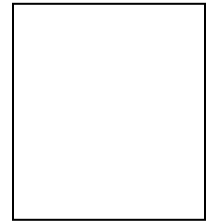




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** Tuesday 23<sup>rd</sup> January 2024 at 10am

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**Subject:** Licensing Act 2003

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**Author of Report:** Shimla Finch

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**Summary:** To consider an application to grant a premises licence made under the Licensing Act 2003 for **418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX**

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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  
[Sheffield City Councils Statement of Licensing Policy](#)  
[Revised Guidance issued under section 182 of the Licensing Act 2003](#)

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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 07/24**

**418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX**

**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 applicants are Saeed Ibrahim and Ali Reza Parhizi.

2.2 The application was received by the Licensing Service on the 28<sup>th</sup> November 2023 and a full copy including the proposed plans and accompanying documents are attached at Appendix 'A' of this report.

2.3 The application is for the premises to operate as a 'takeaway' for late night refreshment for the following hours:

Monday to Thursday:	12:00pm to 1am
Friday to Saturday:	12:00pm to 3am
Sunday:	12:00pm to 1am

**3.0 REASONS FOR REFERRAL**

3.1 The application has been referred to the Licensing Sub-Committee due to unresolved representations from the following interested parties, full copies of the representations are attached at Appendix 'B' of the report with the applicant's response to them:

- **Cllr Angela Argenzio – Green Party Cllr for Broomhill and Sharrow Vale**
- **Botanical Gate Community Association**

3.2 During the consultation period the applicant has agreed conditions with South Yorkshire Police. The agreed conditions are attached at Appendix C of the report.

3.3 The applicant and the Interested Party referred to in paragraph 3.1 above 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 POLICIES TO CONSIDER**

4.1 [Sheffield City Council Statement of Licensing Policy.](#)  
[Revised Guidance issued under section 182 of the Licensing Act 2003](#)

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 THE LEGAL POSITION**

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

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

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

## **7.0 HEARINGS REGULATIONS**

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.

7.3 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.

## **8.0 APPEALS**

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

## **9.0 RECOMMENDATIONS**

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

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

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.

Chief Licensing Officer, Head of Licensing  
Block C, Staniforth Road Depot  
Sheffield, S9 3HD.

23<sup>rd</sup> January 2024

# Appendix 'A'

**Application documents**

## 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 Saeed Ibrahim and Alireza Parhize  
(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 <u>287 Ecclesall Road, Sharrow</u>			
Post town	<u>Sheffield</u>	Postcode	<u>S11 8NX</u>
Telephone number at premises (if any)			
Non-domestic rateable value of premises	<u>£0</u>		

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *  | <input type="checkbox"/>            | please complete section (B) |
| i as a limited company/limited liability partnership  | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)  | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or   | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)  | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | 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  | <input type="checkbox"/>            | 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 | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- 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 Ibrahimi			First names Saeed		
Date of birth	[REDACTED]	am 18 years old or over	<input checked="" type="checkbox"/>	Please tick yes	
Nationality [REDACTED]					
Current residential address if different from premises address [REDACTED]					
Post town			Postcode		[REDACTED]
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Parnuzi			First names Alireza		
Date of birth	[REDACTED]		<input checked="" type="checkbox"/>	Please tick yes	
Nationality [REDACTED]					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					
Current postal address if different from premises address [REDACTED]					
Post town			Postcode		[REDACTED]
Daytime contact telephone number [REDACTED]					
E-mail address (optional) [REDACTED]					

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
01	12	2023

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)

On the lower floor, underground, is a prep room. On the ground floor there is a small kitchen area and service counter. Here there is 3-4 tables. There is also a toilet on the ground floor.  
The kitchen serves hot and cold food and served drinks

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all 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



I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12pm	1am	<u>Please give further details here</u> (please read guidance note 4) Soft drinks. Freshly squeezed juices		
Tue	12pm	1am			
Wed	12pm	1am	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	12pm	1am			
Fri	12pm	3am	<u>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</u> (please read guidance note 6)		
Sat	12pm	3am			
Sun	12pm	1am			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please <u>tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Tue					
Wed					
Thur			<u>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</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Saeed Ibrahim
Date of birth	[REDACTED]
Address	[REDACTED]
Postcode	[REDACTED]
Personal licence number (if known)	5407711PER
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 9).

[Empty space for highlighting concerns]

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12pm	1am	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 (please read guidance note 6)
Tue	12pm	1am	
Wed	12pm	1am	
Thur	12pm	1am	
Fri	12pm	3am	
Sat	12pm	3am	
Sun	12pm	1am	

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

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

The licence holders will ensure, at all times, there is competent and trained staff on premises whilst any licenced activity is taking place and for crime and disorder. Although there is no sale of alcohol the staff will have training on how to handle a situation of drunkenness and disorderly behaviour. Records will be kept of all training and refresher training.

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

Any incidents of crime and disorder will be reported to the police.  
Comprehensive CCTV coverage throughout the premises including outside

**c) Public safety**

Appropriate fire safety procedures in place.  
Foam, H<sub>2</sub>O, and CO<sub>2</sub>, fire blanket, illuminated fire exit signs, multiple smoke detectors.  
All fire safety equipment to be checked annually  
All emergency exits kept clear at all times.

**d) The prevention of public nuisance**

All customers will be asked to leave quietly  
Staffed will be trained to handle any nuisance from customers.  
Any troubles with customers will be logged in incident book.

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

There is no alcohol on premises.  
We are not applying for alcohol licence.  
Therefore ID will not be required to sell alcohol.  
The licensee does have Licensing Act 2003: protection of children from harm offer of free staff training course: SOSP Licence training

**Checklist:**

Please tick to indicate agreement


- 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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

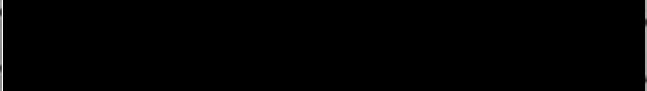
**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

**Part 4 – Signatures** (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

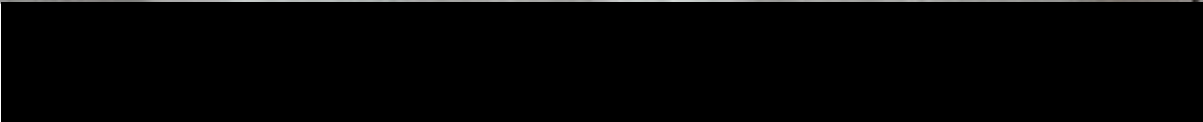
<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions relating to a licensable activity) and I have seen a copy of his or her passport and I have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	31/01/25
Capacity	

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 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	31/01/25
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town  
Telephone number



# Appendix 'B'

## **Representations and applicants response:**

**Cllr Angela Argenzio – Green Party Cllr for Broomhill and Sharrow Vale**

**Botanical Gate Community Association**

**Applicants response to representations**

**Cllr Angela Argenzio – Green Party Cllr for Broomhill and Sharrow Vale:**

**From:** Angela Argenzio (CLLR) [REDACTED]  
**Sent:** Wednesday, December 20, 2023 12:33 PM  
**To:** licensingservice <licensingservice@sheffield.gov.uk>  
**Cc:** [REDACTED] [REDACTED] [REDACTED]  
**Subject:** 418 Eats 287 ecclesall road

Dear officers,

Regarding the application below:

*Applicant: Saeed Ibrahim and Alireza Parhize Premises: Address: 418 Eats 287 Ecclesall Road Sheffield S11 8NX Type of Premises: Restaurant Ward: Broomhill and Sharrow Legislation & Type of app: Licensing Act 2003 Grant Application Details: Late Night Refreshment – Sunday – Thursday 23:00 – 01:00, Friday – Saturday 23:00 – 03:00 Opening Hours Sunday – Thursday – 12:00 – 01:00 Friday – Saturday 12:00 – 03:00 Date Received 28th November 2023 Any representations must be made in writing by: 26th December 2023*

I would like to object to the late night refreshment licence being granted. There are far too many licenced premises along ecclesall road and their impact on residents, especially those with young children need to be taken into account. The cumulative effect of the licences, the noise level caused by waiting taxis and people (inebriated) getting out of places late at night or in the hours of the morning needs to be considered. Different hours should be suggested.

Kind regards,

Angela Argenzio

Green Party Councillor for Broomhill & Sharrow Vale

---

**Botanical Gate Community Association:**

**From:** [REDACTED]  
**Sent:** Saturday, December 23, 2023 3:33 PM  
**To:** licensingservice <licensingservice@sheffield.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** 287 Ecclesall Road

I write on behalf of the Botanical Gate Community Association, who have discussed this matter through their What'sApp group.

We wish the licence to conclude at 23.30 every night; and If the restaurant licence is granted for later hours to specify that there are to be no Take Away sales after 2330.

We do so on the grounds of the potential for public nuisance, caused by discarded food and containers dumped in our area. This is a persistent problem from existing enterprises in Ecclesall Road. We can tolerate this earlier in the evening but are convinced that the later the hour the more likely customers will deposit these items in the street.

[REDACTED]  
[REDACTED]

## **Applicants response to representations:**

**From:** Saeed Ibrahim [REDACTED]  
**Sent:** Wednesday, January 3, 2024 1:01 PM  
**To:** Gareth Barrett [REDACTED]  
**Cc:** Ryan Cannister [REDACTED] >  
**Subject:** Re: 287 Ecclesall Road / 418eats

To Whom It May Concern,

**Re: 418 Eats i287 Ecclesall Road, Sheffield, S11 8NX**

### **Proposed Opening Times:**

Mon-Thur: 12pm-1am  
Fri-Sat: 12pm-3am  
Sun: 12pm-11pm

Thank you for furnishing us with the detailed objections in your correspondence. We take on board all objections and feedback and we are aiming to develop our brand into a well liked and integral part of the already established Ecclesall Rd community. As such we have already planned in extensive and detailed steps to enable us to compliment our environment and clientele rather than to become a nuisance to them. Our response and explanation to what we feel are the key issues set out in the various objections are as follows:

### **Restaurant Licence-**

'418 Eats' is purely a take-away, offering freshly made, non-processed foods with a Persian origin for consumption away from the premises.

We have a fully open-kitchen design layout allowing our clientele to watch their food being made from start to finish.

I feel that the objection here by Ryan Cannister may be confusing this business with 'Lounge 418' next to the Botanical Gardens on the corner of Thompson Road. 'Lounge 418' is a restaurant, but we are not. We are also not located next to the Botanical Gardens (I feel the objection from the 'Botanical Gate Community Association' has also mistaken us for 'Lounge 418').

### **Take Away sales-**

All of our products are for takeaway only.

Our principle clientele are the local office and retail shop staff during the day and the local student population at all times throughout the day and evening. There are no seats on the premises for any food consumption within. All of our products will be taken away for consumption on their own work premises or in their home dwellings.

All of our food packaging is bio-degradeable and environmentally friendly.

We will be operating Deliveroo, UberEats & JustEats delivery portals. We envisage 90% of our evenings trade to come via these portals based on the extensive market research that we have carried out by a third party company. We have thus designed the shop/kitchen layout and the food packaging to accommodate this. These delivered products will thus be consumed within the customer's private dwellings and hence will not result in additional street littering.

### **Littering-**

Our business plan and staff scheduling has already accommodated the need for staffing to ensure that our environment isn't impacted by our trade. We have allocated and budgeted for large waste bins (designed to be aesthetically attractive and in keeping with the design/layout of the environment) for food & packaging waste, positioned both inside and outside our premises and for them to be emptied regularly to schedule. We have also scheduled for staff to regularly clean the street outside and in the vicinity of our premises to ensure no packaging waste emanates from our trade.

**Too many licensed premises on Ecclesall Road-**

As we are all aware, the number of empty units on Ecclesall Rd is rapidly increasing. Due to spiralling rent, rates, utilities and product costs an increasing number of operators are ceasing to trade. The further decline in the retail market is gradually having the effect on famous roads within Sheffield slowly losing their attraction that they once had. We are operators who are desperately trying, along with the small handful of others, to keep the buzz of Eccelsall Rd alive. By allowing us to trade over our proposed hours, we will be playing our part and we'll also be adding to the employment pool within the area.

I hope that the above account answers any queries that you may have. Please feel free to contact me if you require any further clarification.

Yours Sincerely,  
Saeed Ibrahimi & Alireza Pahizi



# Appendix 'C'

**Agreed Conditions with South Yorkshire Police**

1. Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
2. Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and area quietly.
3. A Challenge 25 scheme must be implemented by all sales and delivery staff at the points of taking the order and delivery. The scheme must include the maintenance of refusals records, staff training records and the display of signage at the points of sale. Records of such training will be kept and made available for inspection of the authorities

# Appendix 'D'

## Hearing Notices and Regulations

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

**Saeed Ibrahimi and Alireza Parhizi**

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28<sup>th</sup> November 2023 received an application in respect of the premises known as;

**418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX**

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

- **South Yorkshire Police (Responsible Authority) Resolved with agreed conditions**
- **Cllr Angela Argenzio – Green Party Cllr for Broomhill and Sharrow Vale**
- **Botanical Gate Community Association**

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

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **At Sheffield Town Hall on Tuesday 23<sup>rd</sup> January 2024 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 representation made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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

Dated: 8<sup>th</sup> January 2024

Signed: Shimla Finch

The officer appointed for this purpose  
Licensing Strategy and Policy Officer

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



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

To: Cllr Angela Argenzio

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28<sup>th</sup> November 2023 received an application in respect of the premises known as;

**418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX**

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

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **at Sheffield Town Hall on Tuesday 23<sup>rd</sup> January 2024 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) The representation you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your 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: 8<sup>th</sup> January 2024

Signed: Shimla Finch  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

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



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

To: [REDACTED] Botanical Gate Community Association

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28<sup>th</sup> November 2023 received an application in respect of the premises known as;

**418 Eats, 287 Ecclesall Road, Sheffield, S11 8NX**

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

- **South Yorkshire Police (Responsible Authority) Resolved with agreed conditions**
- **Cllr Angela Argenzio – Green Party Cllr for Broomhill and Sharrow Vale**
- **Botanical Gate Community Association**

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

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **at Sheffield Town Hall on Tuesday 23<sup>rd</sup> January 2024 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) The representation you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your 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: 8<sup>th</sup> January 2024

Signed: Shimla Finch  
The officer appointed for this purpose  
Licensing Strategy and Policy Officer

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

## **NOTES**

### **Right of attendance, assistance and representation**

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

### **Representations and supporting information**

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

### **Failure of parties to attend the hearing**

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

### **Procedure at hearing**

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

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

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

I **[REDACTED]** Botanical Gate Community Association

hereby confirm that I have received the Notice of Hearing dated 8<sup>th</sup> January 2024 and notify you as follows **(please complete)**:

I intend to attend the hearing on Tuesday 23<sup>rd</sup> January 2024 at 10.00am at Sheffield Town Hall.

I do not intend to attend the hearing.

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

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

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

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

**Please see Regulation 8 overleaf**

Please complete this form and return it to:  
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

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



## Regulation 8

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

- (3) In the case of a hearing under –

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

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

- (4) In the case of a hearing under –

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

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

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

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

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

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