



## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 30<sup>th</sup> June 2014

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

58-60 West Street Sheffield S1 4EP ( Chinese Buffet)

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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 67 / 14

**58 – 60 West Street Sheffield S1 4 EP – Chinese Buffet**

**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 Mr Wai Wing Lee.

2.2 The application, which was received on 9<sup>th</sup> May 2014, 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:-

Environmental Health

Appendix 'B'

3.2 Officers have unsuccessfully attempted to resolve the objections. Copies of relevant correspondence in this regard are included within appendix 'B'.

3.3 South Yorkshire Police have agreed licence conditions with the applicant. These conditions are attached at appendix 'C'.

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

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

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

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

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

## **6.0 HEARINGS REGULATIONS**

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

## **7.0 APPEALS**

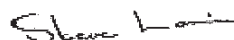
- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

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

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

- 9.1 To 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

30<sup>th</sup> June 2014

# Appendix A

The Application

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



**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

You may wish to keep a copy of the completed form for your records.

I/We Wai Wing Lee  
(Insert name(s) of applicant)

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			
<del>172 Bank Street</del> S8-6a Waverley <del>Sheffield</del>			
S I L E P			
Post town	SHEFFIELD	Postcode	<del>S12DS</del>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |  |
|--|--|
| <p>a) <u>an individual</u> or individuals *</p> <p>b) a person other than an individual *</p> <p style="margin-left: 20px;">i. as a limited company</p> <p style="margin-left: 20px;">ii. as a partnership</p> <p style="margin-left: 20px;">iii. as an unincorporated association or</p> <p style="margin-left: 20px;">iv. other (for example a statutory corporation)</p> <p>c) a recognised club</p> <p>d) a charity</p> <p>e) the proprietor of an educational establishment</p> <p>f) a health service body</p> | <p><input checked="" type="checkbox"/> please complete section (A)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> <p><input type="checkbox"/> please complete section (B)</p> |
|--|--|

42

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <i>Lee</i>			First names <i>wai wing</i>		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		<i>S LO GROVE OUTWOOD WAKEFIELD WEST YORKSHIRE</i>			
Post town			Postcode		<i>WF12PR</i>
Daytime contact telephone number					
E-mail address (optional)					

Part 3 Operating Schedule

When do you want the premises licence to start?

DD MM YYYY  
3 1 0 5 2 0 1 4

A3

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

DD MM YYYY  
| | | | | | | | |

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

Chinese Restaurant and Buttef.

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

| | | | | | | | |

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

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

Provision of regulated entertainment

Please tick any that apply

- 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

**E**

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

A4

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon	11am	12pm						
Tue	11am	12pm						
Wed	11am	12pm				<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	11am	12pm						
Fri	11am	12pm				<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	11am	12pm						
Sun	11am	12pm						

11am to 12pm.



**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed					
Thur					
Fri					
Sat			<b>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</b> (please read guidance note 5)		
Sun					

AS

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon	11am	12pm			
Tue	11am	12pm	<b>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</b> (please read guidance note 5)		
Wed	11am	12pm			
Thur	11am	12pm			
Fri	11am	12pm			
Sat	11am	12pm	11am to 12pm		
Sun	11am	12pm			

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

A6

Name	Mr Wai Wing Lee
Address	S LOW GROVE OURMOOD, WAKEFIELD
Postcode	WF1 2PR
Personal licence number (if known)	PA3049
Issuing licensing authority (if known)	

**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 variations (please read guidance note 4)
Day	Start	Finish	
Mon	11am	12pm	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>11am to 12pm</p>
Tue	11am	12pm	
Wed	11am	12pm	
Thur	11am	12pm	
Fri	11am	12pm	
Sat	11am	12pm	
Sun	11am	12pm	

M

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

AJ

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

I am an experienced licensee & have operated a successful establishment as the one I am licensing up in Sheffield in Sheffield for many years, we have had no issues with our licence whatsoever.

b) The prevention of crime and disorder

We may look at CCTV but do not expect any issues in view of what we are looking to develop, if problems arise they would be brought in or raised as needed.

c) Public safety

AJ above.

d) The prevention of public nuisance

We do not think this will be a factor again, we are now operating late on in a well built up residential area.

e) The protection of children from harm

Children will be welcome, again no problems anticipated but would be kept under review if any issues arise.

**Checklist:**

Please tick to indicate agreement

**A8**

- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	A. Gane
Date	28.11.14
Capacity	Applicant's solicitor

**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 postal address for correspondence associated with this application (please read guidance note 13)			
Maurice Smith / Solicitor No. 100 House Station Road			
Post town	CONTRAFRACT	Postcode	WF3 1BT
Telephone number (if any)	01977 774321		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
sharon.coakley@mauricesmith.co.uk			

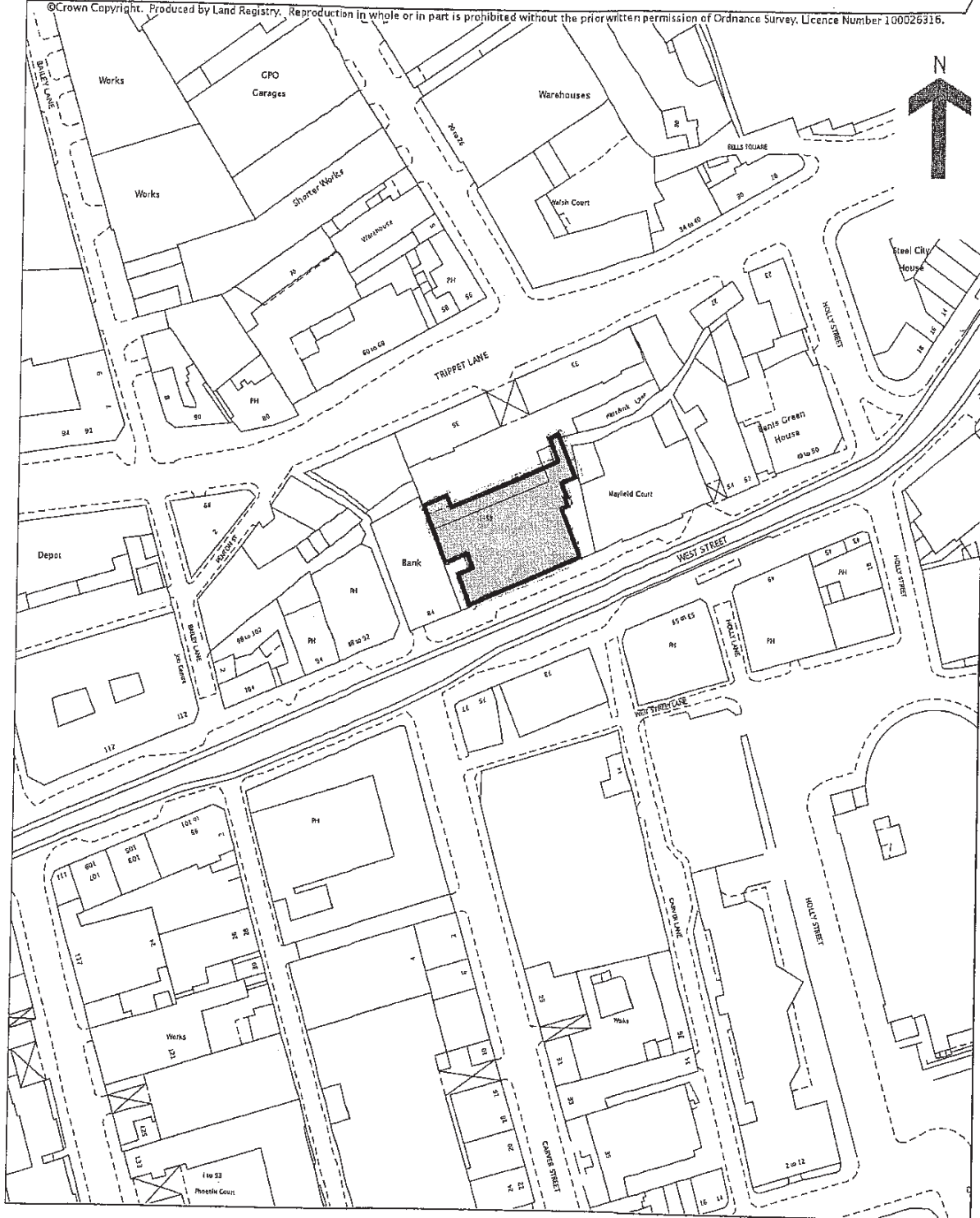
Land Registry  
Official copy of  
title plan

Title number **SYK472572**  
Ordnance Survey map reference **SK3587SW**  
Scale **1:1250**  
Administrative area **South Yorkshire : Sheffield**



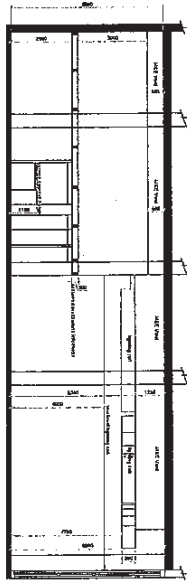
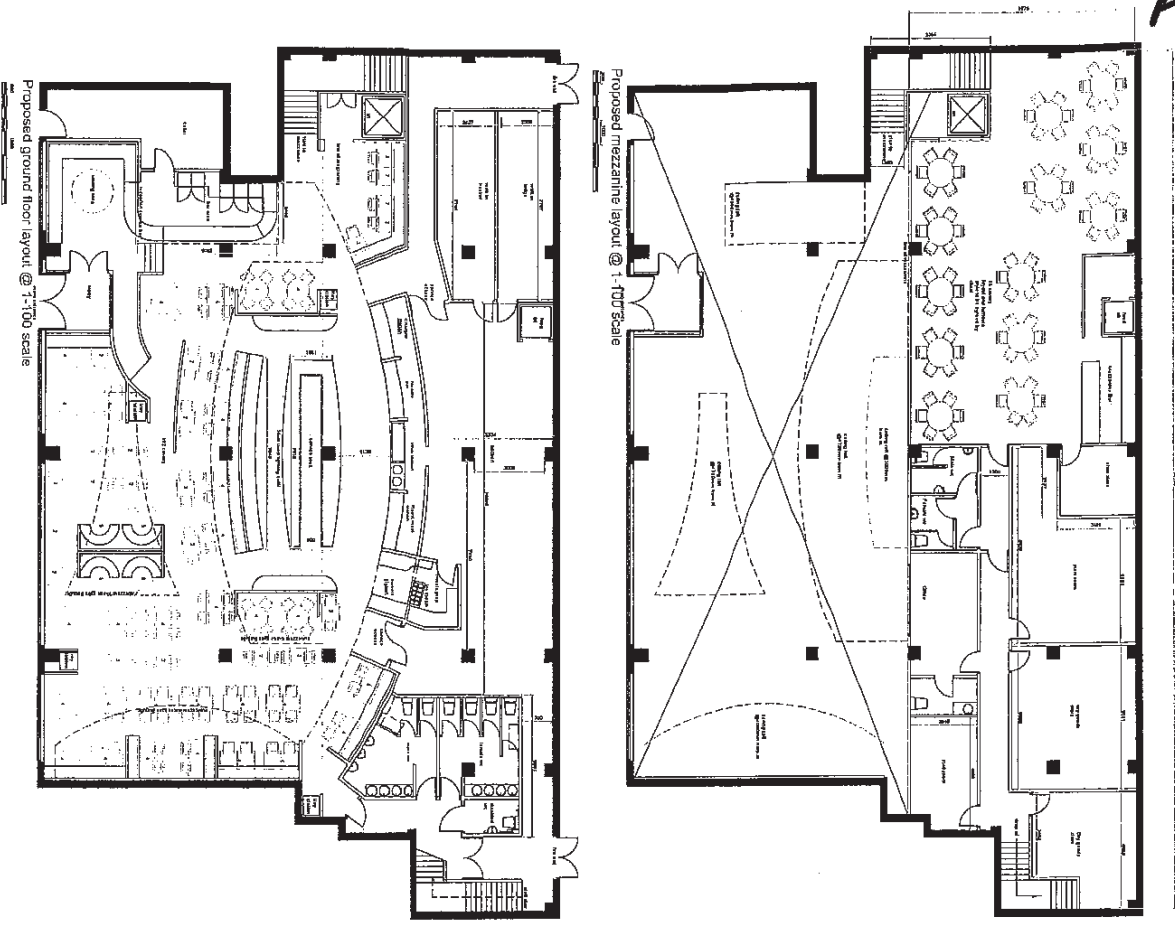
A9

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A10



NOTES

CLIENT	Mr Wai Lee
PROJECT	Chinese buffet Sheffield
TITLE	Proposed GA layout
DATE	13-04-2013
SCALE	1:100
SHEET	A1
PROJECT NO.	SCB1000 rev B
DATE	13-04-2013
SCALE	1:100
SHEET	A1
PROJECT NO.	SCB1000 rev B
DATE	13-04-2013
SCALE	1:100
SHEET	A1
PROJECT NO.	SCB1000 rev B

**curvelinedesign**  
 architecture vision design project management  
 Curveline Design Ltd, 201, The Arcade, Sheffield S1 2EG, UK  
 Tel: +44 (0)114 276 6000 Fax: +44 (0)114 276 6001  
 Email: info@curvelinedesign.co.uk

# Appendix B

Environmental Health  
Objection

**Crawshaw Michael (CEX)**

BI

**From:** Stephenson Clive (CEX) on behalf of licensingservice  
**Sent:** 04 June 2014 10:44  
**To:** Crawshaw Michael (CEX)  
**Subject:** FW: 58 West Street, Sheffield

Clive Stephenson  
Licensing Strategy & Policy Officer  
Chairman National Association of Licensing Officers  
Licensing Service

**PLEASE NOTE OUR NEW DETAILS BELOW**

**Opening Times: Monday to Friday, 10am till 4pm**

**Email address: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)**

**Telephone: 0114 273 4264**

Business Strategy & Regulation  
Block C, Staniforth Road Depot, Sheffield, S9 3HD  
Telephone: 0114 2734264  
Email: [clive.stephenson@sheffield.gov.uk](mailto:clive.stephenson@sheffield.gov.uk)  
Web: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

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**From:** Gibbons Sean (DEL)  
**Sent:** 03 June 2014 11:41  
**To:** 'reception@mauricesmiths.co.uk'  
**Cc:** licensingservice  
**Subject:** 58 West Street, Sheffield

Dear Sir,

**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 spoke to your office last week with respect to setting up a site meeting with your client and also requested a scaled plan that is legible so that an accurate assessment can be made with respect to public safety.

Unfortunately, I have not received a plan and your client or agent has not contacted me to set up a site meeting.

With the pending deadline fast approaching I visited site yesterday and spoke to Stuart Wallace, construction site manager.

It was apparent from my visit that the plan submitted with the application does not represent the actual build on site.



The plan submitted with the application is SCB1000 RevB. The plan being worked to on site is SC1013. I believe there has been more than 13 amended plans since the one submitted with the application.

With respect to public safety I have concerns regarding the orientation of the bar and access/egress to and from the premises.

B2

I also have concerns with respect to door orientation around the toilets, mainly the door the disabled toilet.

I would therefore advise you that I have no option but to object to the granting of this Licence as the responsible authority for public safety.

In order to resolve the issues and to discuss any relevant conditions that may be appropriate to be placed upon the licence, could you please arrange a further site meeting with the applicant, architect or designer as appropriate.

I would also question the timings on the application. This application is described as a Chinese Restaurant and Buffet, with sale of alcohol until 12pm, with no drinking up time. However, what I find more concerning is that there is no provision for late night refreshment?

This Representation will be withdrawn subject to a satisfactory plan, amendment to the application and any agreed conditions.

I shall look forward to further instruction,

Kind Regards  
Sean

*Sean Gibbons BSc (Hons)  
Environmental Health Officer (Health & Safety)  
Health Protection Service  
Sheffield City Council  
2-10 Car brook Hall Road, Sheffield S9 2DB  
Tel: 0114 273 4616  
Fax: 0114 273 6464  
Email: [sean.gibbons@sheffield.gov.uk](mailto:sean.gibbons@sheffield.gov.uk)*

# Appendix C

Agreed Conditions

Agreed conditions

6/6 C/

**Hollis Georgina (CEX)**

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**From:** Finch Shimla (CEX) on behalf of licensingservice  
**Sent:** 04 June 2014 14:02  
**To:** Hollis Georgina (CEX)  
**Subject:** FW: Premise Licence - 58-60 West Street

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**From:** SHEFFIELD\_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]  
**Sent:** 04 June 2014 13:29  
**To:** licensingservice; Hague Julie  
**Subject:** FW: Premise Licence - 58-60 West Street

Dear All,

Following receipt of the premise licence at 58-60 West Street we have agreed the following conditions

- Policies in relation to children shall be adequately communicated to patrons by staff through appropriate signage.
- There shall be adequate controls in place, including staff training to safeguard against the sale of alcohol to persons under 18 years. Records of such training will be kept and made available for inspection of the authorities.
- A refusals register to be maintained and made available for inspection of the authorities.

Thanks

Lucy

Sheffield Licensing Section  
1st Floor  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD  
Licensing Team

Lucy Adams 0114 2523617 internal 718617  
Tracey Klein 0114 2523948 internal 718948  
Andrea Marsden 0114 2523618 internal 718618  
Lizzie Payne 0114 2523163 internal 718163  
Alicia Marsden 0114 2523111 internal 718 111  
Linsey Fletcher 0114 2523556 internal 718556  
Benita Mumby (Licensing Manager) 0114 2964308 internal 714308  
Fax 0114 2523688 Internal 8688

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

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

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**From:** Nicola Cheesbrough [mailto:nicolacheesbrough@mauricesmiths.co.uk]  
**Sent:** 04 June 2014 10:22

**To:** SHEFFIELD\_Licensing  
**Subject:** Premise Licence - 58-60 West Street

Dear Sirs,

Thank you for your email.

We confirm our client is quite happy to adopt the conditions and his date of birth is 22/10/1980.

Yours faithfully  
Maurice Smiths

Maurice Smiths, Norwood House, Stuart Road, Pontefract, West Yorkshire, WF8 1BT  
Tel: 01977 794395 Fax: 01977 600960 DX: 22254 Pontefract

Partners: Richard J Pinto BA (Hons)  
Anthony Gale LL.B  
Rachel J Warsop BA (Hons)

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This email contains information which is confidential and intended for the use of the addressee only. If you are not the addressee you must not disclose, distribute or copy this transmission. Unauthorised recipients are requested to advise the sender immediately by telephone or email. Whilst we have taken reasonable precautions to ensure that any attachment to this email has been swept for viruses, we cannot accept liability for any damage sustained as a result of software viruses and would advise that you carry out your own virus checks before opening any attachment.

Dear Ms Cookson,

Following receipt of the application for a premise licence at the above location we have reviewed the proposals and would require the following conditions adding to the licence in order to promote the protection of children from harm-

- Policies in relation to children shall be adequately communicated to patrons by staff through appropriate signage.
- There shall be adequate controls in place, including staff training to safeguard against the sale of alcohol to persons under 18 years. Records of such training will be kept and made available for inspection of the authorities.
- A refusals register to be maintained and made available for inspection of the authorities.

I would be obliged if you could confirm whether your client is happy to adopt the above.

May I also request the date of birth for the proposed DPS, Mr Wai Wing Lee, in order to conduct our routine checks?

Kind Regards

Lucy Adams  
Licensing Assistant

Sheffield Licensing Section  
1st Floor  
Attercliffe Police Station  
60 Attercliffe Common  
Sheffield  
S9 2AD  
Licensing Team

# Appendix D

Hearing Notices / Regulations / Procedures



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

DI

Mr Wai Wing Lee  
5 Low Grove  
Outwood  
Wakefield  
WF1 2PR

The Sheffield City Council being the licensing authority, on the 9th May 2014 received your application in respect of the premises known as Chinese Buffet, 58-60 West Street, Sheffield, S1 4EP.

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

Health Protection Service (Environmental Health) Objection

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 30<sup>th</sup> June 2014 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: 16<sup>th</sup> June 2014

Signed: \_\_\_\_\_ Cive Stephenson \_\_\_\_\_  
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**

D2

Sean Gibbons  
Environmental Health Officer  
Health Protection Service  
Sheffield City Council  
2 – 10 Carbrook Hall Road  
Sheffield  
S92DB

[Sean.gibbons@sheffield.gov.uk](mailto:Sean.gibbons@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 9<sup>th</sup> May 2014 received an application in respect of the premises known as;

Chinese Buffet 58-60 West Street Sheffield S1 4EP

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

- **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 **Monday 30<sup>th</sup> June 2014 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: 16<sup>th</sup> June 2014

Signed:                     Clive Stephenson                      
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](mailto:General.licensing@sheffield.gov.uk)

D3

**Right of attendance, assistance and representation**

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

**Representations and supporting information**

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

**Failure of parties to attend the hearing**

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

**Procedure at hearing**

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



## Regulation 8

- D4
- (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 15**

DS

**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.

**Licensing Act 2003 – Hearing Procedure – Regulation 16**

**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.

## 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.**

- 06
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.

