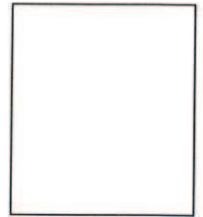




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 1st June 2017

Subject: Licensing Act 2003

Author of Report: Jayne Gough

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

Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF

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 67/17

Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

- 2.1 The applicants are Northgate Fast Food Limited, submitted by Tim Shield of John Gaunt and Partners Solicitors.
- 2.2 The application, which was received on 7th April 2017, 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, agreements were made between the applicant and South Yorkshire Police to amend the application and withdraw one of the conditions for removal as part of this variation application. The application was subsequently amended as shown in the attached form, with South Yorkshire Police withdrawing their initial objection.

3.0 REASONS FOR REFERRAL

3.1 A Representation concerning the application has been received from the following and are attached at Appendix 'C':-

1 Public objection

3.2 The applicant and objector 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 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

1st June 2017

Appendix A

The Application (amended)

Application to vary a premises licence 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.

We Northgate Fast Food Limited 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

SY 2318 PR

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description Taco Bell (Devonshire St) Sheffield , 116 - 118 Devonshire Street,	
Post town Sheffield	Post code S3 7SF

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

Current postal address if different from premises address

Post Town Postcode

Part 3 – Variation

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

Please tick yes

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.

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

yes no

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

The application falls into two parts as follows:

1. To extend the terminal hour for licensable activities seven days a week to 3 a.m. (currently the terminal hours is 00:30 Monday to Saturday and Midnight on Sunday).
2. To remove conditions on the Premises Licence being conditions under Annex 2 numbered 3 and 4 as follows:
- "3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.
4. 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 or that purpose."

The application has been prepared on the basis that it will not undermine the licensing objectives.

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.

Please tick ✓ yes

Provision of regulated entertainment

- 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)

Sale by retail 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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri					
Sat			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)		
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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon	10:00	03:00	Please give further details here (please read guidance note 4)	Both	✓
Tue	10:00	03:00			
Wed	10:00	03:00			
Thur	10:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 5) N/A - save as below		
Fri	10:00	03:00			
Sat	10:00	03:00	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) As existing		
Sun	10:00	03:00			

C

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			
Tue			
Wed			State any seasonal variations for indoor sporting events (please read guidance note 5)
Thur			
Fri			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)
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon					
Tue					
Wed			Please give further details here (please read guidance note 4)		
Thur					
Fri			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Sat					
Sun					
			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)		

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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)		
Fri					
Sat			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)		
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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for playing recorded music (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
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 {Y} (please read guidance note 3).	Indoors		
Mon				Please give further details here (please read guidance note 4)	Outdoors	
Tue					Both	
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the entertainment of 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)			
Sat						
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 {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon	23:00	03:00	Please give further details here (please read guidance note 4)	Both	✓
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) N/A – save as below		
Thur	23:00	03:00			
Fri	23:00	03:00	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) As existing		
Sat	23:00	03:00			
Sun	23:00	03:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	✓
Tue	10:00	03:00			
Wed	10:00	03:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) As existing		
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

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 variation (please read guidance note 5) Please see box J above
Day	Start	Finish	
Mon	09:00	03:30	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 6) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Tue	09:00	03:30	
Wed	09:00	03:30	
Thur	09:00	03:30	
Fri	09:00	03:30	
Sat	09:00	03:30	
Sun	09:00	03:30	

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

Annex 2 conditions 3 and 4 as follows:

3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.

4. 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 or that purpose.

*GH note:
* Condition to remain on licence as per agreement (see emails) 11/5/17*

Please tick ✓ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

M

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

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

This is an application for variation as described in Part 3 above.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed.

c) Public safety

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed.

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

All

I have made or enclosed payment of the fee

- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 6th April 2017

Capacity: Solicitors.....

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date:

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional) TShield@john-gaunt.co.uk	

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

Notes for Guidance

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

Appendix B

Current Premises Licence

THE LICENSING ACT 2003

Premises Licence No: SY 2318 PR

ISSUE NO: 1

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

Taco Bell
116-118 Devonshire Street
Sheffield
S3 7SF

Telephone Number: Not Known

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

1. Provision of regulated entertainment:

Exhibition of Films

Indoors

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

2. Late Night Refreshment:

Indoors

Monday to Saturday	23:00 to 00:30 hours the following day
Sunday	23:00 to 00:00 hours
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

3. Sale by retail of alcohol:

- a) for consumption on the premises
- b) for consumption off the premises

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

The opening hours of the premises are:

Monday to Saturday	09:00 to 01:00 hours the following day
Sunday	09:00 to 00:30 hours the following day
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to whichever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

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

Sale by retail of alcohol for consumption both on and off the premises.

PART 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Northgate Fast Food Ltd
1st Floor
Kirkland House
11-15 Peterborough Road
Harrow
Middlesex
HA1 2AX

Telephone Number: Not Known

Registered number of holder, for example company number, charity number (where applicable):

02841815

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

Mr Arjun Bharat Patel
4 Hooper Road
Sheffield
S11 9SF

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: SY 5587 PER
Issuing Authority: Sheffield City Council

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

Restricted

This Premises Licence shall be in force from the 10th January 2015.

Issued on: 31st March 2015.



.....
Steve Lonnia
Chief Licensing Officer, Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Condition effective from 28th May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. A Satisfactory Electrical Certificate should be provided for the premises.
3. The sale of alcohol will be principally bottled beers, lager and wine and will be for consumption on the premises with a meal or for consumption off the premises ancillary to a takeaway meal ordered from the premises.
4. 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 or that purpose.
5. All persons authorised to sell alcohol will complete an underage sales training programme, that written records of this training (which shall be available for inspection by the police or officers authorised by Sheffield City Council) to verify competency of that person. Refresher training will be carried out every 6 months, with records kept.
6. The DPS or any personal licence holder employed at the premises shall make and keep a record, at the premises, of all persons authorised to sell alcohol. The records will contain all training records for those persons and a copy of the authorisation (which must be given to the DPS) to sell. These records shall be available for inspection by police and authorised officers on request.
7. The use of door staff will be risk assessed on an ongoing basis by the Premises Licence Holder or DPS. Where door staff are to be engaged, they will be licensed by Security Industry Authority.
8. The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
9. CCTV will be installed with recording facilities. Such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.
10. Prominent clear and legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
11. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
12. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
13. Patrons will be encouraged by staff to leave quietly and respect the interest of the occupiers of any nearby noise sensitive premise, where appropriate the licensee or suitable staff member will monitor patrons leaving at the closing time.

Annex 3 – Conditions attached after a hearing by the licensing authority

Appendix 1

LICENSING ACT 2003

Premises Licence Summary

ISSUE NO: 1

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number SY 2315 PR

Taco Bell
116-118 Devonshire Street
Sheffield
S3 7SF

Telephone Number: Not Known

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

1. Provision of regulated entertainment:

Exhibition of Films

Indoors

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

2. Late Night Refreshment:

Indoors

Monday to Saturday	23:00 to 00:30 hours the following day
Sunday	23:00 to 00:00 hours
New Years Eve	23:00 to Standard Terminal Hour on New Years Day

3. Sale by retail of alcohol:

- a) for consumption on the premises
- b) for consumption off the premises

Monday to Saturday	10:00 to 00:30 hours the following day
Sunday	10:00 to 00:00 hours
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

The opening hours of the premises are:

Monday to Saturday	09:00 to 01:00 hours the following day
Sunday	09:00 to 00:30 hours the following day
New Years Eve	10:00 to Standard Terminal Hour on New Years Day

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to whichever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

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

Sale by retail of alcohol for consumption both on and off the premises.

PART 2

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

Northgate Fast Food Ltd
1st Floor
Kirkland House
11-15 Peterborough Road
Harrow
Middlesex
HA1 2AX

Telephone Number: Not Known

Registered number of holder, for example company number, charity number (where applicable):

02841815

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Arjun Bharat Patel

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

Restricted

BU

The Premises Licence shall be in force from 10th January 2015.

Issued on: 31st March 2015.



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Steve Lonnia
Chief Licensing Officer, Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Appendix C

Public representation

Delamore Lindsey

From: [REDACTED]
Sent: 07 May 2017 21:30
To: licensingservice
Cc: Dave Hussey-Yeo
Subject: Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

Sheffield City Council Licensing Department:

Please accept this objection from SCCRAG for the revised licensing hours applied for by Northgate Fast Food Ltd to extend the terminable hours for licensable activities to 03:00 seven days a week (currently midnight seven days a week) at Taco Bell - 116-118 Devonshire Street, S3 7SF.

We would withdraw this objection if the licence conditions dictate that the premises become part of the UNight Best Bar None pub network night-time security scheme and have their own security staff on duty from 10:00 to 03:00. This ensures that management operates the recognised system to prevent any disruptive behaviour caused by customers using the premises to consume excessive alcohol.

Put in simple terms, if these premises want to move into the night-time economy, they must operate the same controls over anti-social behaviour as similar premises and this should be a condition on the licence.

We understand the closing date for objections is Monday 8th May and I will be grateful if you can confirm receipt of this objection. And when the hearing will take place.

Many thanks,

[REDACTED]
Sheffield City Centre Residents Action Group

Gough Jayne (CEX)

From: [REDACTED]
Sent: 15 May 2017 22:44
To: Gough Jayne (CEX)
Cc: Lonnia Stephen (CEX); (GCSX) Fell Greg (CEX); Nick Simmonite
Subject: RE: Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

Thank you for the emails below and the response from the solicitors on behalf of the Taco Bell applicant. The view of SCCRAG remains the same. If these premises want to stay open until 3am they should become part of the night-time security systems that are serving the city centre well. If door supervisors are agreed as a condition until 3am, that will serve the purpose we seek, which is to ensure that already drunk customers cannot access unsupervised premises to gain more alcohol which they cannot obtain in UNight and Best Bar None member premises. It should be a condition on the licence. We would however prefer ALL premises that serve alcohol into the early hours of the morning to belong to UNight and BBN, because these facilities have calmed down the unruly night-time revellers to a largely acceptable level for residents. It would be unfortunate if places like Taco Bell and other so-called food outlets are permitted to open late with an alcohol licence with minimal supervision and as a consequence the night-time economy reverts to its drunken past. We would like these comments to be placed before the Licensing Committee and ask for its consideration of a condition that covers the points made here. We are also pressing for a Cumulative Impact Policy that makes it mandatory for all outlets selling alcohol at any unsocial hours to be covered by UNight and BBN.

Best regards

[REDACTED]

From: Gough Jayne (CEX) [mailto:Jayne.Gough@sheffield.gov.uk]
Sent: 15 May 2017 13:57
To: [REDACTED]
Subject: FW: Objection to Revised Licensing Times for Taco Bell, Division Street: Closing date Monday 8th May

[REDACTED]

I am acting in the absence of my colleague Miss Hollis, who is on leave for this week. Please find below the response from Tim Shield (acting on behalf of the applicant) for the Variation application for Taco Bell. Please advise how you wish to proceed. Kindest regards
Jayne

Jayne Gough
Licensing Strategy and Policy Officer

Appendix D

Hearing Notices



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

Mr Tim Shield – acting on behalf of Northgate Fast Food Limited
John Gaunt & Partners
Omega Court
372-374 Cemetery Road
Sheffield S11 8FT

Emailed to: tshield@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 7th April 2017 received your application in respect of the premises known as;

Taco Bell, 116-118 Devonshire Street, Sheffield, S3 7SF

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

1 Public objection

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 **Thursday 1st June 2017 at 11am**; 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: 16th May 2017

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Officer

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

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

[REDACTED] acting behalf of SCCRAG

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 7th April 2017 received an application in respect of the premises known as;

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Signed: Jayne Gough
The officer appointed for this purpose
Licensing Officer

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

Appendix E

Regulations / Procedures

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.

- (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.

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.