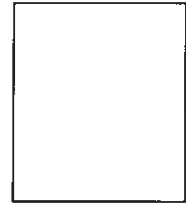




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 24<sup>th</sup> November 2016

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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.

Irenka Express 170 Main Road Sheffield S9 5HQ

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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 135 / 16**

**Irenka Express Limited 170 Main Road Sheffield S9 5 HQ**

**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 Irenka Express Ltd.

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

**3.0 REASONS FOR REFERRAL**

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

1. Sheffield Trading Standards (Appendix B)

3.2 Representations were made by Health Protection Service, Environmental Protection Service and South Yorkshire Police. Conditions were agreed and as such the representations were withdrawn. A copy of the correspondence is attached at Appendix 'C'

3.3 There are no outstanding representations from any Responsible Authority.

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

24<sup>th</sup> November 2016

# Appendix A

The Application

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



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 MASOOM HASSAN IRENKA EXPRESS LTD  
 (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			
170 MAIN ROAD			
Post town	SHEFFIELD	Postcode	S9 5HQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 3250	

## Part 2 - Applicant Details

Please state whether you are applying for a premises licence as (Please tick as appropriate)

- 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 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)

Applying as a person described in (a) or (b) please confirm:

A2

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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

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

A3

Name	MASOOM HASSAN IRENKA EXPRESS LTD
Address	170 MAIN ROAD SHEFFIELD S9 5HQ
Registered number (where applicable)	10406705
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company
Telephone number (if any)	
E-mail address (optional)	nadia@irenkafoods.co.uk

When do you want the premises licence to start?

after mentioned apl. **A4**  
DD MM YYYY  
10 11 2016  
10/11/2016  
DD MM YYYY  
| | | | | | | | | |

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

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

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)  | <input type="checkbox"/>   |
| b) films (if ticking yes, fill in box B)  | <input type="checkbox"/>   |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input type="checkbox"/>   |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>   |
| e) live music (if ticking yes, fill in box E)   | <input type="checkbox"/>   |
| f) recorded music (if ticking yes, fill in box F)   | <input type="checkbox"/>   |
| g) performances of dance (if ticking yes, fill in box G)  | <input type="checkbox"/>   |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>   |

**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



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 (please read guidance note 2)	Indoors	<input type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon			<b>Please give further details here</b> (please read guidance note 3)  <div style="text-align: right; font-size: 2em; font-family: cursive;">AS</div>	Both	<input type="checkbox"/>	
Tue						
Wed				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
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						

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <b>please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>	
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>	
Mon	08:00	03:00	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	Both	<input type="checkbox"/>	
Tue	08:00	03:00				
Wed	08:00	03:00		<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)		
Thur	08:00	03:00				
Fri	08:00	03:00				
Sat	08:00	03:00				
Sun	08:00	03:00				

Name		MASOON HASSAN	
Address		170 MAIN ROAD SHEFFIELD	
Postcode	S9 5HQ		
Personal licence number (if known)		SY05856 PER	
Issuing licensing authority (if known)		15 SEPTEMBER 2015	

AG

**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).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	03:00	<b>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</b> (please read guidance note 5)
Tue	08:00	03:00	
Wed	08:00	03:00	
Thur	08:00	03:00	
Fri	08:00	03:00	
Sat	08:00	03:00	
Sun	08:00	03:00	

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

A7

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

**Continued from previous page...**

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.

**Section 18 of 19****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.

Use Challenge 25  
Challenge Proxy Sale  
No sale to intoxicated individuals  
Staff Training

b) The prevention of crime and disorder

No sale to intoxicated individuals  
Staff training  
Challenge 25

c) Public safety

Sell at reasonable times  
Challenge 25  
Prevention of sale to underage individuals.

d) The prevention of public nuisance

Display notice to request that people respect others when using the store late at night.  
No sale to intoxicated people.

e) The protection of children from harm

Challenge 25  
Staff Training

Continued from previous page...

Prevent Proxy Sales.

Section 19 of 19

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

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 (£)

DECLARATION

\* I/we understand 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.

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?"

Please tick to indicate agreement


A10

- 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	 MASOOM HASSAN
Date	07-16-2016
Capacity	DIRECTOR

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)

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

AN

### Consent of individual to being specified as premises supervisor

I: [full name of prospective premises supervisor] MASOOM HASSAN

Of: [home address of prospective premises supervisor] 170 MAIN ROAD  
SHEFFIELD. S9 5HQ

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

[type of application]  
Grant.

made by: [name of applicant]  
MASOOM HASSAN

relating to premises licence number: [number of existing licence, if any] NONE

for: [name and address of premises to which application relates] IRENKA EXPRESS  
170 MAIN ROAD. SHEFFIELD. S9 5HQ

and any premises licence to be granted or varied in respect of this application made by: [name of applicant]  
IRENKA EXPRESS LTD

concerning the supply of alcohol at: [name and address of premises to which application relates] IRENKA EXPRESS  
170 MAIN ROAD  
SHEFFIELD, S9 5HQ

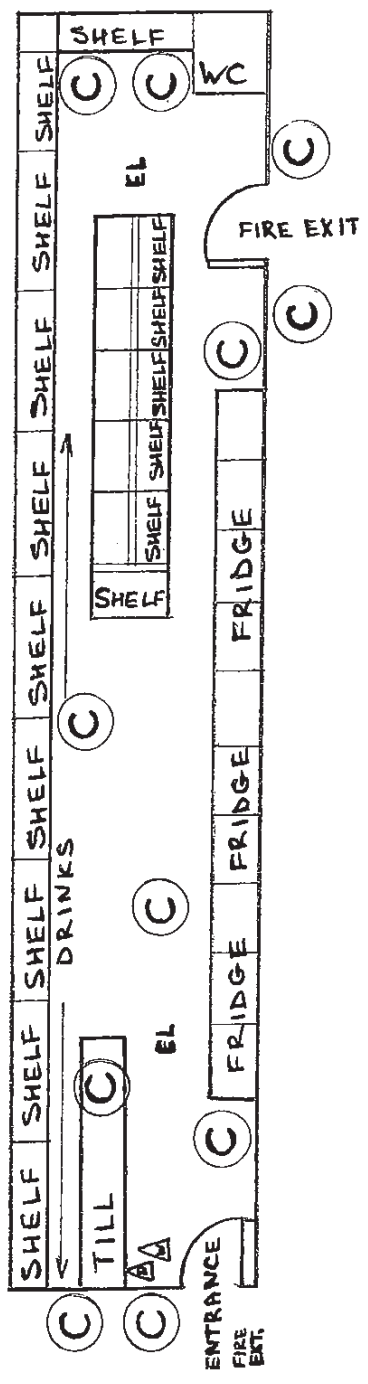
I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below:

Personal licence number: [insert personal licence number, if any] SY 05856 PER  
Personal licence issuing authority: [insert name and address and telephone number of personal licence issuing authority, if any] S.C.C

Signed 

Name (please print) MASOOM HASSAN

Date 11.10.2016



- ⊙ - Emergency Lights
- △ - Fire Ext. Water
- △ - Fire Ext. Powder
- ⊗ - Fire Alarm
- ⊙ - CCTV

IRENKA EXPRESS LTD  
 170 MAIN ROAD  
 SHEFFIELD, S9 5HQ

SCALE 1:100

A12

1renka11.0.1.0



AB

## Companies House

**BETA** This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

# IRENKA EXPRESS LTD

Company number **10406705**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/10406705/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/10406705/persons-with-significant-control)

## Filter officers

Current officers

Apply filter

## 1 current officer / 0 resignations

### HASSAN, Masoom

Correspondence address **170 Main Road, Sheffield, England, S9 5HQ**

Role Active **Director**

Date of birth **January 1978**

Appointed on **3 October 2016**

Nationality **Kurdish**

Country of residence **England**

Occupation **Manager**

# Appendix B

Objections – no 1 Trading Standards

## McConaghy Julianne

**From:** Delamore Lindsey on behalf of licensingservice  
**Sent:** 03 November 2016 13:22  
**To:** [REDACTED]  
**Subject:** FW: 170 Main Road Darnall

BI

From 31/10 - Nadiya - advised re email - she is going to take advice + come back to us. [initials]

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**From:** Palmer David  
**Sent:** 03 November 2016 12:22  
**To:** licensingservice  
**Cc:** CHERYL TOPHAM ([Cheryl.Topham@southyorks.pnn.police.uk](mailto:Cheryl.Topham@southyorks.pnn.police.uk)); Hague Julie; Maher John; Marsden Lisa; Bates Neil  
**Subject:** 170 Main Road Darnall

Dear Sirs,

I write on behalf of Sheffield Trading Standards ( a Weights and Measures Authority) which is a Responsible Authority under the Licensing Act 2003. I have received a copy of the application for a premises licence submitted by Irenka Express Ltd, in respect of a shop unit at 170 Main Road, Darnall, Sheffield. I wish to make representations on behalf of Sheffield Trading Standards (STS) regarding the licence application. STS note that the proposed Designated Premises Supervisor for the premises is Masoom Hassan, who is known to STS due to his involvement in an adjacent shop at 172 Main Road. He is also the sole director for Irenka Express Ltd and he has signed the application on behalf of that company.

Masoom Hassan was convicted at Sheffield Magistrates Court on 2<sup>nd</sup> May 2013 for the possession for sale of smuggled, counterfeit and non-duty paid cigarettes and hand rolling tobacco (HRT), found at 172 Main Road. He was fined £230 and was ordered to pay £287 costs.

Masoom Hassan has given his address (as DPS), as 170 Main Road. This shop unit is empty at this time and the flat above is inhabitable. We do not believe that he has given a true address. Mr Hassan's recorded address for his personal licence, dated 15/9/2015, is 172 Main Road. The flat above is inhabitable.

The applicant company has given a contact email address as [nadia@irenkafoods.co.uk](mailto:nadia@irenkafoods.co.uk). We believe that this refers to Nadiya Chzen, who is currently the Premise Licence Holder and DPS at 172 Main Road, t/a Stas. Stas is currently the subject of a Trading Standards criminal investigation and licence review application.

Another company, Irenka Foods Ltd, has two directors, Nadiya Chzen and Herish Hussain Ezzat. Nadyia Chzen was (and is currently) the PLH and DPS at Stas, 172 Main Road, at the time of Hassan's conviction in 2013, as mentioned above. She had previously received a written warning about the possession for sale of illicit HRT on 18<sup>th</sup> May 2012. Herish Hussain Ezzat, was cautioned for the sale of cigarettes to a child in 2009. Mr Ezzat was also convicted by Sheffield Magistrates on 18<sup>th</sup> April 2012 for the possession for sale at 172 Main Road, of smuggled, counterfeit and non-duty paid cigarettes and HRT. He was fined £300 and ordered to pay £544 costs. He was the PLH and DPS at the time of the offences.

Taking into account a) Masoom Hassan's conviction, b) his connections with 172 Main Road, c) his association with Nadiya Chzen and Herish Hussain Ezzat and d) the current investigations

B2

mentioned above, the Trading Standards service is concerned that the premises at 170 Main Road will be used for the sale and storage of smuggled goods.

We are also concerned that if a licence is granted to a company which has associations and connections with those in control of 172 Main Road, the licensing objectives will not be met, in respect of a) the prevention of crime and disorder and d) the protection of children from harm (children are at increased risk of the dangerous nature of counterfeit goods and more able to afford goods at cheaper prices).

Sheffield Trading Standards therefore requests that consideration be given to the refusal of the application for a premises licence.

Yours sincerely

David Palmer  
Senior Trading Standards Officer  
Sheffield Trading Standards

# Appendix C

Agreed conditions – Health Protection

CI

**McConaghy Julianne**

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**From:** Delamore Lindsey on behalf of licensingservice  
**Sent:** 31 October 2016 13:31  
**To:** McConaghy Julianne  
**Cc:** Ruston Andy (CEX)  
**Subject:** FW: New premise licence-170 Main Road  
**Attachments:** CCTV Min spec July 2016.doc

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**From:** SHEFFIELD\_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]  
**Sent:** 28 October 2016 16:12  
**To:** licensingservice  
**Cc:** JOSEPH HUNT; CHERYL TOPHAM; CHRISTOPHER LEWIS  
**Subject:** FW: New premise licence-170 Main Road

Dear All,

Following receipt of the above application I have now received confirmation of a reduction in hours and agreement to our CCTV spec.

Please amend the licence accordingly should it be granted.

- Sale of alcohol and opening hours reduced to 08.00-00.00 daily

Agreement to the following condition

- A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2016) . The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.

Thanks

Lucy

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



# Appendix D

Hearing Notices / Regulations /  
Procedures



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

David Palmer  
Senior Trading Standards Officer  
Sheffield Trading Standards

Sent via email: [david.palmer@sheffield.gov.uk](mailto:david.palmer@sheffield.gov.uk)

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

Irenka Express 170 Main Road Sheffield S9 5HQ

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

- **Sheffield Trading Standards**

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 **24<sup>th</sup> November 2016 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) the representations you have made, upon which you may 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 representation.

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 2016

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Sheffield Licensing Services

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**

Masoom Hassan  
Irenka Foods Ltd  
170 Main Road  
Sheffield  
S9 5HQ

[nadia@irenkafoods.co.uk](mailto:nadia@irenkafoods.co.uk)

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

**Irenka Express 170 Main Road Sheffield S9 5HQ.**

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

1 No. Trading Standards

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 24<sup>th</sup> November at 10.00am**; 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 2016

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.

**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.

**D4**

**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 **Masoom Hassan**  
of **Irenka Express Ltd**

hereby confirm that I have received the Notice of Hearing dated 15<sup>th</sup> November 2016 and notify you as follows **(please complete)**:

- I intend to attend the hearing at 10.00am on Thursday 24<sup>th</sup> November 2016
- 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.

General.licensing@sheffield.gov.uk

## Regulation 8

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- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

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

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

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

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

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

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

**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.