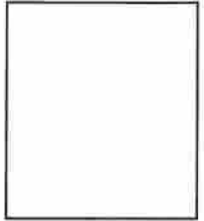




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 7th January 2020 at 10am

Subject: Licensing Act 2003

Author of Report: Emma Rhodes-Evans

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

285 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 03/20

Soul Food, 285 Ecclesall Road, Sheffield, S11 8NX

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is Mr Ata Izadi.

2.2 The application, which was received on 4th November 2019, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

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

- Health Protection Service, Responsible Authority for Sheffield City Council
- Environment Protection Service, Responsible Authority for Sheffield City Council
- Local resident objection on behalf of Botanical Gate Community Association
- Planning Service comments, Responsible Authority for Sheffield City Council

3.2 South Yorkshire Police have agreed conditions throughout the consultation period with the applicant, and these are attached to this report at Appendix C.

3.3 The applicant has failed to communicate with officers from the Health Protection Service and Environment Protection Service despite numerous attempts to contact Mr Izadi. The last known communication between the applicant and Environment Protection Service was the 2nd December 2019. The applicant also failed to attend a pre-arranged site meeting at the premises with the Health Protection Officer on the 13th December 2019.

3.4 The applicant and objectors who made written representations 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 POLICIES TO CONSIDER

4.1 Sheffield City Council Statement of Licensing Policy.

5.0 FINANCIAL IMPLICATIONS

5.1 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.

6.0 THE LEGAL POSITION

- 6.1 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.
- 6.2 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.

7.0 HEARINGS REGULATIONS

- 7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 7.3 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.

8.0 APPEALS

- 8.1 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.

9.0 RECOMMENDATIONS

- 9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

10.0 OPTIONS OPEN TO THE COMMITTEE

- 10.1 To grant the premises licence in the terms requested.
- 10.2 To grant the premises licence with conditions.
- 10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Date: 7th January 2020.

Appendix 'A'

Application

NPTRUGKxG242

180003

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

04 NOV 2016

I/We Aba Izadi
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
285 Ecclesall Road			
Post town	Sheffield	Postcode	S11 8NX
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£16500	

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) please complete section (B)
 - iii as an unincorporated association or please complete section (B)
 - iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>Izadi</i>			First names <i>Aba</i>		
Date of birth [REDACTED]	I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes	
Nationality <i>Kurdish</i>					
Current residential address if different from premises address		[REDACTED]			
Post town	<i>Sheffield</i>			Postcode	[REDACTED]
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

ASAP.

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

DD	MM	YYYY

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

Take away

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

--

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

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

Provision of regulated entertainment (please read guidance note 2)

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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
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 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	Please give further details here (please read guidance note 4)		
Tue	23:00	05:00			
Wed	23:00	05:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	05:00			
Fri	23:00	05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue					
Wed					
Thur			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 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name		NIA.
Date of birth		
Address		
Postcode		
Personal licence number (if known)		
Issuing licensing authority (if known)		

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	06:00	
Tue	12:00	06:00	
Wed	12:00	06:00	
Thur	12:00	06:00	
Fri	12:00	06:00	
Sat	12:00	06:00	
Sun	12:00	06:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

A CCTV system will be fitted, maintained and in use at all times the premises is open. The CCTV images shall be stored for 30 days.

b) The prevention of crime and disorder

If anyone is to display any disorderly conduct at the premises they shall be removed from the premises.

People will be discouraged from congregating outside the premises.

c) Public safety

d) The prevention of public nuisance

All windows and doors will be kept closed at all times to prevent noise nuisance.

All drivers will ensure that they turn off all music and do not use their horns after 11pm.

Litter picks will be conducted throughout the day and evening within a 100m radius of the premises.

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

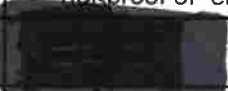
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	03/11/2019
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **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 14)			
Post town		Postcode	
Telephone number (if any)	Page 19		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Privacy Notice – Licensing Act 2003

How we will use your information

The information provided to us will be used to help us process your application.

Your personal data is processed under a contract to which you are party to through your application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data including criminal records, your information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

Your application will be processed in line with the following pieces of legislation:

- Licensing Act 2003

Who we will share your information with

We may share your information with the following third parties in order to inform decision making:

- Responsible Authorities
 - South Yorkshire Police
 - South Yorkshire Fire and Rescue
 - Public Health
 - Safeguarding Children
 - Environmental Protection
 - Health Protection
 - British Waterways Board / Navigation Authority
 - Home Office
 - Trading Standards
- Other Licensing Authorities relevant to your application
- Other Council Services
- Bodies Responsible for auditing or administering public funds

How long we will keep your information

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

What are your rights

You have rights under Data Protection law. For further details about your rights, the contact details of our Data Protection Officer and your rights to make a complaint please see our Data Protection web page:

<https://www.sheffield.gov.uk/privacy>

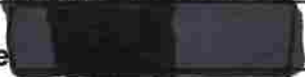
If you do not have access to the internet, please contact us and we will be able to provide paper versions of the information you require.

I have read and understood the information provided in this form and understand my personal information will be used in the processing of my application and/or request.

Name:

Ata Izadi

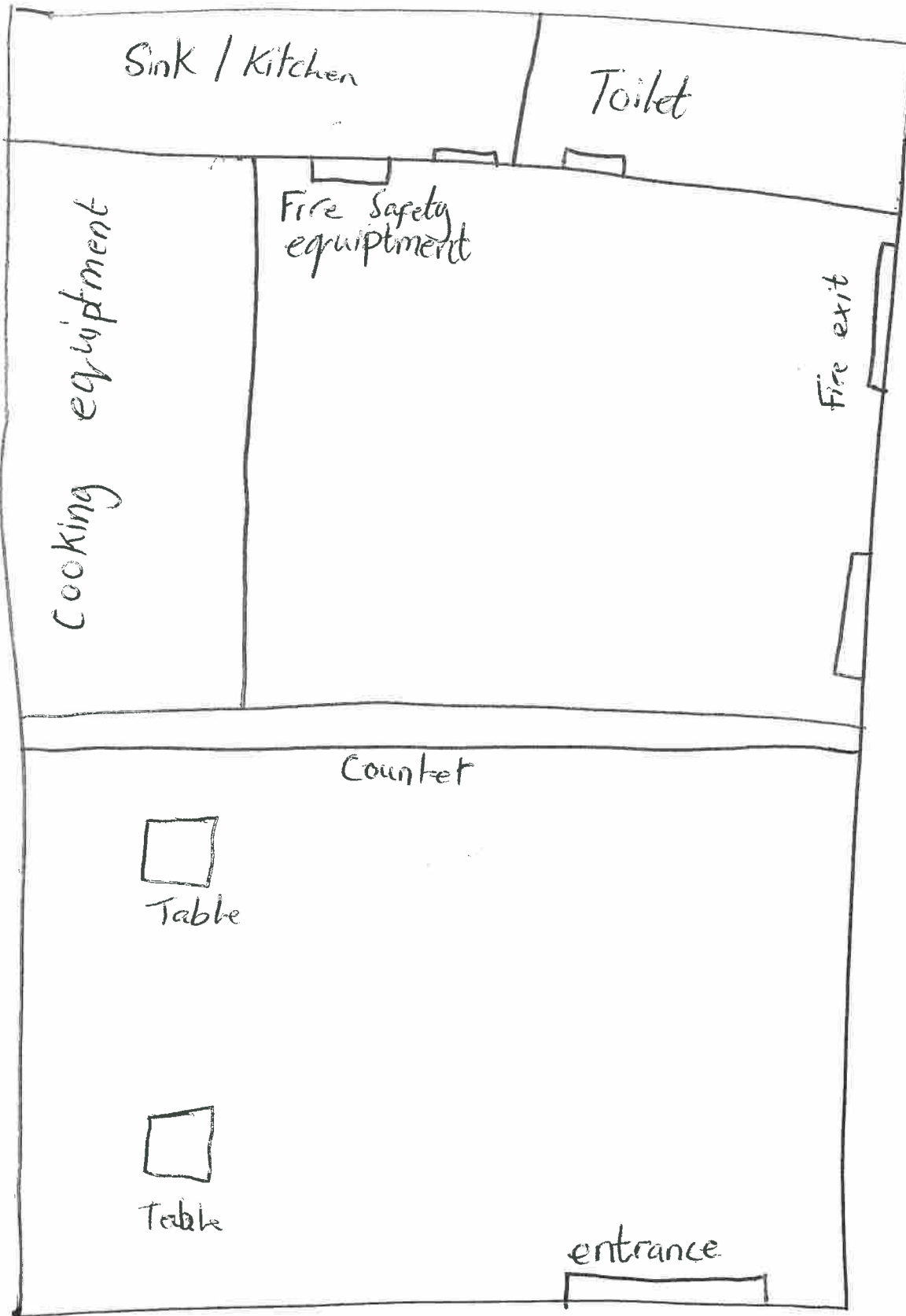
Signature



Date:

03/11/2019

285 Ecclesall Road
S11 8NX



Appendix 'B'

Objection:

Health Protection Service
Environmental Protection Service
Local Resident

Tate Emily

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 02 December 2019 20:50
To: Tate Emily
Subject: FW: NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953

From: Cresswell Elaine
Sent: 02 December 2019 15:52
To: [REDACTED] com; licensingservice
Subject: RE: NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953

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 Mr Izadi,

RE: NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953 - Objection re plan

I refer to the application concerning the above premises. Unfortunately I have not been able to contact you by telephone to arrange an inspection for this premises and to discuss your plans in more detail.

As a Responsible Authority towards Public Safety, I confirm that I am making a formal representation due to the due to the internal proposed layout and arrangements shown in the plan, which are unsatisfactory.

I would be more than happy to discuss this matter with yourself or meet your Architect, to reach a satisfactory resolution.

Yours sincerley
Elaine Cresswell

*Elaine Cresswell BSc (Hons)
Environmental Health Technician
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: elaine.cresswell@sheffield.gov.uk
www.sheffield.gov.uk*

From: Cresswell Elaine
Sent: 28 November 2019 16:57
To: [REDACTED]
Subject: FW: NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953

Hello Mr Izani

I haven't heard from you about arranging a visit to this premises – I am on leave tomorrow

I would be available on Monday 2nd December 2019 in the late morning if that date is possible – please email me.

Kind regards
Elaine Cresswell

*Elaine Cresswell BSc (Hons)
Environmental Health Technician
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: elaine.cresswell@sheffield.gov.uk
www.sheffield.gov.uk*

From: Cresswell Elaine
Sent: 26 November 2019 16:12
To: [REDACTED]
Subject: NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953

26th November 2019

Dear Mr Izadi,

NEW LICENSING APPLICATION: ATA IZADI, 285 Ecclesall Road, Sheffield, S11 8NX SR 657953

I refer to my telephone call on 26th November 2019.

I understand you plan to open a takeaway with provision for dining inside to provide late night refreshment (23:00 – 05:00hrs).

- **You are advised to check if you require planning permission to do this.**

If you wish to provide a dining facility then you will need to have a customer toilet. The number of toilets depends on how many people you want to provide seating for.

- **Please let me know how many people you wish to provide seating for.**

Our guidelines for Health and Safety and Public Safety in Licensed Premises are attached. I would like to particularly draw your attention to flooring (page 2), disabled access, accessible WC, capacity and structural matters.

General

If you intend a fit out it is recommended you consider the following :-

- **If changes to the premises layout are planned it is recommended that you check with Building Control if your plans require building control approval – we often ask for a building control completion certificate as a condition of licence**
- Check if there is an Asbestos Management Plan in place prior to carrying out any structural alterations or other works involving drilling etc – See attached guidance page 20. This may be something your landlord has available.
- Obtain an electrical installation certificate (or electrical condition report covering 100% of the premises) to confirm the condition of the installation is satisfactory.
- Check there enough toilets for the proposed capacity (see page 6/7 – for bars see table 11)

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.

- Applicants need to take account of the needs of wheelchair users/ambulant disabled and provide a suitable height toilet, fixtures and fittings - further details can be found at Approved Document M of The Building Regulations 2000 (as amended) and British Standard BS8300-Design of Buildings and their approaches to meet the needs of disabled people (as amended) – see page 19

Please have a look at the guidance so we can arrange a site meeting and discuss any queries. I would be available on Monday 2nd December 2019 in the morning if that date is possible.

Yours sincerely
Elaine Cresswell

*Elaine Cresswell BSc (Hons)
Environmental Health Technician
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: elaine.cresswell@sheffield.gov.uk
www.sheffield.gov.uk*

Crawshaw Michael (CEX)

From: Round Jonathan
Sent: 21 November 2019 11:06
To: licensingservice
Subject: RE: NEW LICENSING APPLICATION: 285 Ecclesall Road, Sheffield
Attachments: 657745 - 285 Ecclesall Road application.doc

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 sent the attached letter out to the applicant today with the below text.

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

The premises are located below residential accommodation and in close proximity to others; I am therefore concerned that nearby residents could potentially be affected by excessive noise disturbance from the use of the premises into the early hours, noise breaking out of the premises, noise transferring through the building and noise from people outside the venue in the late evening.

The premises do not have planning consent to operate as a Hotfood takeaway (A5 use class under planning). The applicant would therefore need to apply for a change of use to Development Control. They will also need to ensure there is adequate fume extraction in the kitchen which is likely to need planning consent. I would comment that the premises next door 283 Ecclesall Road applied for a change of use to a Hotfood takeaway in 2013 to open until 03:00hrs but was restricted to 23:30hrs, and this was upheld at appeal (13/01367/CHU) <https://planningapps.sheffield.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>. I would therefore recommend that the applicant discusses the proposal with my colleagues in Development Control.

To protect the nearby residential accommodation both above the premises and in the vicinity, the applicant will need to carry out a noise survey prior to the premises opening, so that the buildings ability to restrict the noise breaking out of the premises and also transferring through the building is quantified. There also needs to be a validation report produced to ensure the effectiveness of any works that have been carried out. Had a noise report been produced (i.e. as a result of a planning application) it would have highlighted any issues with the buildings ability to retain sound, suggested suitable solutions and would also ensure that acceptable internal noise levels were maintained within nearby residential accommodation. Without the assurance an approved noise survey and validation report would give it is not easy to quantify the impact of the proposed licensable activity on the nearby residents.

Even if a noise report suggests that noise transferring through the building is adequately controlled the proposed terminal hour of 6am is later than other licensed premises in the area, and will create a potential disturbance from people gathering to enter, waiting for orders and waiting for taxis after they have left the premises.

To prevent nearby residents being unacceptably affected by noise I would propose the below amendment to licensable hours and 3 conditions are attached to the premises licence:

The hours for late night refreshment should be reduced to:
23:00-0:00hrs Sunday- Thursday; 23:00-01:00hrs Friday and Saturday,

The hours Premises are open to the public should be reduced to:
12:00-00:30hrs Sunday – Thursday and 12:00-01:30hrs Friday and Saturday.

- Before the premises open a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall be:
 - a) Based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
 - c) Be capable of restricting noise breakout and transmission from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
 - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
 - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Environmental Protection Service (EPS).

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

- Before the use of the premises is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the EPS. Such Validation Testing shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the EPS before the use is commenced and shall thereafter be retained.
- No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

If you are happy to accept the above conditions then please reply back with your agreement, if you have an email that will make things easier and quicker. Alternatively if you wish to discuss the matter further, or wish to recommend alternative wording to achieve the same please reply or if you would prefer to talk my mobile is below.

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

Business Strategy and Regulation

Director: Mick Crofts

Environmental Regulation

5th Floor (North) • Howden House • Union Street • Sheffield • S1 2SH

Email: jonathan.round@sheffield.gov.uk

Officer: Jonathan Round
Ref: 6577457/JRO

Tel: 07887 641 266
Date: 21st November 2019

Mr Ata Izadi

██████████
Sheffield
██████████

Dear Izadi,

LICENSING ACT 2003

NEW LICENSING APPLICATION: 285 Ecclesall Road, Sheffield, S11 8NX

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

The premises are located below residential accommodation and in close proximity to others; I am therefore concerned that nearby residents could potentially be affected by excessive noise disturbance from the use of the premises into the early hours, noise breaking out of the premises, noise transferring through the building and noise from people outside the venue in the late evening.

The premises do not have planning consent to operate as a Hotfood takeaway (A5 use class under planning). The applicant would therefore need to apply for a change of use to Development Control. They will also need to ensure there is adequate fume extraction in the kitchen which is likely to need planning consent. I would comment that the premises next door 283 Ecclesall Road applied for a change of use to a Hotfood takeaway in 2013 to open until 03:00hrs but was restricted to 23:30hrs, and this was upheld at appeal (13/01367/CHU) <https://planningapps.sheffield.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>. I would therefore recommend that the applicant discusses the proposal with my colleagues in Development Control.

To protect the nearby residential accommodation both above the premises and in the vicinity, the applicant will need to carry out a noise survey prior to the premises opening, so that the buildings ability to restrict the noise breaking out of the premises and also transferring through the building is quantified. There also needs to be a validation report produced to ensure the effectiveness of any works that have been carried out. Had a noise report been produced (i.e. as a result of a planning application) it would have highlighted any issues with the buildings ability to retain sound, suggested suitable solutions and would also ensure that acceptable internal noise levels were maintained within nearby residential accommodation. Without the assurance an approved noise survey and validation report would give it is not easy to quantify the impact of the proposed licensable activity on the nearby residents.

G:\DELIVERSENVPROT\2019\letters\JRO\657745 - 285 Ecclesall Road

Large print versions of this letter are available by
telephoning 0114 273 4651

Even if a noise report suggests that noise transferring through the building is adequately controlled the proposed terminal hour of 6am is later than other licensed premises in the area, and will create a potential disturbance from people gathering to enter, waiting for orders and waiting for taxis after they have left the premises.

To prevent nearby residents being unacceptably affected by noise I would propose the below amendment to licensable hours and 3 conditions are attached to the premises licence:

The hours for late night refreshment should be reduced to:

23:00-0:00hrs Sunday- Thursday; 23:00-01:00hrs Friday and Saturday,

The hours Premises are open to the public should be reduced to:

12:00-00:30hrs Sunday – Thursday and 12:00-01:30hrs Friday and Saturday.

- Before the premises open a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall be:
 - a) Based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
 - c) Be capable of restricting noise breakout and transmission from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
 - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
 - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Environmental Protection Service (EPS).

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

- Before the use of the premises is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the EPS. Such Validation Testing shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the EPS before the use is commenced and shall thereafter be retained.

- No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

If you are happy to accept the above conditions then please reply back with your agreement, if you have an email that will make things easier and quicker. Alternatively if you wish to discuss the matter further, or wish to recommend alternative wording to achieve the same please reply or if you would prefer to talk my mobile is below.

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

c.c. Licensing Service via email: licensing@sheffield.gov.uk

From: [REDACTED] [mailto:[REDACTED]]
Sent: 28 November 2019 16:42
To: licensingservice
Subject: Ata Izadi; 285 Ecclesall Road

From [REDACTED] [REDACTED] Road Sheffield [REDACTED]

On behalf of Botanical Gate Community Association; representing residents in Khartoum, Thompson, Walton and Wadbrough Roads

28th November 2019

Dear Sirs

Application for Premises Licence under the Licensing Act 2003 by Ata Izadi 285 Ecclesall Road, S11 8NX

I write to object to the grant of a Premises Licence with the proposed terms by this undertaking. Our Community Association has concerns for the situation in the Ecclesall Road, off of which our four roads run. This has included concerns raised by the concentration of, hours of operation of, and control of noise emanating from premises trading in the Eccleall Road. We have on occasions persuaded the Licensing Authority to curtail or even refuse applications to the preservation of the amenity in this stretch of the Ecclesall Road and to the benefit to local residents and existing traders.

Our opposition to this application lies proposed hours of operation, ie to 05:00 every night. Potential customers in the early hours are likely to have come from clubs and bars in the city, with their social responsibility antennae somewhat dulled. Having walked along Ecclesall Road and into some of the densely populated adjoining streets, they will have finished their take aways and seek to dispose not only of the packaging but also uneaten food. We are all too well aware of this process the next morning.

In order to reduce the potential public nuisance from discarded food packets and their contents we request that the application as presented be denied with the suggestion that a limit to 0100 would create a better balance between the needs of customers and the residents in the surrounding area.

(signed)

[REDACTED]

Crawshaw Michael (CEX)

From: Mahmood Khalid
Sent: 21 November 2019 10:49
To: licensingservice
Cc: Round Jonathan
Subject: FW: 657745: Premises Licence Application - 285 Ecclesall Road, Sheffield, S11 8NX

Dear Licensing,

Further to the email below and the recent application for a premises licence at 285 Ecclesall Road, I can confirm that no planning permission has been granted for the use of the property as a hot food takeaway. Furthermore planning permission will not be granted for the premises to be open beyond 11.30pm.

Can you please keep me updated with regards to the application.

Kind regards

Khalid

Khalid Mahmood
Planning Enforcement Team Leader
Planning Service
City Growth
Telephone: 0114 203 7758
Email: Khalid.mahmood@sheffield.gov.uk

From: Round Jonathan
Sent: 19 November 2019 17:08
To: Mahmood Khalid
Subject: FW: 657745: Premises Licence Application - 285 Ecclesall Road, Sheffield, S11 8NX

Hello Khalid,

The attached premises licence application is for a take away to serve food until 5am and open until 6am in the morning.
As far as I can see the premises only has A1 use (Cat shelter - charity shop).
Next door 283 Ecclesall road had an appeal to increase hours beyond 23:30hrs refused on appeal 13/01367/CHU in 2014.

Could you confirm if I'm correct and 285 only has consent to operate as A1 and would need to apply for a change of use to operate as an A5 hot food takeaway.
Also could you confirm if you are likely to object to the premises licence.

Regards,

Jon.

Jonathan Round
Environmental Health Officer
Sheffield City Council
Environmental Protection Service

Appendix 'C'

Agreed conditions:
South Yorkshire Police

AGREED CONDITIONS SYP

Tate Emily

From: Crawshaw Michael (CEX) on behalf of licensingservice
Sent: 12 November 2019 14:11
To: Tate Emily
Subject: FW: New premise licence-285 Ecclesall Road

From: SHEFFIELD_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]
Sent: 12 November 2019 14:03
To: licensingservice
Subject: FW: New premise licence-285 Ecclesall Road

Dear all,

Following receipt of the above new grant we have now received agreement of the following conditions:

- A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2019) .The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.
- Persons under the age of 18 years must be accompanied and supervised by a responsible adult at all times.
- Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and area quietly.
- The premises will maintain a register of incidents. Such records will be kept and made available for inspection of the authorities.
- No admittance or re admittance of members of the public after 04.00 hours.

Please place on the licence should it be granted.

Kind regards,
Lucy

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

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Lucy Adams (Monday/Tuesday) 0114 2523617 internal 718617

Catherine Jarvis (Wednesday/Thursday/Friday) 0114 2523617 internal 718617
Ian Armitage 0114 2523618 Internal 718618
Cheryl Topham 0114 2523163 internal 718163
Alicia Marsden 0114 2523111 Internal 718 111
Daniel Barraciough 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: amir izadi [mailto: [REDACTED]]
Sent: 07 November 2019 07:45
To: SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>
Subject: Re: New premise licence-285 Ecclesall Road

Dear Lucy

Thank you for emailing me and your time. I have read through your emails carefully and think your suggestion is a good idea and I will be agreeing to all of your terms and willing to cooperate with the police at all time.

I will be informing the council about change of closing times

Much appreciated

Ata Izadi

On Tue, 5 Nov 2019 at 13:50, SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk> wrote:

Dear Mr Izadi,

Following our earlier discussion, I have detailed the conditions we would require adding to your licence at 285 Ecclesall Road.

As I explained, we have no issues with the delivery service running until 6am however, feel it would be more appropriate for the premise to be closed to the public at 4am to reduce potential disturbance.

I would be obliged if you could review the requests and contact me by email to confirm your agreement.

I'm more than happy to discuss this further on 0114 2523617 should you wish.

- A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2019) . The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.
- Persons under the age of 18 years must be accompanied and supervised by a responsible adult at all times.
- Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and area quietly.
- The premises will maintain a register of incidents. Such records will be kept and made available for inspection of the authorities.
- No admittance or re admittance of members of the public after 04.00 hours.

Kind regards,

Lucy

South Yorkshire Police Licensing Department
Moss Way Police Station

Moss Way

Sheffield

S20 7XX,

Licensing Team
Tracey Klein 0114 2523948 internal 718948

Lucy Adams (Monday/Tuesday) 0114 2523617 internal 718617

Catherine Jarvis (Wednesday/Thursday/Friday) 0114 2523617 internal 718617

Ian Armitage 0114 2523618 internal 718618

Cheryl Topham 0114 2523163 internal 718163

Alicia Marsden 0114 2523111 internal 718 111

Daniel Barraclough 0114 2523556 internal 718556

John O'Malley internal 714308

Website address - southyorks.police.uk

Appendix 'D'

Hearing Notices and Regulations



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

Mr Ata Izadi (applicant)

Sent via email:

The Sheffield City Council being the licensing authority, on the 4th November 2019 received an application in respect of the premises known as;

285 Ecclesall Road, Sheffield, S11 8NX

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

- **1 x Public objections**
- **Health Protection Service – Responsible Authority**
- **Environmental Protection Service – Responsible Authority**

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 7th January 2020 at 10.00am**; 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: 17th December 2019

Signed:


Emma Rhodes-Evans

The officer appointed for this purpose
Licensing Enforcement and Technical 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:
LA03 Premises Licence Application**

Elaine Cresswell
Health Protection Service (HPS)

Sent via email: elaine.cresswell@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 4th November 2019 received an application in respect of the premises known as;

285 Ecclesall Road, Sheffield, S11 8NX

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

- **1 x Public objections**
- **Health Protection Service – Responsible Authority**
- **Environmental Protection Service – Responsible Authority**

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 7th January 2020 at 10.00am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 17th December 2019

Signed: 
Emma Rhodes-Evans
The officer appointed for this purpose
Licensing Enforcement and Technical 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:
LA03 Premises Licence Application**

Jonathan Round
Environmental Protection Service (EPS)

Sent via email: jonathan.round@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 4th November 2019 received an application in respect of the premises known as;

285 Ecclesall Road, Sheffield, S11 8NX

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

- **1 x Public objections**
- **Health Protection Service – Responsible Authority**
- **Environmental Protection Service – Responsible Authority**

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 7th January 2020 at 10.00am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 17th December 2019

Signed: 
Emma Rhodes-Evans
The officer appointed for this purpose
Licensing Enforcement and Technical 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:
LA03 Premises Licence Application**

Mr Mike West on Behalf of the Botanical Gate Community Association

Sent via email:

The Sheffield City Council being the licensing authority, on the 4th November 2019 received an application in respect of the premises known as;

285 Ecclesall Road, Sheffield, S11 8NX

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

- **1 x Public objections**
- **Health Protection Service – Responsible Authority**
- **Environmental Protection Service – Responsible Authority**

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 7th January 2020 at 10.00am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 17th December 2019

Signed:

A handwritten signature in black ink, appearing to read 'Emma Rhodes-Evans'.

Emma Rhodes-Evans

The officer appointed for this purpose
Licensing Enforcement and Technical 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

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.

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.

This page is intentionally left blank