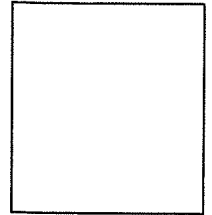




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



---

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

---

**Date:** Monday 3<sup>rd</sup> October 2022 – 10am

---

**Subject:** Licensing Act 2003

---

**Author of Report:** Jayne Gough

---

**Summary:** To consider an application to grant a premises licence made under the Licensing Act 2003 for **Samuel Worth Chapel, Sheffield General Cemetery, Cemetery Avenue, Sheffield, S11 8NT (Grid Ref: 34132 85883)**

---

**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  
Sheffield City Councils Statement of Licensing Policy

---

**Category of Report:** OPEN

---

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

**Ref No 140/22**

**Samuel Worth Chapel, Sheffield General Cemetery, Cemetery Avenue,  
Sheffield, S11 8NT (Grid Ref: 34132 85883)**

**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 applicants are Sheffield General Cemetery Trust.

2.2 The application was received by the Licensing Service on the 14<sup>th</sup> July 2022 and is attached at Appendix 'A' of this report.

2.3 It was noted by officers that the application had not been advertised correctly in line with the Licensing Act legislation resulting in the consultation period having to be restarted as of the 10<sup>th</sup> of August 2022.

2.4 During the consultation period, the applicant has agreed with South Yorkshire Police to reduce licensing hours and for additional conditions to be added to the licence in the event the licence is granted. A Condition has also been agreed with the Environmental Protection Service. Details of these agreements can be found at Appendix 'B'.

**3.0 REASONS FOR REFERRAL**

3.1 Unresolved representations concerning the application have been received from the following interested parties:

- 2 x Local Residents
- Health Protection Service, Sheffield City Council

3.2 Licensing Officers have made all objectors aware of the agreed conditions and reduced operating hours, but two residents have maintained their objection to the application whilst others formally withdrew their representations after feeling happy with the amendments to the application. Information and correspondence about the outstanding objections can be found at Appendix 'C'.

3.3 The applicant and remaining 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: 3<sup>rd</sup> October 2022