

## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** 24<sup>th</sup> November 2020

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

Town Market International Food Store 39 Charles Street, Sheffield S1 2HU

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**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.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

**Ref No 89/20**

**Town Market International Food Store 39 Charles Street, Sheffield S1 2HU**

**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 Shahrokh Jahangiri.
- 2.2 The application, which was received by the Licensing Service on the 6<sup>th</sup> October 2020, 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':-

1 x Interested parties  
1 x Councillor

- 3.2 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 'C'.

**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 'C'.
- 7.3 Attached at Appendix 'C' is the following: -
- a) a copy of the Notice of Hearing;
  - b) the rights of a party provided in Regulations 15 and 16;
  - c) the consequences if a party does not attend or is not represented at the hearing
  - d) the procedure to be followed at the hearing.

## **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: 24<sup>th</sup> November 2020

# Appendix 'A'

## Application

Attached as PDF

# Appendix 'B'

**Objection:  
Response from Applicant. Offered conditions:**

# Interested Parties Objection

**From:** Tiffany Roddis]

**Sent:** 01 November 2020 11:59 AM

**To:** licensingservice

**Subject:** New Off-licence at Charles St

Dear Sir/ Madam,

I am writing with regards to the proposed new Off-licence at 39 Charles Street, Sheffield.

I am a resident at [REDACTED] and I received a letter from the council informing me about its application to sell alcohol from 6am.

I am too concerned about the impact of early morning alcohol sales, that could lead to anti social behaviour and litter within the area. I am also worried about the noise it will bring to the area at that time. As a young professional getting up for work I don't want to be confronted by alcoholics or late night party goers at my door step.

To sum up I do support local businesses within the area however I do not support 6am alcohol sales.

Kind Regards,  
Tiffany Roddis

# Councillor Objection

**From:** Douglas Johnson  
**Sent:** 19 October 2020 23:20  
**To:**  
**Subject:** Objection - Charles St

Hi Laura,

Could I lodge a formal objection to the premises at Charles Street, please, on the grounds it isn't appropriate to sell alcohol off-premises from 6am?

Would you also let me have a copy of the application by return, please, so we can consider it properly?

Many thanks,  
Douglas

Cllr Douglas Johnson, (Green Party)  
City Ward, Sheffield

## Applicant response – Offered conditions;

Application for Grant of Premises licence

International Food Store, 39 Charles Street, Sheffield S1 2HU

Dear Licensing,

Thankyou for your call earlier regarding this application and the objections you have received.

I have talked at length with my client, and there are several issues,

1. That he will have a bakery and deli section in the mini market and needs to be open at that time in order to serve fresh goods, whilst they are fresh.

(His suppliers are delivering these goods on or around 6am every day)

2. It would serve more of a benefit to have the shops opening times matching the licensing hours,

to help prevent potential issues of customers being refused alcohol during the earlier hours , which could lead to conflict.

This is a city centre premises, and the target clients are the office and city workers who might wish to pick up a bottle of wine for when they get home after work.

**It is NOT for customers who are looking to buy high strength beers, or ciders in single cans etc. They will be refused service.**

And whilst he would rather keep to his proposed hours, he has said that he does not want to create any animosity with local residents

**and therefore he is willing to offer a few more conditions in order to do whatever he can to further promote the licensing objectives.**

This offer is conditional that the objectors remove their objection. If they are not happy to withdraw their objection, my client will go to the hearing

and ask for the original hours and conditions that have been previously applied for.



## ADDITIONAL OFFER

1. Reduce his opening time and for the sale of alcohol (off the premises) to start at 6.30am, with closing times the same.
3. Periodically monitor the outside the premises for litter throughout the day and complete a litter log on a daily basis.
4. He will use his best endeavours to help disperse anybody that may be loitering outside the premises, and report any issues of disorder and potential crime through the two way radio unit to Sheffield City council\*.

\*My client is a member of 'City Retailers Against Crime' Partnership with the City centre evening economy scheme.\*

This is in addition to Logging any potential incidents in the Premises Incident Log that will be available upon inspection, monitoring any incidents using the CCTV system and completing the Refusals Book, alongside the challenge 25 policy.

We feel that my client has offered an extensive operating schedule with a raft of conditions to help promote the licensing objectives, and if the objectors would like to see them or discuss any of them in more detail or meet with the client to see his proposals and / or meet face to face then we would be delighted to have the opportunity to do that.

Kind Regards

Tony Clarke  
JMC Licensing

# Appendix 'C'

## Hearing Regulations, Notices, Procedure



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

Mr Shahrokh Jahangiri.  
Rep- Tony Clarke  
JMC Licensing Consultants

Sent via email:

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> October 2020, received an application in respect of the premises known as;

**Town Market International Food Store 39 Charles Street, Sheffield S1 2HU**

During the consultation period, the Council received a representation from the following authority / interested party:

- **Councillor**
- **Interested party**

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 the representation will be considered at a hearing to be held **remotely via Zoom, on Tuesday 24<sup>th</sup> November 2020 at 2pm**; 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 representation 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: 12<sup>th</sup> November 2020

Signed: **C Stephenson**  
The officer appointed for this purpose  
Licensing Strategy and Policy 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](mailto:licensing@sheffield.gov.uk)



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

Cllr D Johnson  
Sheffield City Council

Sent via email:

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> October 2020 received an application in respect of the premises known as;

### **Town Market International Food Store 39 Charles Street, Sheffield S1 2HU**

During the consultation period, the Council received a representation from the following authority / interested party:

- **Councillor**
- **Interested party**

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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:

- 3) The representation you have made with reference to these particular premises and the four core objectives.
- 4) 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: 12<sup>th</sup> November 2020

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer



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

Ms Tiffany Roddis

Sent via email:

The Sheffield City Council being the licensing authority, on the 6<sup>th</sup> October 2020 received an application in respect of the premises known as;

**Town Market International Food Store 39 Charles Street, Sheffield S1 2HU**

During the consultation period, the Council received a representation from the following authority / interested party:

- **Councillor**
- **Interested party**

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Dated: 12<sup>th</sup> November 2020

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

## **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 required 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.