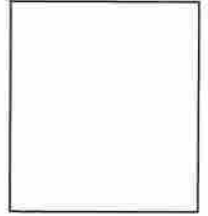




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 21<sup>st</sup> July 2020 – 2pm via Zoom

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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

**Adam's Local Lowedges Ltd, 32 Lowedges Road, Sheffield, S8 7LB**

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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 53/20**

**Adam's Local Lowedges Ltd, 32 Lowedges Road, Sheffield, S8 7LB**

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

2.1 The application was submitted by JL Licence and Retail on behalf of the applicant Mr Mohammed Brahim.

2.2 The application was received by the Licensing Service on 28<sup>th</sup> May 2020, and is attached to this report at Appendix 'A'.

**3.0 REASONS FOR REFERRAL**

3.1 This premises was previously licensed as 'Adam's Express'. On the 11<sup>th</sup> October 2019 Trading Standards submitted an application to Review the premises licence due to the selling of illicit and counterfeit cigarettes and tobacco on a historical basis. This application was supported by Sheffield Children's Safeguarding Partnership, South Yorkshire Police, the Department for Public Health and the Licensing Service. The Licensing Sub-Committee determined to revoke the premises licence which subsequently came into effect on the 17<sup>th</sup> December 2019 after no appeal was submitted.

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

- Trading Standards, Sheffield City Council

3.3 It is noted by Trading Standards that Mr Brahim was named in the investigation in relation to the sale of illicit and counterfeit tobacco at the premises leading to the subsequent revocation of the previous premises licence, and that alcohol continued to be sold at the premises after the revocation had taken effect by Mr Brahim over the Christmas period. They therefore have a significant element of concern regarding Mr Brahim's previous involvement at the premises when the counterfeit tobacco sales had taken place in conjunction with recent unauthorised licensable activity at the premises.

3.4 The applicant and objector who made a written representation have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'

**4.0 POLICIES TO CONSIDER**

4.1 Sheffield City Council Statement of Licensing Policy. In particular, the crime and disorder policy around the sale of illicit goods and the wider strategies - 'Action Plan to Protect Communities from the Harm associated with Illegal Tobacco and Alcohol 2012-2015' where the aim is to improve the health of the population of Sheffield by reducing the availability and supply of illegal tobacco and alcohol and to reduce health inequalities associated with

this.

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 THE LEGAL POSITION**

- 6.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-
- a) the prevention of crime and disorder,
  - b) public safety,
  - c) the prevention of public nuisance,
  - d) the protection of children from harm.
- 6.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **7.0 HEARINGS REGULATIONS**

- 7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.
- 7.3 Attached at Appendix 'C' is the following: -
- a) a copy of the Notice of Hearing;
  - b) the rights of a party provided in Regulations 15 and 16;
  - c) the consequences if a party does not attend or is not represented at the hearing
  - d) the procedure to be followed at the hearing.

## **8.0 APPEALS**

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

## **9.0 RECOMMENDATIONS**

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

## **10.0 OPTIONS OPEN TO THE COMMITTEE**

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



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 21<sup>st</sup> July 2020.

# Appendix 'A'

Application



\* required information

**Section 1 of 21**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently in Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes       No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

* First name	<input type="text" value="MOHAMMED"/>	
* Family name	<input type="text" value="BRAHIM"/>	
* E-mail	<input type="text" value="ijrushy@hotmail.com"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

Indicate here if the applicant would prefer not to be contacted by telephone

**Is the applicant:**

<input type="radio"/> Applying as a business or organisation, including as a sole trader	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.
<input checked="" type="radio"/> Applying as an individual	

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

122a College Rd  
Roxetham  
S60 1JF  
see email  
28/9/20.

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Is your business registered outside the UK?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

Your position in the business

Home country  The country where the headquarters of your business is located.

Continued from previous page...

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	77
Street	WOMACK GARDENS
District	
City or town	ST HELENS
County or administrative area	MERSEYSIDE
Postcode	WA9 5UY
Country	United Kingdom

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	ADAMS LOCAL LOW EDGES LTD
Street	32 LOW EDGES ROAD
District	
City or town	SHEFFIELD
County or administrative area	
Postcode	S8 7LB
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	4,550



**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

First name

Family name

Is the applicant 18 years of age or older?

- Yes
- No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	1 VICTORIA MEWS
Street	HIGH STREET
District	LYMINGTON
City or town	SHEFFIELD
County or administrative area	
Postcode	S041 9FT
Country	United Kingdom

122a College Rd  
Rotherham  
S60 1JF  
for email  
25/1/20

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes

No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	ijrushy@hotmail.com
Telephone number	07909 511953
Other telephone number	
* Date of birth	21 / 03 / 1978 dd mm yyyy
* Nationality	BRITISH CITIZEN
Right to work share code	

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Add another applicant

### Section 5 of 21

#### OPERATING SCHEDULE

When do you want the premises licence to start? 26 / 06 / 2020  
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  
dd / mm / yyyy

Provide a general description of the premises

*Continued from previous page...*

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.

THIS IS A SMALL AND WELL-ESTABLISHED GENERAL CONVENIENCE STORE SERVING THE LOCAL COMMUNITY SELLING A RANGE OF GOODS SUCH AS NEWSPAPERS, MAGAZINES, BREAD, DAIRY, SWEETS, CIGARETTES, SOFT DRINKS, ETC.

THE PROPOSED ALCOHOL SALES WOULD JUST BE A PART OF THE OVERALL BUSINESS TO OFFER CUSTOMERS THE COMPLETE ALL-ROUND CONVENIENCE SERVICE.

THE SHOP HAS HELD A LICENCE PREVIOUSLY AND THE APPLICANT IS AWARE OF THE PREVIOUS HISTORY OF THE SHOP.

DISCUSSIONS WITH THE POLICE, TRADING STANDARDS AND THE LICENSING AUTHORITY HAVE BEEN **CARRIED** OUT PRIOR TO SUBMITTING THE APPLICATION.

THE SHOP (WITH A LICENCE) WOULD BE WELL MANAGED AND A COMPREHENSIVE AND ROBUST OPERATING SCHEDULE IS PROPOSED TO PROMOTE THE LICENSING OBJECTIVES.

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

#### Section 6 of 21

##### PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

#### Section 7 of 21

##### PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

#### Section 8 of 21

##### PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

#### Section 9 of 21

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Continued from previous page...

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes  No

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

**Section 13 of 21**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Yes  No

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="07:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Continued from previous page...

Name

First name

Family name

Date of birth  /  /   
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

122a (above rd).  
Rotherham  
S60 1JF  
see email  
25/5/2020.

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 21**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

N/A

Continued from previous page...

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

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**Section 18 of 21**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

SEE ATTACHED

b) The prevention of crime and disorder

SEE ATTACHED

c) Public safety

SEE ATTACHED

d) The prevention of public nuisance

SEE ATTACHED

e) The protection of children from harm

SEE ATTACHED

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



*Continued from previous page...*

Entitlement to **work/immigration** status for **individual** applicants and applications from **partnerships which are not limited liability partnerships**:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

*Continued from previous page...*

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is **currently** allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can **currently** stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

*Continued from previous page...*

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

#### **Home Office online right to work checking service**

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

#### **Section 20 of 21**

#### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## Section 21 of 21

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK \* RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sheffield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

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

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >

Licensing Act 2003

Designated Premises Supervisor – consent form

I, **MOHAMMED BRAHIM**  
(full name of prospective premises supervisor)

Of ~~1-VICTORIA MEWS, HIGH STREET, LYMINGTON, SHEFFIELD S041 9FT~~  
(home address of prospective premises supervisor)

122a College Rd, Rotherham, S60 1JF  
see email  
25/5/2020

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

**NEW PREMISES LICENCE APPLICATION**

by **MOHAMMED BRAHIM** (name of applicant)

Relating to premises licence number **NEW** for

**ADAMS LOCAL LOWESEDGES LTD, 32 LOWEDGES ROAD, SHEFFIELD, S8 7LB**  
(name and address of premises to which this application relates)

And any premises licence to be granted or varied in respect of this application made by

**MOHAMMED BRAHIM** (name of applicant) concerning the supply of alcohol at

**ADAMS LOCAL LOWEDGES LTD, 32 LOWEDGES ROAD, SHEFFIELD, S8 7LB**  
(name and address of premises to which this application relates)

I also confirm that I am entitled to work in the United Kingdom and currently hold a personal licence, details of which I set out below.

**Personal licence number RM3102**

**Issuing Authority ROTHERHAM**  
(name, address and telephone number of the Authority who issued the personal licence, if any)

Signed.  .....

**Name (print) MOHAMMED BRAHIM**

**Date 6/5/2020 Date of birth 21/3/1978**



## Application for a new premises licence

Adams Local Low Edges Ltd, 32 Lowedges Road, Sheffield S8 7LB

### Operating schedule/proposed licence conditions

#### Prevention of crime and disorder

A CCTV camera system capable of providing evidential quality images in all lighting conditions shall be used. The cameras shall cover the interior of the shop including where the sale of alcohol occurs, and the immediate exterior (entrance) of the shop.

Recorded images will be retained for a period of at least 28 days and be made available to the Police and other authorised officers upon request within a reasonable time period.

The CCTV recording equipment shall be kept in a secure environment under the control of the premises licence holder (PLH) and/or another named responsible individual.

An incident log shall be kept at the premises. The log records will be retained for a period of at least 12 months from the date it occurred, and shall be made available on request to the Police or an authorised officer. The log shall record incidents such as any incidents of disorder witnessed by staff, crimes reported to the premises, etc.

Spirits will be kept behind the counter.

The premises shall operate a strict alcohol refusals policy - alcohol will not be sold to;

- (1) Any person recognised or identified as a street drinker (regardless of their level of inebriation at the time);
- (2) Any person found to be drinking alcohol in the street;
- (3) Any person who is drunk or appears to be drunk;
- (4) Any person suspected of trying to buy alcohol for another person who is drunk or appears to be drunk;
- (5) Any person unable to provide valid ID when requested by staff;
- (6) Any person who is verbally or physically aggressive towards staff or customers.

(7) To any person suspected of trying to buy alcohol for another person(s) who may **be** under age.

A notice advising **customers** of the refusals policy shall be on display.

A recruitment procedure will be in place which includes the steps that will be taken by the licence holder to check the immigration status and the eligibility of an individual to work in the UK in accordance with the Home Office Guidance for employers on preventing illegal working in the UK.

'Crimestoppers' promotional material will be on display to promote the initiative.

Receipts/invoices for tobacco products available for sale and /or stored on the premises shall be retained for a minimum period of 6 months, and be made available upon reasonable request by the Police, Customs, or other authorised officers within a reasonable period. .

### **Public safety**

Appropriate fire safety equipment to be available, and the PLH shall comply with other legislative requirements to ensure that the shop is safe for customers and staff.

### **Prevention of public nuisance**

Staff will monitor the area immediately outside the premises on a regular basis to check for, and to properly dispose of, any litter from the premises.

Prominent, clear and legible signage shall be displayed at the entrance/exit asking customers to leave the premises quietly.

Staff shall monitor the immediate exterior of the premises and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

Deliveries to the premises will be arranged so as not to cause will not lead to any public nuisance.

### **Protection of children from harm**

The premises shall operate a Challenge 25 Policy.

Anyone who appears to be under 25 years old who attempts to purchase alcohol will be asked to prove their age by producing an acceptable form of photographic ID such as a passport, photo driving licence, military ID or a **PASS** accredited proof of age cards.

Signage advising customers of the Challenge 25 policy shall be displayed within the shop.

Staff selling alcohol shall be authorised to sell alcohol in writing and a record of the authorisation will be kept in the shop available for inspection.

A staff training scheme shall be used for all staff authorised to sell alcohol. The training will be based on the Alcohol Information sheet provided by Sheffield City Council Trading Standards (and/or other training documents as appropriate), and will emphasise the importance of preventing under age sales and complying with licence conditions. Refresher training will be provided every 12 months, records will be kept and be made available to responsible authorities.

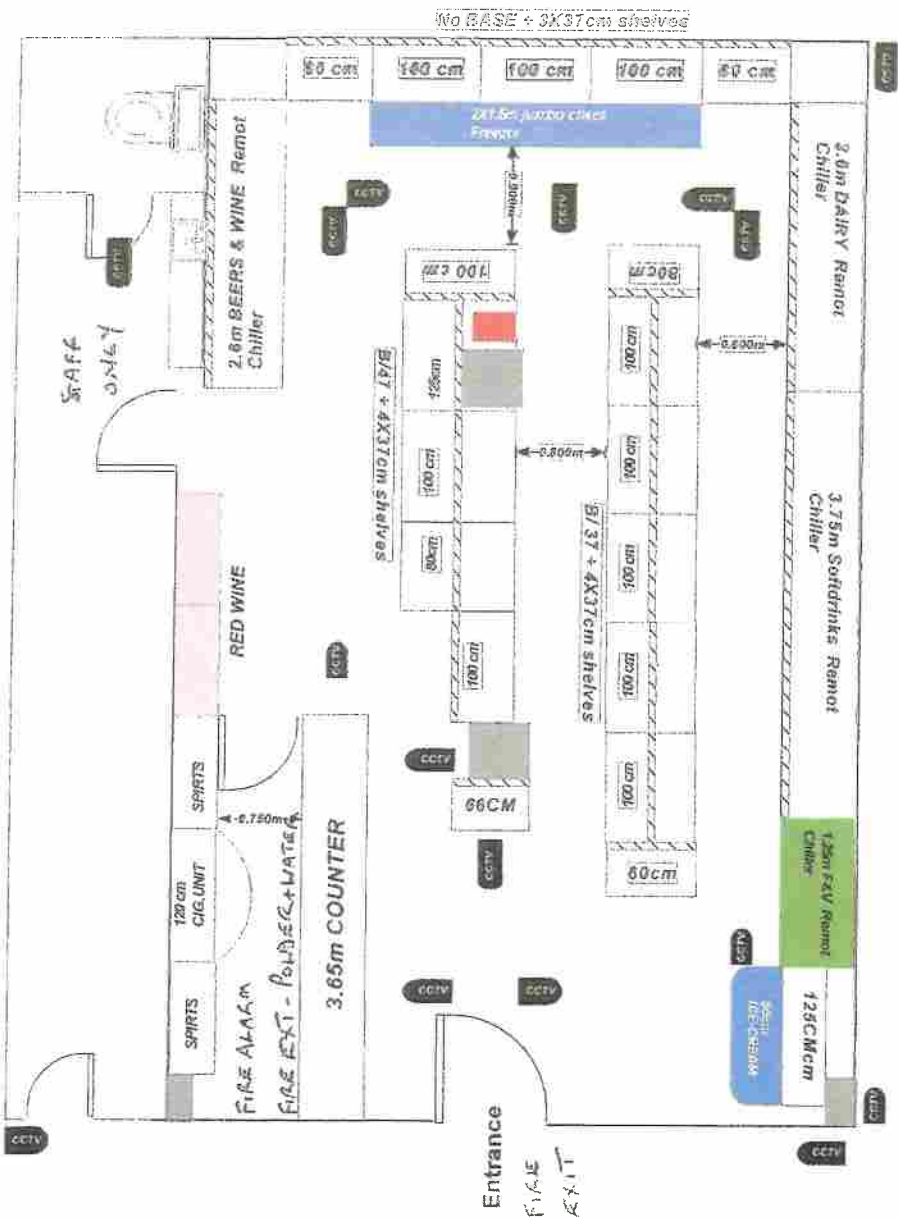
A refusals register will be maintained and be made available for inspection upon reasonable request. Records shall include the date and time of the refusal, the product(s) that the young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments

Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person under 18 years of age.

A due diligence checklist (aimed at preventing any underage sales) will be kept and be made available for inspection by the Police and other authorised persons.

**NOTE TO RESPONSIBLE AUTHORITIES - IF YOU HAVE ANY QUERIES OR COMMENTS ON THESE PROPOSALS, PLEASE CONTACT IAN RUSHTON ON 07909 511953 OR BY EMAIL [ijrushy@hotmail.com](mailto:ijrushy@hotmail.com) TO DISCUSS FURTHER - PRIOR TO MAKING ANY REPRESENTATIONS.**





Project Designer:	
Jay	
Project Contact:	
0142426912 - 07912012777	
Project #	WO#
#10810871b	1 : 50
Date:	Rev. Date:
10/03/2010	

"ADAMS EXPRESS"  
 Client: Mr. ADAM MOHAMMED  
 32 Lowedges Road  
 Sheffield  
 S8 7LB  
 Tel: 07754427575



# Appendix 'B'

**Objection:**  
Trading Standards, Sheffield City Council

**Trading Standards' Representations in respect of application by Mohammed Brahim for Premises Licence at 32 Lowedges Road Sheffield S8 7LB**

Trading Standards in its capacity as a Responsible Authority under The Licensing Act is in receipt of an application by Mohammed Brahim for a Premises Licence at 32 Lowedges Road Sheffield S87LB.

Trading Standards does have serious concerns about this application which follows its dealings at this premise in relation to the sale of illegal tobacco and Mr Brahim's association with it. Accordingly, it makes its representations under the licensing objective, The Prevention of Crime and Disorder and is concerned offences will continue to be committed if Mr Brahim is granted a Premises Licence for this premise.

**Background**

Sheffield has a considerable problem with the supply of cheap illegal tobacco. A significant number of irresponsible retailers will buy cigarettes and/or hand rolling tobacco from itinerant traders or criminal gangs in the full knowledge they are illegal, be it smuggled, stolen, counterfeit or simply not intended and thus non compliance with UK laws. In doing so, these people have no regard to the ultimate consumer's health, the lost duty or distortion of the market place and the unfair commercial advantage gained over legitimate competitors.

**Adam's Express 32 Lowedges Road**

On 11 October 2019 Trading Standards submitted an application to review the premises licence for this premise. At the time Adam Ali Mohammed was recorded as the Premise Licence Holder and Designated Premises Supervisor. This was because counterfeit and other illegal cigarettes and Hand Rolling Tobacco had been supplied from this premise over a considerable period of time and on inspection had been deliberately concealed to avoid detection.

Mr Mohammed was interviewed under caution on 23 November 2018. He said he had had nothing to do with the running of the business since 2016 when Mr Oliver Horvath took over and added, until being contacted by Trading Standards, he had not realised he was still the Premises Licence Holder and Designated Premises Supervisor. At that interview he was advised he still had responsibilities under The Licensing Act but could relinquish these by either surrendering the Premises Licence to The Council or the Licence could be transferred to someone involved in the running of the premise. He failed to do so but test purchases of illegal tobacco continued into 2019 and another seizure of illegal tobacco was made at the shop six days after the Review papers had been served.

### **Adams Local Lowedges Limited**

Before the Application to submit a review was made Mr Brahim set up a limited company with a company name of Adams Local Lowedges Ltd. This was on 9 July 2019. He became and still is at the time of submitting this representation the sole director. The Registered Office address has always been at the shop, 32 Lowedges Road, Sheffield.

### **Mr Brahim's applications to Sheffield City Council in 2019**

On 4 November 2019 Mr Brahim applied to have the Premises Licence transferred to him. On the application, he sought the transfer to take immediate effect. He gave his then current residential address as 2 Victoria Mews Lymington SO41 9FT. Mr Adam Ali Mohamed gave his consent. There was no application to transfer the DPS.

This application was rejected because no evidence was supplied to show he had permission to work in the UK.

On 2 December 2019 (the Premises Licence having been revoked on 26 November) another application was made by Mr Brahim to transfer the premises licence. He sought the transfer to take immediate effect. He gave his current residential address as 1 Victoria Mews, High St. Lymington SO41 9FT.

At the same time on 2 December he also applied to vary the premises licence to specify himself as the Designated Premises Supervisor. He marked the box on the application indicating he would like this to take immediate effect. At the end of that form the "postal address for correspondence associated with this application" was given as "1 Victoria Mews High St Lymington SO41 9FT". On the form "consent of individual to being specified as premises supervisor" he gave his home address as 1 Victoria Mews high St Lymington SO41 9FT. He identified the premises to which the application relates as "32 LOWEDGES ROAD SHEFFIELD S8 7LB ADAMS LOCAL LOWEDGES LTD". On the section about his Personal Licence the handwritten entry (in a different person's hand) states "RM3102" as the personal licence number and the issuing authority as "ROTHERHAM METROPOLITAN BOROUGH COUNCIL, MALTBY LEISURE AND SERVICE CENTRE, CUSTOMER SERVICE CENTRE, BRAITHWELL ROAD MALTBY, S66 8JE"

These applications were not rejected as all sections had been completed

### **Review for Premises Licence of Adams Express**

The hearing for the Trading Standards' application to review the Premises Licence was heard on 25<sup>th</sup> November 2019. No one from the premise attended. The decision of the Licensing Sub Committee was to revoke the licence. The Premise Licence Holder was notified of their decision and his appeal rights, which stated in the absence of an appeal, the premises would no longer be able to sell alcohol as of 18 December 2019. No appeal was made.



Since Mr Brahim had applied for the Premises Licence to be transferred with immediate effect on 2<sup>nd</sup> December he was able to sell alcohol until the decision to revoke the licence took effect.

#### **Alcohol supplied after 18 December 2019**

It is understood Licensing Enforcement Officers visited the shop on 3<sup>rd</sup> January 2020 where alcohol was still being sold. Mr Brahim was advised there was no Premise Licence in existence and warned not to sell alcohol unless one was granted in the future. A further visit made a week later indicated no alcohol to be for sale.

#### **New application made on 28 May 2020**

A new application was made on Mr Brahim's behalf on 28 May. That application gave Mr Brahim's address as "1 Victoria Mews, High Street Lymington Sheffield SO41 9FT". It also gave his Personal Licence number as RM3102 and the issuing Authority as "Rotherham". It is understood Sheffield licensing as part of its initial checks challenged this address and an address of "122A College Road Rotherham" was given. Rotherham MDC confirmed this as the address they were given by Mr Brahim.

#### **Trading Standards Concerns**

Mr Brahim set up Adams Local Lowedges Ltd on 9<sup>th</sup> July 2019 after which offences relating to tobacco continued to be committed.

The Registered Office address and address for correspondence to Mr Brahim supplied to Companies House has always been at 32 Lowedges Road.

All three applications made by Mr Brahim gave addresses in Lymington in the New Forest Hampshire some 240 miles away from the shop. Yet a Personal Licence was obtained from Rotherham MDC with an address of 122A college Road Rotherham given. Their records show one lady at that address and she has been there since March 2019 to date. Mr Brahim does not appear to have ever lived at this address.

At the time of submitting this representation Trading Standards are awaiting further information from Rotherham MDC about his Personal licence.

Alcohol continued to be sold over the Christmas period after the decision to revoke the Premise Licence had taken effect.

Trading Standards is concerned there is a revolving door of apparently different ownerships of the business at this address, whilst at the same time illegal tobacco continues to be sold, thereby preventing effective enforcement.

## Chronology - Summary of events to assist with Time Lines

- 2 February 2016** - Adams Local Ltd formed – Oliver Horath –sole director
- 22 February 2018** – Trading Standards Test purchase – sale of illegal tobacco
- 10 July 2018** - Trading Standards Test purchase – sale of illegal tobacco
- 26 September 2018** -Trading Standards Test purchase – sale of illegal tobacco
- 15 October 2018** – Trading Standards seizure of illegal tobacco
- 23 November 2018** – PACE interview Adam Ali Mohammed PLH&DPS- claimed no involvement since 2016 but continued as PLH& DPS
- 24 April 2019** - Trading Standards Test purchase – sale of illegal tobacco
- 9 July 2019** – Adams Local Lowedges Ltd formed – Mohammed Brahim sole director. Registered Office & Correspondence address at 32 Lowedges Road
- 4 September 2019** - Trading Standards Test purchase – sale of illegal tobacco
- 11 October 2019** – Trading Standards Review submitted
- 17 October 2019** - Trading Standards & HMRC visit and seize concealed illegal tobacco
- 4 November 2019** – Mohammed Brahim submitted transfer of Premise Licence but not transfer of DPS. Rejected as incomplete. Address given in Lymington Hampshire
- 25 November 2019** – TS review hearing. Licensing Sub-Committee revoked licence
- 2 December 2019** – Mohammed Brahim submitted application to transfer licence and DPS to himself. Address given in Lymington Hampshire
- 18 December 2019** – No appeal against decision to revoke licence so LSC’s decision was effective so no alcohol could now be sold
- 3 January 2020** – alcohol still being sold
- 28 May 2020** – new application for Premises Licence submitted. Address given in Lymington Hampshire but added the word “Sheffield”. Later “clarified” to be 122A College Road In Rotherham.

Submitted By

Bill Masini

Trading Standards Officer, Sheffield City Council

# Appendix 'C'

## Hearing Notices and Regulations



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

Mr Bill Masini  
Trading Standards, Sheffield City Council

Sent via email: [bill.masini@sheffield.gov.uk](mailto:bill.masini@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 28<sup>th</sup> May 2020, received an application in respect of the premises known as;

**Adam's Local Lowedges Ltd, 32 Lowedges Road, Sheffield, S8 7LB**

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

- **Trading Standards, Sheffield City Council**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held virtually via ZOOM, on the **Tuesday 21st July at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 6<sup>th</sup> July 2020

Signed: **Jayne Gough**  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

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



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

Mr Mohammed Brahim  
c/o Ian Rushton, JL Licence and Retail

Sent via email: [ijrushton@hotmail.com](mailto:ijrushton@hotmail.com)

The Sheffield City Council being the licensing authority, on the 28<sup>th</sup> May 2020, received an application in respect of the premises known as;

**Adam's Local Lowedges Ltd, 32 Lowedges Road, Sheffield, S8 7LB**

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

- **Trading Standards, Sheffield City Council**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held virtually via ZOOM, on the **Tuesday 21st July at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 6<sup>th</sup> July 2020

Signed: **Jayne Gough**  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

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

## NOTES

### Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

### Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
  - (b) if given permission by the authority, question any other party; and
  - (c) address the authority

### Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

### Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the authority may specify, but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

**Notice of actions following receipt of notice of hearing**

To Licensing Service,  
Sheffield City Council  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

I Mr Mohammed Brahim, c/o Ian Rushton – JL Licence and Retail

hereby confirm that I have received the Notice of Hearing dated 6<sup>th</sup> July 2020 and notify you as follows **(please complete)**:

I intend to attend the virtual hearing via ZOOM on 21<sup>st</sup> July 2020 at 2pm.

I do not intend to attend the hearing.

I intend to be represented at the hearing by: .....

I consider the hearing to be unnecessary because: .....

.....

I request that .....should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: ..... Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it 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)

## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.

(3) In the case of a hearing under –

- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
- (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

(4) In the case of a hearing under –

- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.



## Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

**This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.**

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked both by Members and the applicant.
    - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
    - (d) Members may ask questions of those parties
    - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
    - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
      - (i) detail the application;
      - (ii) provide clarification on the application and respond to the representations made.
    - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (h) The applicant will then be given the opportunity to sum up the application.
    - (i) The Licensing Officer will then detail the options.
    - (j) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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