

# **Licensing Sub-Committee**

**Monday 29 February 2016 at 10.00 am**

**To be held at the Town Hall, Pinstone  
Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors Geoff Smith (Chair), Jack Clarkson and Dianne Hurst  
Neale Gibson (Reserve)**

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING SUB-COMMITTEE AGENDA  
29 FEBRUARY 2016**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Balti King, 216 Fulwood Road, Sheffield S10 3BB**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report

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

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**Date:** 29<sup>th</sup> February 2016 – 10AM

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**Subject:** Licensing Act 2003

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**Author of Report:** Emma Rhodes

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

Balti King, 216 Fulwood Road, Sheffield, S10 3BB

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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 20/16

**Balti King, 216 Fulwood Road, Sheffield, S10 3BB**

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

2.1 The applicant is Mr Hanif Hussain.

2.2 The application, which was received on 11<sup>th</sup> January 2016, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

2.4 During the consultation period, a number of conditions have been proposed by the Responsible Authorities and subsequently agreed by the applicant. A copy of the agreed conditions are attached at Appendix 'C'.

**3.0 REASONS FOR REFERRAL**

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

1 Councillor Objection (Councillor Brian Webster on behalf of Broomhill Green Party)

3.2 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'

**4.0 FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'E'.

6.3 Attached at Appendix 'E' is the following: -

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

## **7.0 APPEALS**

7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

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

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

29<sup>th</sup> February 2016

# Appendix A

The Application



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

(1)

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

(2) I/We **HANIF HUSSAIN**

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

Premises licence number

**841420 PR**

### Part 1 - Premises details

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

**216 FULWOOD ROAD**

Post town

**Sheffield**

Post code

**S10 3BB**

Telephone number at premises (if any)

**01142666650**

Non-domestic rateable value of premises

**£ 22,750**

### Part 2 - Applicant details

Daytime contact telephone number

**07501 875981**

E-mail address  
(optional)

Current postal address if different from premises address

**216 FULWOOD ROAD**

Post town

**~~S10 3BB~~ Sheffield**

Post code

**S10 3BB**

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

**Part 3 - Variation**

Please tick  yes

12

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

If not do you want the variation to take effect from

Day			Month			Year		

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

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

extend the hours for  
serving alcohol  
on/off premises  
alcohol off sale for delivery  
to custom

## Part 4 - Operating Schedule

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

3

### Provision of regulated entertainment

Please tick ✓ yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities for:

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

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

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

**In all cases complete boxes N, O and P**

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# A

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

# B

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



**C****5**

<b>Indoor sporting events</b>			Please give further details here (please read guidance note 3)
Standard days and timings (please read guidance note 6)			
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

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

**E**

16

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

**F**

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

**G**

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

**A7****H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			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 <input checked="" type="checkbox"/> (please read guidance note 2)
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
			Please give further details here (please read guidance note 3)
Tue			
Wed			
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
			Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

A8

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

J

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

**K****19**

**Provision of facilities for entertainment of a similar description to that falling within J or K**

Please give a description of the type of entertainment facility you will be providing

Standard days and timings  
(please read guidance note 6)

Will the entertainment facility be indoors or outdoors or both

- please tick  (please read guidance note 2)

Indoors

Outdoors

Both

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times from those listed in the column on the left, please list (please read guidance note 5)

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**L**

<b>Late night refreshment</b>			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	23 00	05 00	Please give further details here (please read guidance note 3)
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 4)
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 from those listed in the column on the left, please list (please read guidance note 5)
Sat	23 00	05 00	
Sun	23 00	05 00	

**M**

<b>Supply of alcohol</b>			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	10 00	05 00	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	10 00	05 00	
Wed	10 00	05 00	
Thur	10 00	05 00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	10 00	05 00	
Sat	10 00	05 00	
Sun	10 00	05 00	

N

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 8)



O

**Hours premises are open to the public**

Standard days and timings  
(please read guidance note 6)

Day	Start	Finish
Mon	1000	0530
Tue	1000	0530
Wed	1000	0530
Thur	1000	0530
Fri	1000	0530
Sat	1000	0530
Sun	1000	0530

State any seasonal variation (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

A12

I have enclosed the premises licence

Please tick ✓ yes

I have enclosed the relevant part of the premises licence

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

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



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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Proof of I.D. will be recommended  
see - during  
I. Development  
PASOP.  
Review from and follow up



# Appendix B

Current Premises Licence



## THE LICENSING ACT 2003

**Premises Licence No: SY 1420 PR**

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

### **PART 1 – Premises details**

The Balti King  
216 Fulwood Road  
SHEFFIELD  
S10 3BB

**Telephone Number:** 0114 266 6655

**Where the licence is time limited, the dates:**

Not applicable.

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

#### **1. Provision of late night refreshment**

Sunday	23:00 to 02:00 hours the following day
Monday	23:00 to 03:00 hours the following day
Tuesday	23:00 to 03:00 hours the following day
Wednesday	23:00 to 03:00 hours the following day
Thursday	23:00 to 03:00 hours the following day
Friday	23:00 to 04:00 hours the following day
Saturday	23:00 to 04:00 hours the following day

#### **2. Sale by retail of alcohol:**

(a) for consumption on the premises

Sunday	10:00 to 02:00 hours the following day
Monday	10:00 to 03:00 hours the following day
Tuesday	10:00 to 03:00 hours the following day
Wednesday	10:00 to 03:00 hours the following day
Thursday	10:00 to 03:00 hours the following day
Friday	10:00 to 04:00 hours the following day
Saturday	10:00 to 04:00 hours the following day

**The opening hours of the premises are:**

**\*Note: These are the times that the public can remain on the premises other than for the above licensable activities.**

Sunday	10:00 to 02:00 hours the following day
Monday	10:00 to 03:00 hours the following day
Tuesday	10:00 to 03:00 hours the following day
Wednesday	10:00 to 03:00 hours the following day



Thursday 10:00 to 03:00 hours the following day  
Friday 10:00 to 04:00 hours the following day  
Saturday 10:00 to 04:00 hours the following day

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption on the premises.

**PART 2**

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

Mr Hanif Hussain  
51 Ashleigh Street  
Keighley  
West Yorks  
BD21 3BL

**Telephone Number:** 07814 639 193

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Hanif Hussain  
The Balti King  
216 Fulwood Road  
SHEFFIELD  
S10 3BB

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

Restricted.

**This Premises Licence shall be in force from the Second Appointed Day.**

**Issued on: 1<sup>st</sup> February 2006**

.....  
**Assistant Chief Executive Legal and Governance**  
**On behalf of Sheffield City Council (issuing licensing authority)**

**Annex 1 – Mandatory Conditions**

**Mandatory Condition 1 (Section 19 ss 2)**

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

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

**Mandatory Condition 2 (Section 19 ss 3)**

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

**Mandatory Condition 3 (Section 20)**

**1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:**

- (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).**
- (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.**

**2. In this section -**

**“children” means persons aged under 18; and**

**“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).**

**Mandatory Condition 4 (Section 21)**

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

B18

Annex 2 – Conditions consistent with the operating schedule

**Annex 3 – Conditions attached after a hearing by the licensing authority – Review of Premises Licence - 26/11/2009**

1. A colour CCTV system to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times the premises are open, the CCTV images will be stored for 28 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.
2. The Premises Licence Holder and all persons working at the premises shall be fully trained in the use of the CCTV system in order that images can be immediately obtained by Police and Authorised Officers of the Council.
3. The Premises Licence Holder and the Designated Premises Supervisor shall be members of Sheffield Licence Watch and maintain registration, annual membership and attendance at appropriate meetings.
4. The Challenge 21 proof of age scheme promoted by the Government must be operated at all times at the premises and must include the use of a refusals book.
5. All staff and the Premises Licence Holder shall be trained in the operation of the Challenge 21 Scheme and how to manage confrontation, and staff training records must be maintained to the satisfaction of the Licensing Authority and made available to officers of the Responsible Authorities and the Licensing Authority on request.
6. Appropriate signage must be displayed and maintained within the premises to promote the Challenge 21 Scheme.
7. The Premises Licence Holder must maintain an incident log and make such log available to any officer of a Responsible Authority or the Licensing Authority on request.
8. The Challenge 21 Scheme must be invoked at all times and posters/stickers to that effect must be clearly displayed at the premises.
9. All staff must be trained to operate the Challenge 21 Scheme and be provided with regular refresher training, and staff training records must be maintained and signed by staff and be made available to Responsible Authorities on request.
10. A refusals log detailing all refusals to sell alcohol to a person must be maintained.
11. Signs shall be displayed prominently at the premises in relation to; zero tolerance on drugs, zero tolerance on nuisance and disorderly behaviour, the Challenge 21 Proof of Age Scheme.
12. A minimum of one member of staff must be assigned to act as Children's Safeguarder at the premises and this role must be fulfilled in compliance with the guidance and training issued by the Safeguarding Children Board.
13. A Personal Licence Holder must be on duty at the premises during all times that the premises are open and alcohol is available for sale to the public.
14. No alcohol to be removed from the rear of the premises at any time.



B20

15. Smokers to be directed to the front of the premises.

16. No unaccompanied children under the age of 18 to enter the premises at any time.

17. A booking contract must be used by private parties and require persons attending to produce identification, (B) a member of staff must supervise the area hosting private parties and (C) evidence of underage drinking will be reported to the police and will result in the party being terminated.

# Appendix C

## Agreed Responsible Authority Conditions

C21

**Rhodes Emma (CEX)**

---

**From:** Hague Julie  
**Sent:** 14 February 2016 14:13  
**To:** licensingservice; Rhodes Emma (CEX)  
**Cc:** baltiking-sheffield@hotmail.co.uk; Hague Julie  
**Subject:** FW: Your application to vary the premises licence: Safeguarding Children Board Objection

**Categories:** Emma Rhodes

**For the attention of the Licensing Authority**

Please be informed that the Safeguarding Children Board has withdrawn its representation in relation to the above application. The reason for the withdrawal is that the applicant has confirmed that he has agreed to the conditions proposed by the Safeguarding Children Board, as follows:

- 1. Staff must be trained to operate a Challenge 25 scheme at all points of sale including deliveries. This includes induction training and quarterly refresher sessions and knowledge tests.
- 2. Staff training records must be maintained by the premises management. These must set out the content of the training in summary, be signed and dated by trainer and trainee and retained by the licence holder to be made available to the responsible authorities for inspection, on request.
- 3. Refusals records (manual or electronic) must be maintained and be regularly checked by the Designated Premises Supervisor, or other such responsible manager.
- 4. All bar, waiting and delivery staff must be trained to be aware of: the law in relation to alcohol and under 18's; proxy sales: how to check the authenticity of ID documents; the impact of underage drinking on children and young people and on the community.
- 5. The SSCB Code of Conduct will be adhered to by all staff at all times.
- 6. All alcohol sales must be ancillary to food orders including for delivery.
- 7. The forms of acceptable ID shall include a photo style driving licence, a passport, an identification card which bears the PASS logo in a hologram format and military ID.

This is confirmed in the email history below between the SSCB and the applicant which is attached for your records.

Could you please therefore add the above 7 conditions to the premises licence, if the application is granted by the Licensing Authority.

Thank you.

Julie

**Julie Hague**  
**Licensing Project Manager, Sheffield Safeguarding Children Board**  
Floor 3, Howden House, Union Street, Sheffield S1 2SH  
0114 2736753  
07854 219682

C22

[julie.hague@sheffield.gov.uk](mailto:julie.hague@sheffield.gov.uk)

**From:** Hague Julie  
**Sent:** 14 February 2016 14:09  
**To:** 'Balti King'  
**Subject:** RE: Your application to vary the premises licence: Safeguarding Children Board Objection

Dear Sir

Thank you for your email in which you confirm that you agree to the proposed licence conditions.

I will notify the Licensing Authority and withdraw the representation.

Yours faithfully

Julie

**Julie Hague**  
**Licensing Project Manager, Sheffield Safeguarding Children Board**  
Floor 3, Howden House, Union Street, Sheffield S1 2SH  
0114 2736753  
07854 219682  
[julie.hague@sheffield.gov.uk](mailto:julie.hague@sheffield.gov.uk)

**From:** Balti King [<mailto:baltiking-sheffield@hotmail.co.uk>]  
**Sent:** 11 February 2016 16:01  
**To:** Hague Julie  
**Subject:** RE: Your application to vary the premises licence: Safeguarding Children Board Objection

Hello Julie,

Further to my last email, I have now seen the hard copy of the conditions.

I agree to the conditions being attached to the licence.

Kind regards,  
Tony Hussain

C23

**Rhodes Emma (CEX)**

---

**From:** Pitts Steven  
**Sent:** 19 January 2016 11:14  
**To:** Balti King  
**Cc:** licensingservice; Gibbons Sean (DEL); Lobo Rose  
**Subject:** RE: Licence Variation Balti King 216 Fulwood Road serial no 565193  
  
**Categories:** Emma Rhodes, Lindsey Helliwell

Dear Mr Hussain,

Thank you for confirming that you agree to the condition that I have requested, I can now withdraw my representation in respect of the varied licence application.

Regards,

Steve Pitts  
S.R.Pitts  
Environmental Health Technician

Sheffield City Council  
Environmental Regulation  
Health and Safety Enforcement  
Howden House  
5<sup>th</sup> Floor( North )  
1 Union Street  
Sheffield  
S1 2SH

Tel.0114 2734616  
Fax 0114 2736464  
Email: [steven.pitts@sheffield.gov.uk](mailto:steven.pitts@sheffield.gov.uk)  
Contact us at:  
Email: [HealthProtection@sheffield.gov.uk](mailto:HealthProtection@sheffield.gov.uk)  
Visit us at: <http://www.sheffield.gov.uk/environment/how-we-work/health-protection/>

**From:** Balti King [<mailto:baltiking-sheffield@hotmail.co.uk>]  
**Sent:** 19 January 2016 11:07  
**To:** Pitts Steven  
**Subject:** RE: Licence Variation Balti King 216 Fulwood Road serial no 565193

Hello,

This is to confirm Mr. Hussain accepts the condition as set out below.

Kind regards

C24

From: [Steven.Pitts@sheffield.gov.uk](mailto:Steven.Pitts@sheffield.gov.uk)  
To: [baltiking-sheffield@hotmail.co.uk](mailto:baltiking-sheffield@hotmail.co.uk)  
CC: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk); [Sean.Gibbons@sheffield.gov.uk](mailto:Sean.Gibbons@sheffield.gov.uk)  
Subject: Licence Variation Balti King 216 Fulwood Road serial no 565193  
Date: Tue, 19 Jan 2016 10:20:27 +0000

**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 Hussain,

Licensing act 2003

Premises: Balti King 216 Fulwood Rd.Sheffield S10 3BB

I refer to the application concerning the above premises and write to inform you that I am making a formal representation (objection) under the Licensing Act 2003, and will require the proposed condition set out below to be imposed in the varied premises licence for the promotion of Public Safety.

1. The sale of alcohol shall be subject to the provision of food.

Please confirm that this condition is acceptable, my representation will be withdrawn if you confirm in writing that you agree to the condition that I have requested.

Yours faithfully

S. R Pitts  
Environmental Health Technician

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

C25

**Rhodes Emma (CEX)**

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**From:** LUCY ADAMS <Lucy.Adams@southyorks.pnn.police.uk>  
**Sent:** 05 February 2016 13:52  
**To:** licensingservice  
**Cc:** Hague Julie; CHERYL TOPHAM  
**Subject:** Vary premise licence-Balti King, 216 Fulwood Road  
**Attachments:** SCBMFD02M16020513130.pdf  
  
**Categories:** Lindsey Helliwell, Emma Rhodes

Dear All,

Following receipt of the above variation I have attached written confirmation from the applicant that they will adopt our required conditions.

Please place on the licence should the variation be granted.

Kind regards

Lucy

Sheffield Licensing Section  
South Yorkshire Police  
Force Headquarters  
Carbrook House  
5 Carbrook Hall Road  
Sheffield  
S9 2EH  
Licensing Team  
Lucy Adams 0114 2523617 internal 718617  
Tracey Klein 0114 2523948 internal 718948  
Andrea Marsden 0114 2523618 internal 718618  
Cheryl Topham 0114 2523163 internal 718163  
Alicia Marsden 0114 2523111 internal 718 111  
Linsey Fletcher 0114 2523556 internal 718556  
Benita Mumby (Licensing Manager) 0114 2964308 internal 714308  
Fax 0114 2523688 Internal 8688  
<http://www.southyorkshire.police.uk/>



Please be advised email correspondence may be submitted as evidence to a licensing hearing should issues arising not be resolved. As such they will be passed onto the relevant parties involved in the hearing process. The local council may post them, as part of this process, on their website to which the public has access

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

**From:** [CBMFD02M@southyorks.pnn.police.uk](mailto:CBMFD02M@southyorks.pnn.police.uk) [mailto:CBMFD02M@southyorks.pnn.police.uk]  
**Sent:** 05 February 2016 13:13  
**To:** LUCY ADAMS  
**Subject:** Message from

C26

Tackling child sexual exploitation is a priority for the Force and it is the responsibility of everyone to help spot the signs and say something.

For more information visit [www.southyorkshire.police.uk/spotthesigns](http://www.southyorkshire.police.uk/spotthesigns)



C27



South Yorkshire  
**POLICE**

Mr Hussain  
216 Fulwood Road  
Sheffield  
S10 3BB

27<sup>th</sup> January 2016

Dear Mr Hussain,

Further to our recent conversation on Tuesday 26<sup>th</sup> January 2016 I have reviewed your application to vary your premise licence at 216 Fulwood Road, Sheffield S10 3BB and require the following conditions to be attached to your licence:

- The sale of alcohol shall be ancillary to food orders
- Delivery drivers will be instructed to enter & leave their vehicles quietly and considerately and not leave their engine running.
- No sales of alcohol for consumption off the premises in unsealed containers save for consumption in any designated external area provided by the premises licence holder for that purpose.
- The premise shall adopt a Challenge 25 scheme as its age verification policy, and staff shall be trained in respect of this policy.
- The forms of acceptable ID shall include a photo style driving licence, a passport, an identification card which bears the PASS logo in a hologram format and military ID.
- All orders of alcohol made either by phone or the internet must be made alongside food. The person responsible for the delivery of alcohol will ask the appropriate ID at the point of handover of the goods. If the person appears to be under 25 years and no appropriate ID is provided then the alcohol will not be delivered and will be returned to the shop.

I would be obliged if you could confirm in writing that you are happy to comply with the above details. A response by Thursday 5<sup>th</sup> February 2016 would be appreciated to avoid any unnecessary representation being submitted to the Licensing Authority.

Please do not hesitate to contact me should you have any queries.

Yours Sincerely

Lucy Adams  
Licensing Assistant

Licensing Department  
Carbrook House  
5 Carbrook Hall Road  
Sheffield  
S9 2EH  
Tel: 0114 2523617  
Fax: 0114 2523688

C28



South Yorkshire  
**POLICE**

I can confirm I am happy to adhere to the conditions detailed in the letter dated 27<sup>th</sup> January 2016 in relation to the premise licence at 216 Fulwood Road.

Signed..... *th*  
Name..... *LIANIF HUSSAIN*  
Date..... *3.2.16*

Licensing Department  
Carbrook House  
5 Carbrook Hall Road  
Sheffield  
S9 2EH  
Tel: 0114 2523617  
Fax: 0114 2523688

0114 252 3294

# Appendix D

Objections  
Broomhill Green Party

(D29)

**Rhodes Emma (CEX)**

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**From:** Webster Brian (GN CLLR)  
**Sent:** 09 February 2016 18:02  
**To:** licensingservice  
**Subject:** Objection to licensing application - Balti King 216 Fulwood Road, Sheffield, S10 3BB

**Categories:** Clive Stephenson

Dear Licensing,

Please find below my objection to the licensing application for the address above. I would be grateful if you could let me know when the licensing hearing for this premises will be held.

Thanks very much,  
Brian

-----  
Cllr Brian Webster  
Broomhill, Sheffield  
[brian.webster@sheffield.gov.uk](mailto:brian.webster@sheffield.gov.uk)  
07583 015 928

Broomhill Green Party objects to this application. We share the concerns of many local residents and community groups about giving permission to open well beyond the normal closing times for restaurants and takeaways in this area.

The Broomhill Shopping Centre area has a mix of retail, restaurants, pubs and takeaways with residents living close by on all sides. Opening hours granted need to strike a balance between business needs and the needs of local residents regarding reasonable living conditions. Comments from local residents indicate that there is clearly a concern about noise and disturbance going later and later into the night.

Current opening hours to 4am in the morning on Fridays and Saturdays, 3am in the week and 2am on Sundays are very late already. It's clear that an extension will be for trade from people passing through in cars and taxis from outside of the area oblivious to the disturbance to local residents. This application should be refused on the grounds of the prevention of public nuisance.

# Appendix E

Hearing Notices / Regulations / Procedures



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

Mr Hanif Hussain  
51 Ashleigh Street  
Keighley  
Bradford  
BD 21 3BL

The Sheffield City Council being the licensing authority, on the 11<sup>th</sup> January 2016 received your application in respect of the premises known as;

**Balti King, 216 Fulwood Road, Sheffield, S10 3BB**

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

**1 Councillor Objection (Broomhill Green 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 representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 29<sup>th</sup> February 2016 at 10am**; 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:

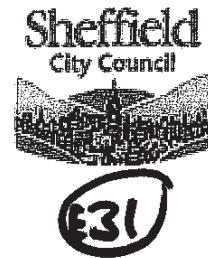
- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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: 17<sup>th</sup> February 2016

Signed: Emma Rhodes  
The officer appointed for this purpose  
Licensing Officer

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



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

Councillor Brian Webster  
Broomhill Green Party

Sent by e-mail to [brian.webster@sheffield.gov.uk](mailto:brian.webster@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 11<sup>th</sup> January 2016 received an application in respect of the premises known as;

**Balti King, 216 Fulwood Road, Sheffield, S10 3BB**

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

**1 Councillor Objection (Broomhill Green 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 representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 29<sup>th</sup> February 2016 at 10am**; following which the Council will issue a notice of determination of the application.

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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: 17<sup>th</sup> February 2016

Signed: Emma Rhodes  
The officer appointed for this purpose  
Licensing Officer

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

**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)

34

**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.