFF. FIRE FIGHTING EQUIPMENT WILL BE CHECKED & MAINTAINED AND ANY FIRE OFFICER RECOMMENDATIONS COMPLIED WITH. FIRST AID TRAINING WILL BE UNDERTAKEN BY RELEVANT STAFF. STAFF WILL BE TRAINED TO LOCK OUT FOR & NOT SUPPLY ALCOHOL TO INTOXICATED PERSONS. FIRST AID KIT WILL BE ON THE PREMISES. FIRE SAFETY PLAN WILL BE IN PLACE & MANAGEMENT CHECKS COMPLETED DAILY.

d) The prevention of public nuisance

PATRONS WILL BE REMINDED, BY NOTICE*, WHEN LEAVING THE PREMISES TO BE CONSIDERATE OF NOISE & RESIDENTS IN THE AREA. THE OUTSIDE AREA WILL BE MONITORED FOR NOISE AFTER 10PM. OUTSIDE AREAS WILL BE CLEANED & CLEARED PRIOR TO OPENING AND AFTER CLOSING. DELIVERIES WILL TAKE PLACE DURING DAYTIME HOURS.

*NOTICES BY ALL EXITS & IN OUTSIDE AREAS.

e) The protection of children from harm

THERE WILL BE NO ACTIVITY SUCH AS GAMING MACHINES OR ADULT ACTIVITY ON THE PREMISES.

✓ CHALLENGE 21 POLICY WILL BE IN PLACE FOR ALCOHOL SERVICE & ALL STAFF WILL BE TRAINED TO FOLLOW THIS POLICY.

AFTER 7PM CHILDREN WILL NEED TO BE ACCOMPANIED BY AN ADULT.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- 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.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	15/05/2019.
Capacity	Premises licence holder

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
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
RIA MARIE SMEDLEY

of
6C MONTGOMERY ROAD
SHEFFIELD
S7 1LQ

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

VARIATION TO A PREMISES LICENSE

by S11 (SOUTH YORKSHIRE) LTD (RIA MARIE SMEDLEY)

relating to a premises licence SY001197PR

for
647 ECCLESALL ROAD
SHEFFIELD
S11 8PT

and any premises licence to be granted or varied in respect of this application made by S11 (SOUTH YORKSHIRE) LTD (RIA MARIE SMEDLEY).

concerning the supply of alcohol at
647 ECCLESALL ROAD
SHEFFIELD
S11 8PT

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]


SYO 7149 PER

Personal licence issuing authority

SHEFFIELD City Council

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

Signed

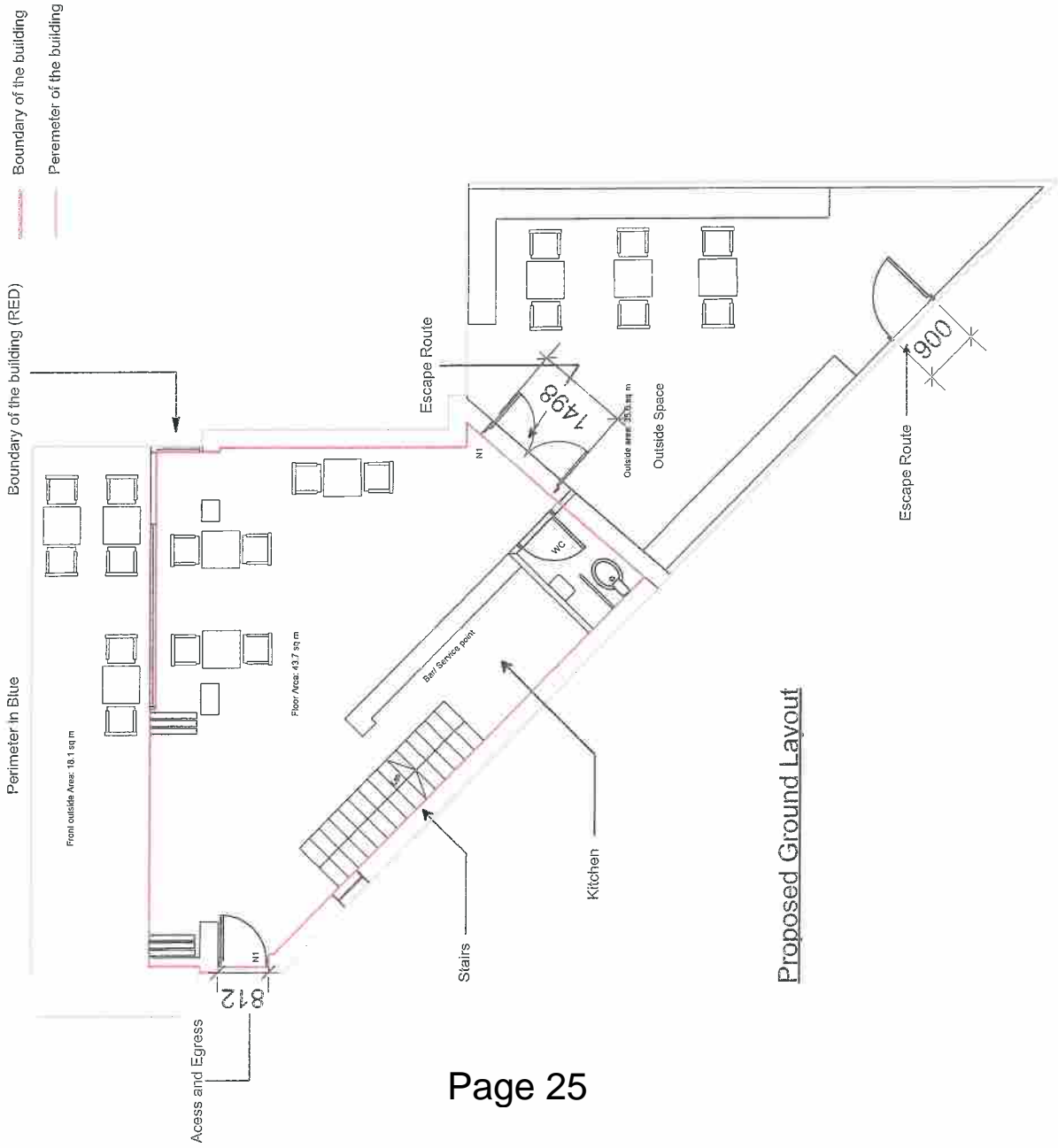


Name (please print)

Ria Marie Smedley

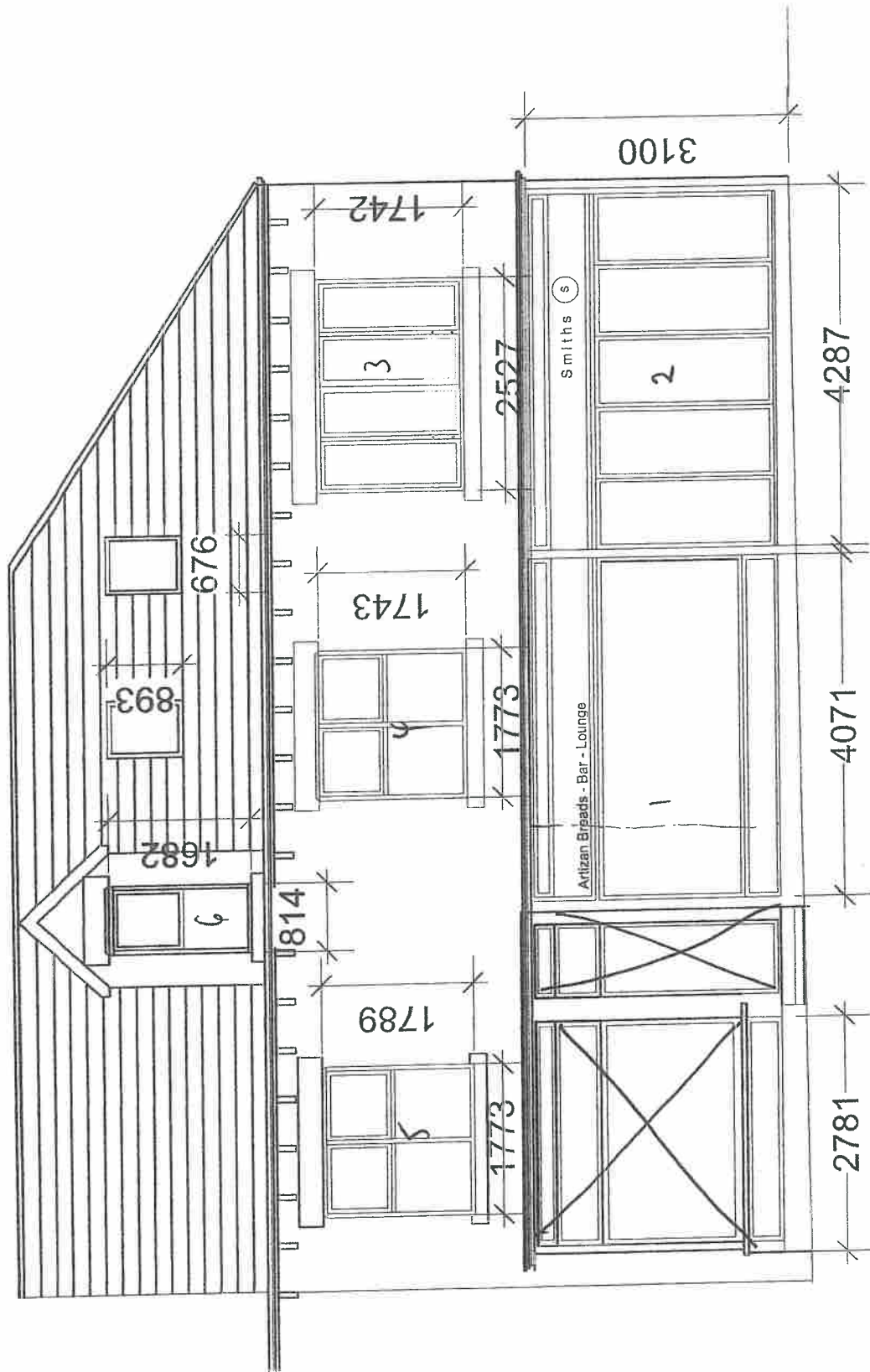
Date

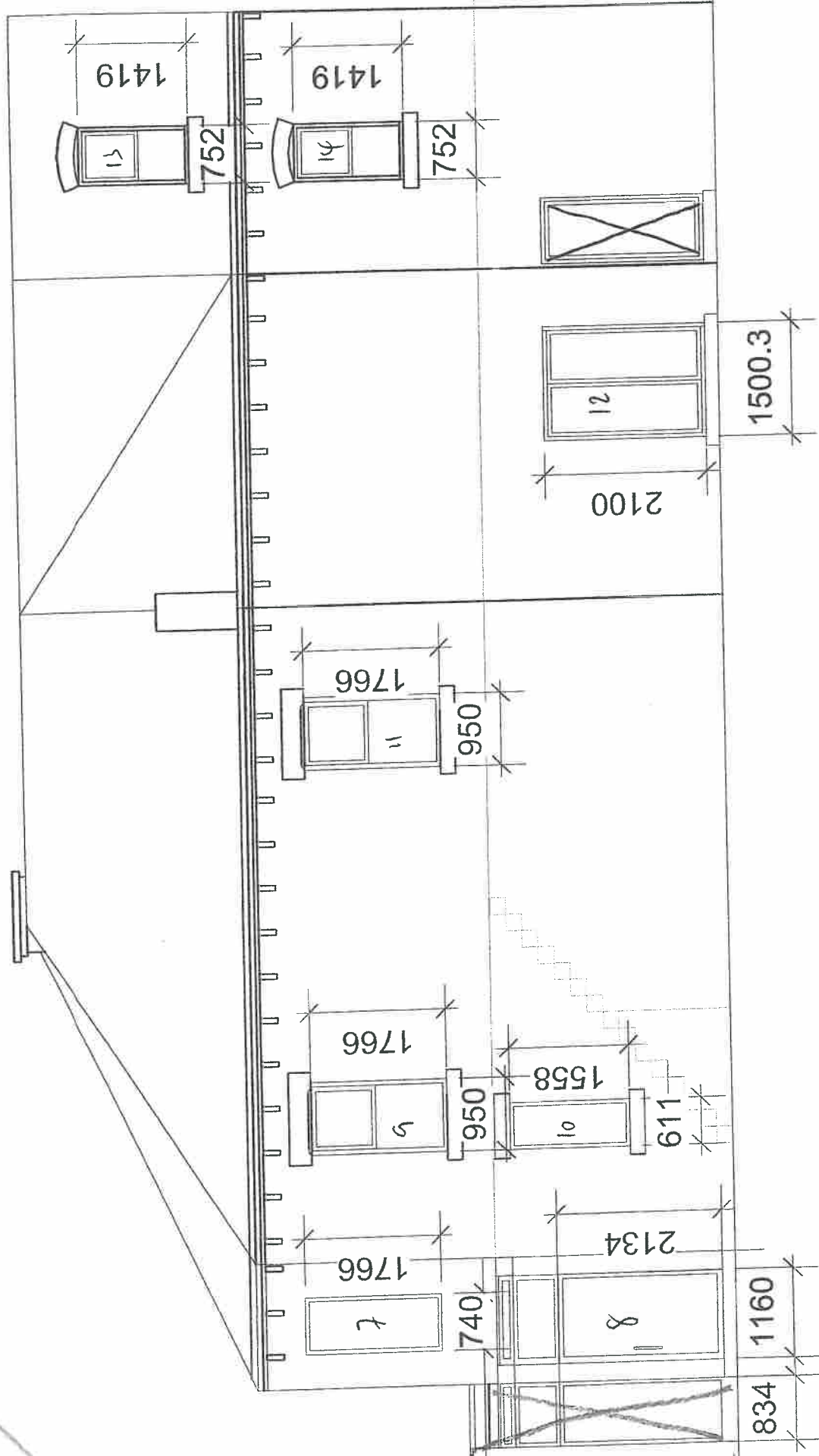
15/05/2019.



Proposed First Floor Layout

Proposed Ground Layout





Appendix B

Current Premises Licence

Licensing Act 2003 Premises Licence

Issue No: 3

SY001197 PR

LOCAL AUTHORITY



Licensing Service

Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

Email: licensing@sheffield.gov.uk

Website: www.sheffield.gov.uk/licensing

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

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Yummy Hut

647 Ecclesall Road, Sheffield, S11 8PT.

Telephone 0114 2662466

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	1:00am
	Monday	11:00pm	1:00am
	Tuesday	11:00pm	1:00am
	Wednesday	11:00pm	1:00am
	Thursday	11:00pm	1:00am
	Friday	11:00pm	2:30am
	Saturday	11:00pm	2:30am

Licensing Act 2003 Premises Licence

Issue No: 3

SY001197 PR

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	9:00am	1:00am
Monday	9:00am	1:00am
Tuesday	9:00am	1:00am
Wednesday	9:00am	1:00am
Thursday	9:00am	1:00am
Friday	9:00am	2:30am
Saturday	9:00am	2:30am

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 which ever 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.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Mark Henry Platts
643 Ecclesall Road, Sheffield, S11 8PT.
mark@spacepadconstruction.co.uk

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted

LICENCE DATES

Licence first effective date: 24 November, 2005

This Premises Licence shall be in force from: 17 July, 2018

Issue date of this licence: 12 January, 2019



.....
Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing Licensing Authority)

**Licensing Act 2003
Premises Licence**

Issue No: 3

SY001197 PR



ANNEXES

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.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

ANNEXES continued ...

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.

ANNEXES continued ...

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. To comply with the reasonable requirements of the fire officer, Building and Planning and Health and Safety from time to time.
3. The premises is clearly lit and adequately ventilated.
4. A first aid box is kept on the premises and is regularly checked and replenished as appropriate.
5. Waste is disposed of responsibly and does not cause a nuisance or attract vermin.

Annex 3 - Conditions attached after a hearing by the licensing authority - 20th April 2010

Prevention of Crime and Disorder

1. A colour CCTV system to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and Police and Authorised Officers of the Council will be given access to images for purposes of prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system. A copy of the specification dated January 2010 will be available at all times for inspection by the Police and Authorised Officers.
2. The Violent Incident Protocol, as drafted by South Yorkshire Police, dated August 2009, shall be adopted as a management practice at site.

Public Safety

3. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
4. Staff will be trained on matters of safety, evacuation and use of emergency equipments required.
5. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff

The Prevention of Public Nuisance

6. Where appropriate, prominent clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
7. Noise or vibration shall not emanate from the premises so as to cause nuisance to nearby private dwellings.
8. Prior to opening the premises for trading, and immediately following closure, the premises will cleanse the area to the front of the premises of any waste or rubbish. Regular cleaning will take place at appropriate junctures throughout the trading period.
9. Food wrappers shall be identifiable as "Yummy Hut" produce by means of an ink stamp or appropriate sticker.
10. Any Delivery service offered by the premises will cease at midnight daily in order to limit associated vehicle journeys and traffic in the area.
11. The entrance to the premises to be self closing or fitted with a self closing mechanism.

Annex 4 - Plans

Yummy Hut
647 Ecclesall Road
Date: 07/10/05

Premises Licence Summary SY001197 PR

LOCAL AUTHORITY



Licensing Service
Place Portfolio
 Block C Staniforth Road Depot
 Staniforth Road
 Sheffield
 S9 3HD
 Tel: 0114 2734264
 Email: licensing@sheffield.gov.uk
 Website: www.sheffield.gov.uk/licensing

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:

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Yummy Hut

647 Ecclesall Road, Sheffield, S11 8PT.

Telephone 0114 2662466

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	1:00am
	Monday	11:00pm	1:00am
	Tuesday	11:00pm	1:00am
	Wednesday	11:00pm	1:00am
	Thursday	11:00pm	1:00am
	Friday	11:00pm	2:30am
	Saturday	11:00pm	2:30am

Premises Licence Summary SY001197 PR

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	9:00am	1:00am
Monday	9:00am	1:00am
Tuesday	9:00am	1:00am
Wednesday	9:00am	1:00am
Thursday	9:00am	1:00am
Friday	9:00am	2:30am
Saturday	9:00am	2:30am

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 which ever 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.

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Mark Henry Platts
643 Ecclesall Road, Sheffield, S11 8PT.

17831 357797

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

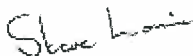
Restricted

LICENCE DATES

Licence first effective date: 24 November, 2005

This premises licence shall be in force from 17 July, 2018

Issued date of this licence: 12 January, 2019



Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing licensing authority)

Appendix C

Responsible Authority and Residential Objections



Gough Jayne (CEX)

HPS agreed
Condition.

From: Barrett Gareth
Sent: 21 June 2019 11:39
To: Gough Jayne (CEX)
Subject: FW: 647 Ecclesall Rd Variation

↓
Awaiting amended
Plan - 21/6

FYI regarding Smiths

Gareth Barrett

✉ :licensing Enforcement & Technical Officer
Licensing | Business Strategy and Regulation |
Place Portfolio | Sheffield City Council |
Block C | Staniforth Road Depot |
Staniforth Road | Sheffield | S9 3HD

☎ :0114 2734264

☎ :07917 517319

✉ :gareth.barrett@sheffield.gov.uk
www.sheffield.gov.uk/licensing

 Please don't print this e-mail unless you really need to!

NEW
Pre-Application Advice & Consultancy Service
Do you need help with your application or just want it checking?
Then give us a call on 0114 273 4264
This new service starts on Monday 6th February 2017

From: Gibbons Sean (DEL)
Sent: 17 June 2019 08:46
To: Barrett Gareth
Subject: Re: 647 Ecclesall Rd Variation

Hi Gareth,
I've not received amended plan as yet,

Thanks
Sean

From: "Barrett Gareth" <Gareth.Barrett@sheffield.gov.uk>
Date: Monday, 17 June 2019 at 08:27:37
To: "Gibbons Sean (DEL)" <Sean.Gibbons@sheffield.gov.uk>
Subject: FW: 647 Ecclesall Rd Variation

Good Morning Sean,

Have you received the revised plan showing the requested information? If so, are you happy to withdraw your objection as they have agreed to your condition.

Many Thanks,

Gareth Barrett

✉: **Licensing Enforcement & Technical Officer**

Licensing | Business Strategy and Regulation |

Place Portfolio | Sheffield City Council |

Block C | Staniforth Road Depot |

Staniforth Road | Sheffield | S9 3HD

☎: 0114 2734264

☎: 07917 517319

✉: gareth.barrett@sheffield.gov.uk

www.sheffield.gov.uk/licensing



Please don't print this e-mail unless you really need to!

NEW

Pre-Application Advice & Consultancy Service

Do you need help with your application or just want it checking?

Then give us a call on 0114 273 4264

This new service starts on Monday 6th February 2017

From: Cannister Ryan

Sent: 12 June 2019 13:52

To: Barrett Gareth

Subject: FW: 647 Ecclesall Rd Variation

From: Hollis Georgina (CEX) **On Behalf Of** licensingservice

Sent: 12 June 2019 13:51

To: Cannister Ryan

Cc: Rhodes-Evans Emma (CEX)

Subject: FW: 647 Ecclesall Rd Variation

From: Smiths S11 [mailto:hello@smithss11.co.uk]

Sent: 12 June 2019 12:48

To: Gibbons Sean (DEL); licensingservice

Cc: Cresswell Elaine

Subject: Re: 647 Ecclesall Rd Variation

Dear Sean,

Firstly thank you for your time yesterday.

I can confirm that we are happy to agree to the above condition.

We will send over the amended plans as soon as possible.

Best Regards,

Ria

From: Gibbons Sean (DEL) <Sean.Gibbons@sheffield.gov.uk>
Sent: 12 June 2019 11:18
To: Smiths S11; licensingservice
Cc: Cresswell Elaine
Subject: 647 Ecclesall Rd Variation

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

Dear Ria

I email further to the Variation submitted for 647 Ecclesall Rd, S11 8PT.

Unfortunately at this stage I feel that I have no option but to object to the granting of this licence under the remit of Public Safety, due to the current proposed unsatisfactory layout.

Further to our meeting yesterday, we discussed a positive way forward, and I shall look forward to receiving an amended plan to reflect the following agreed amendments;

1. Ground floor only to be licensed with red line around licensed area.
2. Increase in toilet facilities as per BS6465 table 10, as discussed.
3. Provision of an accessible toilet facility at ground floor.
4. Show capacity on the plan for inside areas(40 max as discussed).
5. For illustrative purposes, please show tables and chairs on the plan with respect to the capacity discussed.

Furthermore, I propose that the following condition is attached with respect to public safety;

1. 'A Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety within a reasonable time period after the premises has opened for business'.

I shall await the amended plan.

Could you also please confirm whether you are prepared to agree to the above condition?

Please do not hesitate to contact me should you wish to discuss further,

Kind Regards

Sean

*Sean Gibbons BSc (Hons)
Environmental Health Officer
Health & Safety Inspector
Environmental Regulation
Sheffield City Council
5th Floor North
Howden House
1 Union Street
Sheffield
S1 2SH*

Tel: 0114 273 4616

Fax: 0114 273 6464

Email: sean.gibbons@sheffield.gov.uk

www.sheffield.gov.uk

Disabled Access/Provision of facilities

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 (Which repealed the Disability Discrimination Act 1995) for people to access and use the building and its facilities.

This Email, and any attachments, may contain non-public information and is intended solely for the individual(s) to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this Email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this Email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Sheffield City Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this e-mail

Sharrow Vale Community Association



04 JUN 2019

40

Sharrow Vale Rd
Sheff. [redacted]

01.06.19

Ref. Smith (prev. Yummy Hut) 647 Ecclesall Road S11 8

To Whom it may Concern,

I am the Secretary of the Sharrow Vale Community Association. We have become aware of an application to change the above premises, from a takeaway to a cafe/bar selling alcohol. The application is asking for alcohol sales until 1am weekdays and 2.30am at weekends.

This is a residential area, and the rear of these premises backs onto the properties on Neill Road and it faces Carmel Court flats and the Woolfenden Almshouses, both of which are on the opposite side of Ecclesall Road. I feel certain that the noise from people sitting outside drinking until the early hours of the morning would be the most terrible nuisance to these residents.

I believe that I'm right in saying that no other business on Ecclesall Rd is licenced after 11.30. I feel that if this licence was granted, it would open the flood gates to numerous other applications, and the whole character of Ecclesall Road would change.

Yours faithfully
Anita Bamford (Mrs)

07 JUN 2019

Sheffield

5th June 2019

Licensing Service
Block C
Staniforth Road Depot
Staniforth Road
Sheffield S9 3HD

Dear Sirs

Ref: Smiths (prev. Yummy Hut) 647 Ecclesall Road Sheffield S11 8PT

With reference to the above, we object to the proposed opening hours of Sunday to Thursday 11-30-01-00 hours. Friday to Saturday 11-30-02-30 hours.

Is the outside seating area going to be solely confined to the front of the premises in Ecclesall Road or is there going to be an overspill in the small area to the rear of the property.

There is a bus stop outside these premises in Ecclesall Road.

On the other side of Ecclesall Road there is Woofindin Almshouses and there are some Senior Citizens residing there.

The premises are on a main road and to the rear is Neill Road Sheffield. On the opposite side of Neill Road there are private dwellings and by allowing the premises Smiths (prev. Yummy Hut) to open until the hours proposed in the application it will have an adverse effect on residents quality of life due to the noise created by patrons being allowed to drink outside.

We would also like to say that midnight is too late for delivery service to still be operated from these premises.

We would also like to have it confirmed that provision has been made for the industrial bins i.e. waste and bottle bins to be kept within the premises/property, as we DO NOT WANT THEM TO BE ON THE PAVEMENT PERMANENTLY IN NEILL ROAD.

THE PREVENTION OF PUBLIC NUISANCE

With regard to the PUBLIC NUISANCE (NOISE) that could be experienced by residents by the deliveries and collection of bottles and disposal of bottles/waste to the above premises we request that the following conditions are attached to the premises.

Smith (prev. Yummy Hut) 647 Ecclesall Road Sheffield S11 8PT.

- 1a. There will be no movement, sorting or removal of waste bottles, material or other articles nor movement of skips or bins outside the building between 22-00 and 8-30 hours on Monday to Saturday and 22-00 and 9-00 hours on Sundays and Bank Holidays. No deliveries to the building to be carried out between these hours.
- 1b. There will no collection of glasses/bottle bins/skips and refuse bins/skips by collection contractors between 22-00 and 08-30 hours on Monday to Saturday and 22.00 and 09.00 hours on Sundays and Bank Holidays.

As residents we do not want to be disturbed at unsociable times by deliveries and collections to the above premises.

We make this request that the above mentioned conditions 1a and 1b are attached to the licence, due to the fact that some licensed establishments in the VICINITY already have these conditions on their license.

Yours faithfully



D A Thomas (Mrs)



G Thomas (Miss)

Business Strategy and Regulation

Licensing Services | Block C | Staniforth Road Depot
Staniforth Road | Sheffield | S9 3HD

Tel: 0114 2734264
Date: 10th June 2019



Ref: GB/VariationApplication/Smiths
Licensing Officer: Gareth Barrett
Contact Number: 0114 2734264

Mr and Mrs Thomas

[Redacted address line]

Sheffield

[Redacted address line]

Dear Mr and Mrs Thomas

Variations application: Smiths (Prev – Yummy House) 647 Ecclesall Road, Sheffield, S11 8PT

I can confirm receipt of your objection letter dated 5th June 2019 in regards to the variation application for the above premises.

Please see the enclosed a letter from the applicant in response to your objection letter. If you are satisfied with their response and the agreed conditions you have requested, they will be included within the Premises Licence under the operating schedule. However, I will require written confirmation that you wish to withdraw your objections.

Should you not be satisfied with any points answered, please contact the applicant direct to seek clarification and/or to see if an amicable solution can be sought.

If an agreement cannot be reached by both parties or I do not receive confirmation that you wish to withdraw your representations, a hearing at the Licensing Sub-Committee, which is made up of a panel of councillors, will be arranged. All interested parties will be invited to attend where the Sub-Committee will determine the outcome of the application.

I trust that the above information is satisfactory but if you have any further questions or queries, please do not hesitate to contact me direct.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G. Barrett'.

Gareth Barrett
Licensing Enforcement & Technical Officer

S11 (South Yorkshire) Ltd

C/O 643 Ecclesall Road

S11 8PT

10/06/2019

Email: hello@smithss11.co.uk

0114 2685119

Dear Sirs,

I write in response to your letter to Sheffield City Council objecting to our license variation for 647 Ecclesall Road.

We are currently working with the Environmental Inspection Services divisions of the council to make sure that our opening hours and proposed operations do not infringe on local residents. They will be carrying out a visit this week to discuss and agree the operating hours and possible noise levels and the restrictions and conditions that will need to be adhered to in order to ensure that residents are not disturbed. It is our intention to work with them and their recommendations as it is not our intention to create any nuisance for local residents. Additionally there are no plans to run any delivery services from the premises and I feel it is also worth mentioning that we have no plans to have DJs, live bands or loud music as a regular part of our business.

The plans for the front of the premises are in line with our current curtilage and don't involve extending the premises any further, we are mindful of any pavement obstruction and will be monitoring this ourselves. We are in the design process in the back yard area and will be putting in provision for any industrial bins needed to make sure they aren't permanently on the pavement.

With regard to the requested conditions:

1a. There will be no movement, sorting or removal of waste bottles, material or other articles nor movement of skips or bins outside the building between 22:00-8:30 hours on Monday-Saturday and 22:00-9:00 on Sundays and Bank Holidays. No deliveries to the building to be carried out between these hours.

1b. There will be no collection of glasses/bottle bins/skips and refuse bins/skips by collection contractors between 22:00-8:30 on Monday-Saturday and 22:00 and 09:00 hours on Sundays and Bank Holidays

We are happy to agree to this- as you say this is standard in the area.

If you wish to discuss any other aspect of the business with us please do get in touch, I have included direct contact details above.

Yours Faithfully,

Ria Smedley

Director, S11 (South Yorkshire) Ltd

17 JUN 2019

Sheffield

13th June 2019

Gareth Barrett
Licensing Enforcement & Technical Officer
Licensing Services
Block C
Staniforth Road Depot
Staniforth Road
Sheffield S9 3HD

Ref: GB/Variation Application/Smiths
Licensing Officer: Gareth Barrett

Dear Mr Barrett

Variations Application: Smiths (Prev- Yummy House) 647 Ecclesall Road
Sheffield S11 8PT


We are in receipt of your letter dated 10th June 2019 referring to the above and enclosing letter from the applicant Ria Smedley.

We note that the applicant has agreed to the conditions 1a and 1b regarding the movement and collection of waste being included in the Premises Licence.
Also that provision will be made to ensure that the industrial bins will not be on the pavement.

Therefore, we withdraw our objections if the above conditions are adhered to.

However, there is still the question of the proposed opening hours, and we still object to the times requested in the application. We await the Licensing Departments decision with interest.

Yours sincerely


D A Thomas (Mrs)

G THOMAS (MISS)

Business Strategy and Regulation

Licensing Services | Block C | Staniforth Road Depot
Staniforth Road | Sheffield | S9 3HD

Tel: 0114 2734264

Date: 18th June 2019

Ref: GB/VariationApplication/Smiths
Licensing Officer: Gareth Barrett
Contact Number: 0114 2734264

Mrs Thomas and Miss Thomas

Sheffield

Dear Mrs Thomas and Miss Thomas

Variations application: Smiths (Prev – Yummy House) 647 Ecclesall Road, Sheffield, S11 8PT

I can confirm receipt of your letters both dated 13th June 2019 in regards to the variation application for the above premises.

Please accept my apologies with addressing my previous correspondence to you incorrectly, I have noted your comments and updated my records accordingly.

I can confirm that both agreed conditions (1a and 1b) will be placed within the operating schedule for the above premises, should the variation be granted.

Mr Jonathan Round, Environmental Protection Officer placed a formal representation against the Variation as he also had concerns over the proposed times of operation. I can confirm that the following restrictions / times have been agreed between Mr Round and the applicant Mrs Smedley;

Amendments to hours:

Late Night refreshment; Sunday-Thursday 23:00hrs-23:30hrs; Friday-Saturday 23:00-0:30hours

Supply of Alcohol: Sunday – Thursday 11:30-23:30hrs; Friday – Saturday 11:30-0:30hrs

Hours Premises open to public: Sunday - Thursday 07:30-23:00hrs; Friday-Saturday 07:30-0:30hrs

Conditions:

- No drinks shall be allowed to be consumed in the outside areas after 21:00hrs;
- No amplified sound or live music shall be played within the building at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast



sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval of the Environmental Protection Service.

- Signs shall be erected in outside areas and adjacent to exits asking customers to respect the neighbours and keep noise levels down.

Mr Round subsequently withdrew his representations on 18th June 2019.

Should you be satisfied with the above revised times of operation and the additional conditions to address the potential noise issue(s), please respond back to this correspondence to confirm that you wish to withdraw all of your objections.

Alternatively, your representations will be addressed at the Licensing Sub-Committee hearing provisionally booked on Tuesday 9th July 2019. All interested parties will be invited to attend the hearing where a panel of Councillors will determine the outcome of the application.

I trust that the above information is satisfactory but if you have any further questions or queries, please do not hesitate to contact me direct.

Yours sincerely,



Gareth Barrett
Licensing Enforcement & Technical Officer

Appendix D

Agreed Conditions

Agreed
Conditions
SIP

A

Cannister Ryan

From: Hollis Georgina (CEX) on behalf of licensingservice
Sent: 29 May 2019 15:16
To: Cannister Ryan
Cc: Barrett Gareth
Subject: FW: Variation to licence: Smith's, 647 Ecclesall Road

Follow Up Flag: Follow up
Flag Status: Flagged

From: SHEFFIELD_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]
Sent: 29 May 2019 12:42
To: licensingservice
Subject: FW: Variation to licence: Smith's, 647 Ecclesall Road

Good Afternoon,

Please see the below **agreed conditions** following variation to the licence for Smiths FKA Yummy Hut, Ecclesall Road, and the agreement to a 15 minute drinking up period.

Please ensure these be added to the licence should the variation be granted.

Many thanks,

Regards

South Yorkshire Police Licensing Dept
Moss Way Police Station
Moss Way
Sheffield
S20 7XX,

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Alicia Marsden 0114 2523111 internal 718 111
Ian Armitage 0114 2523618 internal 718618
Cheryl Topham 0114 2523163 internal 718163
Daniel Barraclough 0114 2523556 internal 718556
John O'Malley internal 714308

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

From: Smiths S11 [mailto:hello@smithss11.co.uk]
Sent: 29 May 2019 12:24

To: SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>

Subject: Re: Variation to licence: Smith's, 647 Ecclesall Road

Good Afternoon,

Thank you for sending this over- we are more than happy to adopt all of the practices as requested,

Best Regards,

Ria Smedley

Smiths

From: SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>

Sent: 28 May 2019 10:42:19

To: Smiths S11

Subject: Variation to licence: Smith's, 647 Ecclesall Road

Good Morning,

Hope you are well.

We have received your application to vary the premise licence for Smith's (FKA Yummy Hu), 647 Ecclesall Road. We would require the following conditions adding to the licence, should it be granted:

- It is considered that for the nature of the operation door supervisors will not be required however, a risk assessment will be undertaken should unusual events takes place and if they consider it appropriate will employ the same.
- It is considered that for the nature of the operation plastic/polycarbonate drinking vessels will not be required however, a risk assessment will be undertaken should unusual events takes place and management deem it necessary.
- Zero tolerance policy in relation to drugs.
- Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose - Existing cond
- Persons under the age of 18 years are not permitted after 19:00 hours unless accompanied by a responsible adult and attending a family type function or dining, but all persons under 18 years of age must be off the premise by 22:00hrs unless attending a private, pre-booked function with a responsible adult.
- Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. Records of such training will be kept and made available for inspection of the authorities.
- Incident and refusal book maintained, such records to be retained for at least 12 months and available for inspection on request.

We would also request a 15 minute 'drinking up/ wind down period' to ensure all patrons have finished their beverages, making this easier for staff to ensure that the premise is closing at the correct terminal hour.

We would be very grateful if you could respond and inform us that you are happy to adopt the above practices.

Many thanks,

Regards

South Yorkshire Police Licensing Dept
Moss Way Police Station
Moss Way
Sheffield
S20 7XX.

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Alicia Marsden 0114 2523111 internal 718 111
Ian Armitage 0114 2523618 internal 718618
Cheryl Topham 0114 2523163 internal 718163
Daniel Barraclough 0114 2523556 internal 718556
John O'Malley internal 714308

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

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SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

Gough Jayne (CEX)

EPS Withdrawn
- Reduced hours
- Agreed conditions

From: Barrett Gareth
Sent: 18 June 2019 16:00
To: Round Jonathan; Smiths S11
Cc: licensingservice
Subject: RE: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hi Jon,

The below amended times are clear to me, both the revised times and conditions will be placed on the premises licence should the variation be Granted.

Kind Regards,

Gareth Barrett

✉: **Licensing Enforcement & Technical Officer**

Licensing | Business Strategy and Regulation |
Place Portfolio | Sheffield City Council |
Block C | Staniforth Road Depot |
Staniforth Road | Sheffield | S9 3HD

☎: 0114 2734264

☎: 07917 517319

✉: gareth.barrett@sheffield.gov.uk
www.sheffield.gov.uk/licensing

 Please don't print this e-mail unless you really need to!

NEW

Pre-Application Advice & Consultancy Service

Do you need help with your application or just want it checking?
Then give us a call on 0114 273 4264

This new service starts on Monday 6th February 2017

From: Round Jonathan
Sent: 18 June 2019 15:22
To: Smiths S11
Cc: licensingservice; Barrett Gareth
Subject: RE: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Ria,

Thanks for your agreement.

Gareth,

Can you confirm that the below amendment to times make sense and the agreed conditions will appear on the premises licence. On that basis please withdraw my previous representation.

Regards,

Jon.

From: Smiths S11 [mailto:hello@smithss11.co.uk]
Sent: 18 June 2019 13:26
To: Round Jonathan
Cc: licensingservice; Barrett Gareth
Subject: Re: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hi Jon,

Thanks you for your email and again for your time last week, I agree that it was very helpful.

With regards to the conditions that you request I can confirm that we are agreeable to all.

Best Regards,

Ria

From: Round Jonathan <Jonathan.Round@sheffield.gov.uk>
Sent: 18 June 2019 11:57
To: Smiths S11
Cc: licensingservice
Subject: RE: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hello Ria,

Thank you for your time during my visit last week, I think it was very productive.

To clarify the outstanding issues with regards to the variation of the premises licence I think we just need to confirm a couple of amendments to the hours and agree a few conditions.

Proposed amendments to hours:

Box I - Late Night refreshment; Sunday-Thursday 23:00hrs-23:30hrs; Friday-Saturday 23:00-0:30hours

Box J – Supply of Alcohol: Sunday – Thursday 11:30-23:30hrs; Friday – Saturday 11:30-0:30hrs

Box L- Hours Premises open to public: Sunday - Thursday 07:30-23:00hrs; Friday-Saturday 07:30-0:30hrs

Conditions:

- No drinks shall be allowed to be consumed in the outside areas after 21:00hrs;
- No amplified sound or live music shall be played within the building at above background levels, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time. The specification, location and mountings of any loudspeakers affixed internally to the building shall be subject to written approval of the Environmental Protection Service.
- Signs shall be erected in outside areas and adjacent to exits asking customers to respect the neighbours and keep noise levels down.

If the above conditions/ restrictions are agreed, then I will be able to withdraw my previous representation. If you would like to amend any of the above then please reply and let me know.

There are a few issues outside the scope of the premises licence application that we discuss, and they should be clarified with the Development Control Section relating to the terminal hour, the use of the outside seating areas to both the front and rear yard, and also about the bin storage area off Niell Road. I think that currently the premises should cease trading at 23:30hours, so I would recommend that an application is made to increase the hours to match those we are agreeing for the premises licence before you intend to trade to them.

Regards,

Jon.

Jonathan Round
Environmental Health Officer

Sheffield City Council
Environmental Protection Service
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel +44 (0)114 273 4658/ 07887 641 266
Fax +44 (0)114 273 6464

Visit us at: www.sheffield.gov.uk/environmentalhealth

From: Smiths S11 [mailto:hello@smithss11.co.uk]
Sent: 06 June 2019 12:11
To: Round Jonathan
Cc: licensingservice; Cannister Ryan; Barrett Gareth
Subject: Re: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hi Jon,

Thanks for that, I look forward to speaking to you next week.

Best Regards,

Ria

From: Round Jonathan <Jonathan.Round@sheffield.gov.uk>
Sent: 06 June 2019 11:08
To: Smiths S11
Cc: licensingservice; Cannister Ryan; Barrett Gareth
Subject: RE: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hello Ria,

Yes Elaine is on leave till next week.

I hadn't realised that a pre ap had been submitted, because they are not in the public domain they don't show up on the planning system I view, and I don't think it came to me for consultation which I would have expected. I'll try and catch up with Chris Heeley and see what advice he's given before the meeting.

Regards,

Jon.
07887 641 266

From: Smiths S11 [mailto:hello@smithss11.co.uk]
Sent: 06 June 2019 11:54
To: Round Jonathan
Cc: licensingservice; Cannister Ryan; Barrett Gareth
Subject: Re: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hi Jon,

Thanks for coming back to me.

I have been trying to get in touch with Elaine Cresswell from the Health and Safety team as she has requested that we set up a meeting but haven't been able to get through, I expect that she is part of the team that you mention is on leave this week. It would be good, as you say to combine the meetings.

Mark at Spacepad submitted a Pre Application enquiry on the block of buildings 643-647 Ecclesall Road last year and is following the notes from this. He has also been in touch with Chris Heeley. You also mentioned building control which has been consulted. Apologies that you were unable to reach Mark on the office line -he can be reached on 07831351797 if you want to discuss further details.

You also raise the possibility of noise issues for local residents, of course we want to ensure that there is no possibility of public nuisance from our restaurant and we are happy to work within the measures that have been considered appropriate for other local businesses. We are also working with the Sharrowvale Residents Association to make sure that the hours of the license are fitting for the local area. I feel it is worth mentioning that we have no plans for loud music, DJs or bands.

I can be reached on 07934230133 if you want to discuss any aspects of the application prior to our meeting.

Best Regards,

Ria

From: Round Jonathan <Jonathan.Round@sheffield.gov.uk>
Sent: 06 June 2019 10:00:50
To: Smiths S11
Cc: licensingservice; Cannister Ryan
Subject: RE: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Hello Ria,

I picked up a phone message from Mark at Spacepad about your application. I tried to contact them yesterday but their answerphone was full so I was unable to leave a message.

I'm almost certain my colleagues in Health Protection will want to discuss the implications of your application, but they are on leave until next week, so can I suggest that I contact you next week with a view to arranging a visit to look at the situation when we can both visit.

With regards to the outstanding Planning situation, I would advise you to contact Development Control direct, as soon as possible and the best course of action will probably be to make a Pre Application enquiry <https://www.sheffield.gov.uk/home/planning-development>.

Planning & development - Sheffield

www.sheffield.gov.uk

Council Tax. Your account, who has to pay, banding, how it's calculated, discounts & exemptions, how we spend it... Benefits. Housing Benefit, Council Tax Support, budgeting, local assistance grants & loans, benefits calculator, appeals...

Regards,

Jon.

From: Smiths S11 [mailto:hello@smithss11.co.uk]
Sent: 04 June 2019 13:06
To: Round Jonathan
Cc: licensingservice; Cannister Ryan
Subject: Re: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

Dear Jonathan,

Thank you for your email outlining your concerns regarding our License Variation Application for S11 (South Yorkshire) Ltd.

We would certainly want to address the issues that you have raised and to rectify any concerns, and would like to discuss the matter further as you suggest.

Best Regards,

Ria Smedley
S11 (South Yorkshire) Ltd

From: Round Jonathan <Jonathan.Round@sheffield.gov.uk>
Sent: 03 June 2019 10:34:44
To: Smiths S11
Cc: licensingservice
Subject: VARIATION: S11 (SOUTH YORKSHIRE) LTD, 647 Ecclesall Rd

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 to vary the premises licence for the above premises.

The application is seeking to change the nature of the venue. The venue will be much larger and changing from a 'take away' serving only late night refreshment on the ground floor into a bar/ café serving alcohol, with outdoor seating area, and accommodation on the first floor.

The premises are located in close proximity to residential accommodation, and may even share a party wall at first floor level. I am therefore concerned that nearby residents could potentially be affected by excessive noise disturbance from noise breaking out of the premises, noise transferring through the party wall and noise from people outside the venue in the late evening.

I have checked the planning consent for the site and the last application I can find was a refusal to increase the opening hours of the ground floor takeaway beyond 23:30hrs in 1998. There doesn't appear to have been any application to vary this permission since, so I would question if the hours that have been applied for and the use of the first floor would be acceptable if planning permission was applied for.

I will have to object to the application as it currently stands. The hours they wish to operate to in such close proximity to residential accommodation are unrealistic. The addition of upstairs accommodation does not appear to have been the result of a material change of use (under planning) and I wonder if building control have been consulted on the proposed change of use at first floor.

In addition my colleagues in Health and Safety will have concerns about staff and customers accessing the first floor and the amount and types of toilet facilities.

Issues which need to be addressed:

- Planning consent needs to be applied for to change the use of the premises and incorporate the first floor; building control might also need to be consulted;
- The outside areas will need to close earlier than proposed at the latest 21:00hrs in keeping with other premises along Ecclesall road, if not before, due to the proximity to residents on Niell Road, and Ecclesall Road. A restriction on the amount of people in outside areas might also be appropriate.
- A noise survey of the site will need to be produced by a suitably qualified noise consultant prior to the opening to ensure that noise breaking out and transferring into neighbouring properties is properly assess and addressed.

Please reply to this email if you wish to discuss the matter further.

Regards,

Jon.

Jonathan Round
Environmental Health Officer

Sheffield City Council
Environmental Protection Service
5th Floor (North)
Howden House
1 Union Street
Sheffield

S1 2SH

Tel +44 (0)114 273 4658/ 07887 641 266

Fax +44 (0)114 273 6464

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ADD CONDITION!
Barrett Gareth

objection withdrawn

emails to objector by GB

From: Barrett Gareth
Sent: 07 June 2019 12:58
To: [REDACTED]
Cc: Cannister Ryan
Subject: Objection to Smiths (PREV-YUMMY HUT) 647 Ecclesall Road, Sheffield.
Attachments: google screenshot Curtledge.JPG; google screenshot nearby premises.JPG; objection and Plans.pdf

Good Afternoon Mr Bennett,

Thank you for your representation in regards to the variation application for the above premises.

In reference to your objection regarding the outside seating area, I have attached a plan (objection and Plans.pdf) submitted with the application and can confirm that the area intended to be used will be within the premises curtilage and therefore should not interfere with the adjacent bus stop. I have attached a screenshot of the area, highlighted in red, that forms part of the curtilage and a screenshot of a nearby premise that installed bollards within their curtilage.

Regarding your objection on where and how waste will be stored, I can confirm that the applicant has offered the following condition

*** 'Outside areas will be cleaned and cleared prior to opening and after closing.' *** include within

This condition, should the variation be accepted, will be included within the conditions attached to premises licence and will be enforceable should the condition be breached.

If you are satisfied that the above information answers your points raised within your objection, please respond to this email to confirm that you wish to withdraw your representations.

Should you require further clarification or if you still wish to still object, are you happy with me forwarding your contact details to liaise direct with the applicant(via telephone or email) to see if an amicable solution can be sought in order to retract your objection?

Alternatively, your objection will be logged against the variation application and you will be invited to attend a Licensing Sub-Committee hearing that is made up by a panel of Councillors to determine the outcome of the application.

Kind Regards,

Gareth Barrett

✉: **Licensing Enforcement & Technical Officer**

Licensing | Business Strategy and Regulation |

Place Portfolio | Sheffield City Council |

Block C | Staniforth Road Depot |

Staniforth Road | Sheffield | S9 3HD

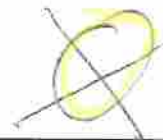
☎: 0114 2734264

☎: 07917 517319

✉: gareth.barrett@sheffield.gov.uk

www.sheffield.gov.uk/licensing

Cannister Ryan



From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 03 June 2019 11:39
To: Cannister Ryan
Subject: FW: yummy hut

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

From: robert bennett [mailto:[\[REDACTED\]](#)]
Sent: 02 June 2019 14:21
To: licensingservice
Subject: yummy hut

Re the proposed variation of the licence for Smiths - (Prev Yummy Hut) I cannot see how the premises can accommodate an "outside" area without interfering with pedestrians and with people eating at the bus stop. It is also unclear where and how waste will be stored. There is already a serious problem with waste food around this area and I would oppose any proposal which did not take that into account.

R R Bennett
[REDACTED]

Barrett Gareth

From: robert bennett <[REDACTED]>
Sent: 10 June 2019 23:43
To: Barrett Gareth
Subject: Re: Objection to Smiths (PREV-YUMMY HUT) 647 Ecclesall Road, Sheffield.

confirmed!

bb

withdrawn

Appendix E

Hearing Notices / Regulations / Procedures



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

S11 (South Yorkshire) Ltd

Sent via email: hello@smithss11.co.uk

The Sheffield City Council being the licensing authority, on the 15th May 2019 received your application in respect of the premises known as;

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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

- 1 Responsible Authority – Health Protection Service**
- 2 Residential Objections**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 9th July 2019 at 10:30am**; 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, or LicensingService@sheffield.gov.uk** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 24th June 2019

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. licensingService@sheffield.gov.uk



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

Sean Gibbons
Health Protection Service
Sheffield City Council

Sent via email: sean.gibbons@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 15th May 2019 received your application in respect of the premises known as;

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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

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Dated: 24th June 2019

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. licensingService@sheffield.gov.uk



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

Mrs D Thomas & Miss G Thomas



The Sheffield City Council being the licensing authority, on the 15th May 2019 received an application in respect of the premises known as;

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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

1 Responsible Authority – Health Protection Service

2 Residential Objections

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Dated: 24th June 2019

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. licensingService@sheffield.gov.uk



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

Mrs Anita Bamford
Sharro Vale Community Association

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 15th May 2019 received an application in respect of the premises known as;

Smiths (fka Yummy Hut), 647 Ecclesall Road, Sheffield, S11 8PT

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

- 1 Responsible Authority – Health Protection Service**
- 2 Residential Objections**

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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, or LicensingService@sheffield.gov.uk** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 24th June 2019

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. licensingService@sheffield.gov.uk

NOTES

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.

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

We S11 (South Yorkshire) Ltd

of Smiths (fka Yummy hut), 647 Ecclesall Road, Sheffield, S11 8PT

hereby confirm that I have received the Notice of Hearing dated 24th June 2019 and notify you as follows **(please complete)**:

I intend to attend the hearing at 10:30am on Tuesday 9th July 2019.

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.

licensing@sheffield.gov.uk

Regulation 8

- (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.

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