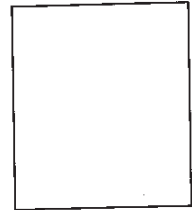




**SHEFFIELD CITY COUNCIL  
Licensing Sub Committee  
Report**



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

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**Date:** 28<sup>th</sup> November 2013

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**Subject:** Licensing Act 2003

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**Author of Report:** Matt Proctor

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

Fancie Canteen & Deli, 359-361 Ecclesall Road, Sheffield, S11 8PF

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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**

Ref No 65 / 13

**LICENSING ACT 2003**

**Fancie Canteen & Deli, 359-363 Ecclesall Road, Sheffield, S11 8PF**

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

- 2.1 The applicant is FC & Co Limited.
- 2.2 The application, which was received on 9<sup>th</sup> October 2013, 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.

**3.0 REASONS FOR REFERRAL**

- 3.1 Representations concerning the application have been received from the following:-

1 No. member of the public	Appendix 'B'
Sheffield City Council Health Protection Service	Appendix 'C'
Sheffield City Council Environmental Protection Service	Appendix 'D'

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

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

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

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

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

## **6.0 HEARINGS REGULATIONS**

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

## **7.0 APPEALS**

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

## **8.0 RECOMMENDATIONS**

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

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

- 9.1 To grant the premises licence in the terms requested.
- 9.2 To grant the premises licence with conditions.
- 9.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

28<sup>th</sup> November 2013

# Appendix A

The Application

Application for a premises licence to be granted  
under the Licensing Act 2003

Rec 30249  
EP15100 AI

**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, FC & Co Limited, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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**

**Part 1 - Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description	
Fancie Canteen & Bakery 359 - 363 Ecclesall Road	
Post town Sheffield	Post code S11 8P*

Telephone number of premises (if any)

0114 2663311

Non-domestic rateable value of premises

£41500

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm: **Please tick / yes**

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

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

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A3

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Limited FC & Co
Address 359-361 Ecclesall Road Sheffield South Yorkshire S11 8PF
Registered number (where applicable) 08525696
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

**Part 3 – Operating Schedule**

When do you want the premises licence to start?

Day Month Year

**As soon as possible**

--	--	--	--	--	--	--	--	--	--

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day Month Year

--	--	--	--	--	--	--	--	--	--

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

N/A
-----

**Please give a general description of the premises (please read guidance note 1)**

The premises currently operate as a café with associated dell.

A full food service is offered from breakfast through to early dining. The premises have operated evening 'Supper Clubs' on an occasional basis.

The premise specialises in café style food which is freshly prepared and of very high quality. The Operator is also widely recognised for their cupcakes and associated baked goods.

The premises offer on site dining within the café and a takeaway service in the attached dell. Alfresco dining is available on the curtilage of the premises.

The Applicant seeks a licence to permit the retail sale of alcohol on and off the premises as described in drawings FC-001. Licensable activities shall be limited to the ground floor only.

It is anticipated that the sale of alcohol will be ancillary to the purchase and consumption of food. The choice, price and display areas for alcoholic product will be commensurate with its ancillary role. Alcohol offered will match the business' high quality policy and will feature quality wines and local artisan brewers.

The premises have allowed customers, primarily those attending the above mentioned "Super Club", to bring their own alcohol to accompany their meals. Alcohol has been consumed responsibly and has not lead to any adverse issues.

The provision of alcohol is a service that customers have requested and is the driving force behind this application.

Sales of alcohol in the early morning are anticipated to be limited with a 'champagne breakfast' offered on limited occasions being an example of when alcohol may be required for consumption on the premises. Persons purchasing alcohol for consumption with other dell products (as part of an intended picnic) for consumption of f the premises are anticipated to be more frequent in summer months throughout the morning and afternoon.

The operation of the dell will close before the proposed 11pm trading of the café.

Late night refreshment is sought to allow the consumption of coffees and deserts which may take place after 23:00hrs.



**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

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)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**I**

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
Day	Start	Finish	Please give further details here (please read guidance note 3)  As stated in Part 3 above  State any seasonal variations for the provision of late night refreshment (please read guidance note 4)  N/A - save as below  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 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)	Both	
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30			
Thur	23:00	23:30			
Fri	23:00	23:30			
Sat	23:00	23:30			
Sun	23:00	23:30			

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)  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 5)  New Years Eve: 08:00 to 01:00hr New Years Day	Both	✓
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

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

**Name:** Deborah Hall .....

**Address:** ■■■ Armthorpe Road, Sheffield .....

**Postcode:** S11 7FA.....

**Personal Licence number (if known):** SY 5101 PER .....

**Issuing licensing authority (if known):** Sheffield City Council .....

**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 8)

NONE

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)  The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	23:30	
Sat	08:00	23:30	
Sun	08:00	23:30	

**M**

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

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

No further risks have been identified which need to be addressed, save as below

1. Licensable activity shall be restricted to the ground floor of the premises.

**b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed, save as below

1. The use of doorstaff will be risk assessed on an ongoing basis by the license holder or premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
2. Staff will receive training on matters concerning underage sales and operating procedures.
3. 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 18 years.

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**c) Public safety**

No further risks have been identified which need to be addressed, save as below

1. To comply with the reasonable requirements of the fire officer from time to time.
2. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
4. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
5. Toughened glasses will be used in the premises where appropriate.
6. Fire Exits and means of escape shall be kept clear and in good operational condition.

**d) The prevention of public nuisance**

No further risks have been identified which need to be addressed, save as below

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time
3. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
4. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

**e) The protection of children from harm**

1. The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.
2. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
3. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
4. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
5. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners..... *John Gaunt & Partners*

Date: 8<sup>th</sup> October 2013.....

Capacity: Solicitors.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: .....

Date: .....

Capacity: .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT

# Appendix B

Objections / Representations -  
Karen McGuinness

**Rhodes Emma (CEX)**

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**From:** karen mcguinness <[REDACTED]@hotmail.co.uk>  
**Sent:** 15 October 2013 23:50  
**To:** Licensing(General)  
**Subject:** Fancies Ecclesall Road Sheffield

Dear Sir/Madam

Re: Fancies , Ecclesall Rd,application for extended hours and regulated drinking

I am emailing to strongly object to the regulated drinking and extended hours application from the above premises. I own 6 Denham Road which is adjacent to Fancies and I have major concerns over noise nuisance and general disturbance if this application is granted.

We have had a lot of problems with Fancies this year with rubbish overflowing and smell and noise nuisance emanating from the kitchen door which is constantly left open. These problems will increase if opening hours are extended. In our experience management controls at the premises are very weak and this is also illustrated by a failing Food Hygiene Rating. I therefore have little confidence in these increased hours being well managed.

There are already too many restaurants and pubs on Ecclesall Road and I cannot see the need for an additional one. The premises original planning application was for a café, but gradually they have increased their opening hours until 9 o clock, thereby multiplying all the problems. These will be even worse if the hours are further increased .

I am also concerned that if they put an extraction unit on the kitchen this will be positioned close to my property and cause an even greater noise nuisance then the kitchen door being constantly left open.

Yours faithfully,  
Karen McGuinness

**Rhodes Emma (CEX)**

---

**From:** karen mcguinness <[REDACTED]@hotmail.co.uk>  
**Sent:** 17 October 2013 11:47  
**To:** Licensing(General)  
**Subject:** Fancies Ecclesall Rd, Sheffield Licencing Application

Hi Emma,

Further to my previous e mails , we would like to formally object on the grounds that we are concerned about public disorder and noise from people arriving and leaving the premises late at night, and with so many other bars in the area this has a cumulative effect. It is a relatively quiet street for the area and we have concerns that it will encourage unruly students who already have plenty of places to go. Also we have concerns over smoking outside the premises, rubbish being strewn around from people leaving the premises , parking issues, and the possibility of vandalism especially if customers have too much to drink. There is a complete overload of bars in this area effecting residents reasonable expectation for peace and quiet and with Fancies being adjacent to our property we are particularly concerned. The rear area of Fancies backs directly on to the front door of our premises and is completely open, and we have constant problems with smell, noise and at times overflowing bins and extending the opening hours will only exacerbate these problems. Consideration should be given as to whether this licence would have been granted when Fancies first took over the bridal shop, it seems they have got a foot in the door by applying as a cafe , they then started opening until 9 o'clock and now they want a licence and late opening, when there are already too many bars and restaurants in the area having a negative impact on residents.

Kind regards,  
Karen Mcguinness



# Appendix C

Objection –  
SCC Health Protection Service

CI

**Business Strategy & Regulation**

Director of Business Strategy & Regulation: Mick Crofts

**Health Protection Service**

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Mr S Gibbons

sean.gibbons@sheffield.gov.uk

Ref: Fancie/sg

Tel: 0114 273 4616

Date: 5 November 2013

Chris Grunert

John Gaunt & Partners

Omega Court

372-374 Cemetery Road

Sheffield

S11 8FT

Dear Sir

**Licensing Act 2003- Application for New Premises Licence  
Your Reference-CG/GEN/FAN8**

**Premises: Fancie Canteen & Bakery, 359-363 Ecclesall Road, Sheffield, South  
Yorkshire, S11 8PT**

I write with reference to the above application, and would inform you that at this stage I have no alternative than to make a formal representation (objection) as the Responsible Authority towards public safety.

The premises comprises of ground floor, first floor and associated deli. This application does not seek to licence the 1<sup>st</sup> floor. It has been indicated that the 1<sup>st</sup> floor shall be used for events, afternoon teas and as an overflow facility to the ground floor during busy periods. Customer toilet facilities are also located on the 1st floor.

In the absence of a food hoist between the ground floor and 1<sup>st</sup> floor, I have concerns with respect to public safety implications regarding the transportation of food and drinks using the public staircase from the ground floor to the 1<sup>st</sup> floor whilst members of public are on site.

If the 1<sup>st</sup> floor was to be licensed and a small bar servery provided, then it would prevent the need for customers to purchase alcohol on the ground floor and carry it up the stairs.

Likewise, there is currently a dis-used food preparation area on the 1<sup>st</sup> floor. This could be utilised as a holding kitchen to prevent food being carried up the stairs.

These feasible options have been discussed in detail with your client recently during a site meeting and if the 1<sup>st</sup> floor was to be licensed for the sale of alcohol, with the use of a holding kitchen and existing 1<sup>st</sup> floor toilets, it would enable the 1<sup>st</sup> floor to be more or less self-sufficient.

Email Address: [HealthProtection@sheffield.gov.uk](mailto:HealthProtection@sheffield.gov.uk)

Visit us at: [www.sheffield.gov.uk/environment/how-we-work/health-protection/](http://www.sheffield.gov.uk/environment/how-we-work/health-protection/)

**Large print versions of this letter**

**are available by telephoning**

**(0114) 273 4415/273 5774**

I will also require the proposed conditions set out below to be imposed on the new premises licence. This representation will be withdrawn subject to the following conditions being agreed and a satisfactory solution to the transportation of food offered.

1. The first floor will be stocked and serve alcohol using the first floor bar servery, as shown on the plan lodged with the application. The first floor bar server will be stocked outside normal permitted hours only.
2. Transportation of food and alcoholic drinks shall not be permitted using the staircase when members of public are on the premises in order to ensure public safety.

Other issues noted that will require attention but will not be required to be conditions on the licence:-

#### Toilet Facilities

Current toilet facilities would accommodate a capacity of 40. An additional w/c would accommodate a capacity of up to 60.

#### Floor Surfaces

In order to control the risks from slips, trips and falls, you must ensure that access routes and staircases are free from obstructions, suitably constructed and have adequate lighting. The surfaces of floors need to be free from holes and give the appropriate slip resistance. Anti-slip mats will be required in all entrances.

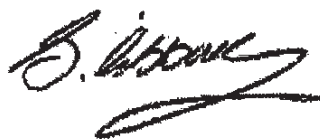
New floor surfaces in public areas and thoroughfares should have a suitable non-slip finish.

#### Disabled Access

The City Council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 (Which repealed the Disability Discrimination Act 1995) for people to access and use the building and its facilities.

If you require any further information, please do not hesitate to contact me on the telephone number shown.

Yours faithfully



Mr S Gibbons  
Environmental Health Officer

Copy Via Email      Legal & Governance – Licensing General Section

# Appendix D

Objection -  
SCC Environmental Protection Service

**Rhodes Emma (CEX)**

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**From:** Round Jonathan  
**Sent:** 04 November 2013 14:43  
**To:** Licensing(General); cgrunert@john-gaunt.co.uk  
**Subject:** Premises Licence application for Fancie 359-361 Ecclesall road.

**This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.**

I have the following representation to make with regards to Public Nuisance for the application for a Premises Licence for the above premises.

The premises are surrounded by residential property, and the upper floor shares a party wall with residential accommodation, and the first floor terrace overlooks neighbouring residential outside space. As such there is an enhanced potential for increased, prolonged activity at the premises to give rise to complaints relating to public nuisance. In particular I am concerned that adjoining neighbours and residents in close proximity will potentially be affected by excessive noise disturbance from the noise from customers, staff and associated working noise transmitting through the party wall of the premises and affecting adjoining neighbours, and increased noise from more customers later into the night and in an intoxicated state in the outside areas on the rear first floor terrace and to the front of the premises at ground floor.

I also have concerns about the way in which the premises intend to deal with the cooking odour for the augmented menu and increased hours of cooking. The kitchen does not currently benefit from having an appropriate fume extraction system. The current method for allowing a change in air seems to be having the external doors propped open and windows left open. This is not appropriate as a method for controlling cooking odours from a commercial kitchen.

As you will be aware the premises currently have planning consent to open only until 21:00hours. This means that the noise from customers and staff upstairs ceases at this time as does the noise from people outside the premises and the odour from cooking. Without appropriate measures and works taking place to reduce the impact of increased hours on neighbours I will have to object to the licensing application as it currently stands.

I have spoken at length to the owner of the business and discussed the issues from both a planning and licensing perspective. To allow for an increase in the hours the premises operate the potential for unacceptable noise transfer from the commercial premises to the adjoining residential accommodation needs to be addressed, as does the arrangement for the control of odour from the kitchen. I would suggest that a suitably qualified acoustic consultant looks at the issue and compiles a report to quantify the acoustic performance of the party wall.

I would therefore propose the below conditions to help control activities at the premises:

*The premises licence shall not take effect unless sound insulation measures have been implemented, details of which shall have been submitted to and approved in writing by the Environmental Protection Service prior to installation. Thereafter the approved sound insulation measures shall be retained.*

*The premises licence shall not take effect unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by*

D2

*the Local Planning Authority. These details shall include plans showing the location of the fume extract terminating above the adjacent velux opening window and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.*

*The use of the first floor terrace shall cease to be used after 21:00hrs on all days of the week.*

*The use of the ground floor outside area to the front of the premises shall cease to be used for customers to drink and eat after 21:00hrs on all days of the week.*

If you wish to discuss the matter further please reply to this email or call on the number below.

Regards,

Jon.

Jonathan Round  
Environmental Health Officer  
Environmental Protection Service  
Business Strategy and Regulation  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

Tel +44 (0)114 273 4658  
Fax +44 (0)114 273 6464

Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

# Appendix E

Hearing Notices / Regulations / Procedures

**Notice of hearing of representations  
in respect of the following application:  
Application to Grant a Premises Licence**

Karen McGuinness  
6 Denham Road  
Sheffield  
S11 8NE

██████████@hotmail.co.uk

The Sheffield City Council being the licensing authority, on the **9<sup>th</sup> October 2013** received an application in respect of the premises known as;

**Fancie Canteen & Bakery, 359-363 Ecclesall Road, Sheffield, S11 8PF**

During the consultation period, the Council received representations from the following;

- **1 No member of the public**
- **Sheffield City Council Health Protection Service**
- **Sheffield City Council Environmental Protection Service**

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 the **Thursday 28<sup>th</sup> November 2013** at **10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations 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 (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 15<sup>th</sup> November 2013

Signed: \_\_\_\_\_  
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.

General.licensing@sheffield.gov.uk



**Notice of hearing of representations  
in respect of the following application:  
Application to Grant a Premises Licence**

Mr Sean Gibbons  
Health Protection Service  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

Sean.gibbons@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **9<sup>th</sup> October 2013** received an application in respect of the premises known as;

**Fancie Canteen & Bakery, 359-363 Ecclesall Road, Sheffield, S11 8PF**

During the consultation period, the Council received representations from the following;

- **1 No member of the public**
- **Sheffield City Council Health Protection Service**
- **Sheffield City Council Environmental Protection Service**

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 the **Thursday 28<sup>th</sup> November 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations 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 (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 15<sup>th</sup> November 2013

Signed: \_\_\_\_\_  
The officer appointed for this purpose  
Licensing Officer

Please address any communications to:

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

General.licensing@sheffield.gov.uk

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**Notice of hearing of representations  
in respect of the following application:  
Application to Grant a Premises Licence**

Mr Jonathan Round  
Environmental Protection Service  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

Jonathan.round@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **9<sup>th</sup> October 2013** received an application in respect of the premises known as;

**Fancie Canteen & Bakery, 359-363 Ecclesall Road, Sheffield, S11 8PF**

During the consultation period, the Council received representations from the following;

- **1 No member of the public**
- **Sheffield City Council Health Protection Service**
- **Sheffield City Council Environmental Protection Service**

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 the **Thursday 28<sup>th</sup> November 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations 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 (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 15<sup>th</sup> November 2013

Signed: \_\_\_\_\_  
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.

General.licensing@sheffield.gov.uk



E4

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

FC & Co Ltd  
c/o John Gaunt & Partners  
Omega Court  
372-374 Cemetery Road  
Sheffield  
S11 8FT

The Sheffield City Council being the licensing authority, on the **9<sup>th</sup> October 2013** received your application in respect of the premises known as Fancie Canteen and Bakery, 359-363 Ecclesall Road, Sheffield, S11 8PF.

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

1 No. member of the public  
Sheffield City Council Health Protection Service  
Sheffield City Council Environmental Protection Service

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 28<sup>th</sup> November at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 15<sup>th</sup> November 2013

Signed: \_\_\_\_\_  
The officer appointed for this purpose  
Licensing Officer

**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.

## 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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