

Licensing Sub-Committee

Tuesday 10 December 2013 at 10.00 am

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors Clive Skelton (Chair) and Denise Reaney

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Whilst recording is allowed at Committee meetings under the direction of the Chair of the meeting, Licensing Sub-Committee meetings may not be suitable for recording due to the nature of some of the evidence to be given, and the Chair will use discretion to decide if recording is allowed. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
10 DECEMBER 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Viper Rooms, 35 Carver Street, Sheffield S1 4FS**
Report of the Chief Licensing Officer.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at -<http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests>

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

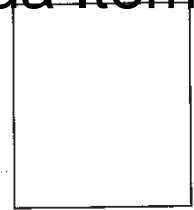
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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**SHEFFIELD CITY COUNCIL
Licensing Sub Committee
Report**



Report of: Chief Licensing Officer, Head of Licensing

Date: 10th December 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

Viper Rooms, 35 Carver Street, Sheffield, S1 4FS

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.

Background Papers: Attached documents

Category of Report: OPEN

LICENSING ACT 2003

Viper Rooms, 35 Carver Street, Sheffield, S1 4FS

1.0 PURPOSE OF REPORT

1.1 To consider an application for the **variation** of the premises licence made under section 34 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is Harewood (Viper Rooms) Limited.

2.2 The application, which was received on 18th October 2013 is attached to this report labelled Appendix 'A'.

2.3 Page A2 of the application form details briefly the proposed variation.

2.4 The current premises licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

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

- | | | |
|----|---|--------------|
| a) | Sheffield City Council Environmental Protection Service | Appendix 'C' |
| b) | 14 Public Objections
(includes a petition of 13 signatures)* | Appendix 'D' |

* to save paper, the whole petition is not included within the report, but will be available at the hearing.

3.2 Following discussions between the applicant and the Environmental Protection Service amendments to the application were agreed. Relevant correspondence is attached within appendix C, with the agreed amendments at page C1.

3.3 As the public representations have not been resolved, the matter is referred to the Licensing Sub Committee.

3.4 The applicant and representatives from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

6.0 HEARINGS REGULATIONS

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

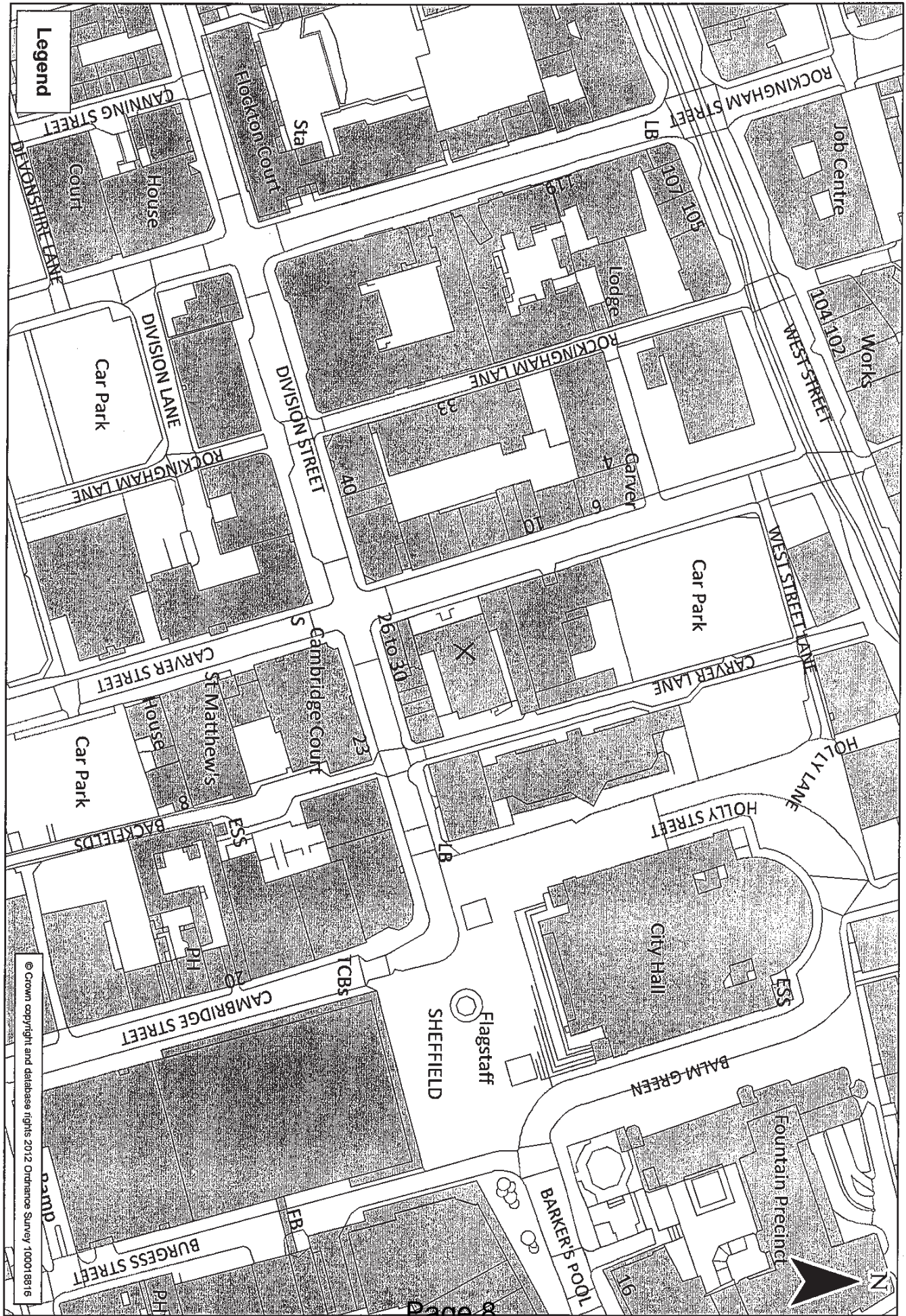
- 8.1 That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

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



Stephen Lonnia
Chief Licensing Officer, Head of Licensing, 10th December 2013



Legend

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Appendix A

The Application

Served on RA's @ 12:17 18/10/13 - CCA via email.



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

revd 18/10/13 CCN.

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.

Rec. 30780.
card Band C.

I/We HAREWOOD (VIPER ROOMS) LIMITED

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	SY 1762 PR
-------------------------	------------

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
VIPER ROOMS (PKA CELLAR 35) 35, CARVER STREET			
Post town	SHEFFIELD	Postcode	S1 4FS

Telephone number at premises (if any)	0114 275 0934
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Daytime contact telephone number	07803 668588
E-mail address (optional)	ianharries@harewoodoperations.co.uk
Current postal address if different from premises address	2 KINGS ROAD HARROGATE
Post town	HARROGATE
Postcode	HG1 1BT

Part 3 - Variation

A2

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
+	+	+	+	+	+	+	+

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO ALLOW FOR DRINKING AND MUSIC AND
 DANCING UNTIL 06.00 HOURS SUNDAY THROUGH TO
 AND INCLUDING SATURDAY. TO ALLOW PERSONS
 TO BE PERMITTED TO ENTER THE PREMISES UNTIL
 04.00 HOURS ON ANY NIGHT.
 HAREWOOD (VIPER ROOMS) LIMITED HAVE TRADED
 THESE PREMISES SINCE SEPTEMBER 2011.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

[Empty box for number of attendees]

Part 4 Operating Schedule

A3

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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)

NO

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

A4

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	1000 0600				
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) THE FINISH TIME IS UNTIL 06:00 THE FOLLOWING DAY.		
Mon	1000	0600			
Tue	1000	0600			
Wed	1000	0600			
Thur	1000	0600			
Fri	1000	0600			
Sat	1000	0600			
Sun	1200	0600	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) See Box C. →		
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5) See Box C. →.		

C.

A5

Indoor sporting events Standard days and timings (please read guidance note 6)			<p>Please give further details (please read guidance note 3)</p> <p>THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMERTIME COMMENCES NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY</p>
Day	Start	Finish	
Mon	10.00	06.00	
Tue	10.00	06.00	
Wed	10.00	06.00	
Thur	10.00	06.00	
Fri	10.00	06.00	
Sat	10.00	06.00	
Sun	12.00	06.00	

D

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

E.

A6

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	06.00	Please give further details here (please read guidance note 3) THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY		
Tue	10.00	06.00			
Wed	10.00	06.00	State any seasonal variations for the performance of live music (please read guidance note 4) AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMERTIME STARTS NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR		
Thur	10.00	06.00			
Fri	10.00	06.00	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 (please read guidance note 5) SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY		
Sat	10.00	06.00			
Sun	12.00	06.00			

F.

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	06.00	Please give further details here (please read guidance note 3) THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY		
Tue	10.00	06.00			
Wed	10.00	06.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMERTIME STARTS NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR		
Thur	10.00	06.00			
Fri	10.00	06.00	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 (please read guidance note 5) SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY		
Sat	10.00	06.00			
Sun	12.00	06.00			

G.

A7

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Day	Start	Finish	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Mon	10.00	06.00	<u>Please give further details here</u> (please read guidance note 3) THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY	
Tue	10.00	06.00		
Wed	10.00	06.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMER TIME STARTS NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR	
Thur	10.00	06.00		
Fri	10.00	06.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY	
Sat	10.00	06.00		
Sun	12.00	06.00		

H.

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Mon	10.00	06.00	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Tue	10.00	06.00	<u>Please give further details here</u> (please read guidance note 3) THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY	
Wed	10.00	06.00		
Thur	10.00	06.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4) AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMER TIME STARTS NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR	
Fri	10.00	06.00		
Sat	10.00	06.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY	
Sun	12.00	06.00		

A8

I .

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

J .

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)		On the premises	<input checked="" type="checkbox"/>
					Off the premises	<input checked="" type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	10.00	06.00				
Tue	10.00	06.00	<p>THE FINISH TIME IS UNTIL 06.00 THE FOLLOWING DAY AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMER TIME STARTS NEW YORK'S EVE (31.12) 10.00 TO 24.00 HOURS NEW YORK'S DAY (01.01) 00.00 TO STANDARD TERMINAL HOUR</p>			
Wed	10.00	06.00				
Thur	10.00	06.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri	10.00	06.00				
Sat	10.00	06.00	<p>SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.00 HOURS THE FOLLOWING DAY</p>			
Sun	12.00	06.00				

K.

A9

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	10.00	06.30	<ul style="list-style-type: none"> AN ADDITIONAL HOUR ON THE DAY BRITISH SUMMER TIME STARTS NEW YEARS EVE (31.12) 10.00 TO 24.00 HOURS NEW YEARS DAY (01.01) 00.00 TO STANDARD TERMINAL HOURS SUNDAYS BEFORE BANK HOLIDAYS 12.00 TO 06.30 HOURS THE FOLLOWING DAY
Tue	10.00	06.30	
Wed	10.00	06.30	
Thur	10.00	06.30	
Fri	10.00	06.30	
Sat	10.00	06.30	
Sun	12.00	06.30	

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 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

REMOVAL OF CONDITION 18

'NO ENTRY TO THE PREMISES AFTER 03.00 HOURS FOR THURSDAYS, FRIDAYS AND SATURDAYS AND SUNDAYS BEFORE BANK HOLIDAY MONDAYS.

AND REPLACE WITH:

'NO ENTRY TO THE PREMISES AFTER 04.00 HOURS.'

~~FOR THURSDAYS, FRIDAYS AND SATURDAYS AND SUNDAYS BEFORE BANK HOLIDAY MONDAYS.~~

A10

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M.

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

b) The prevention of crime and disorder

WE VOLUNTEER ~~THE~~ THE FOLLOWING AS A CONDITION
'NO ENTRY TO THE PREMISES AFTER 04.00 HOURS'

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

A11

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 10)

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

Signature	<i>Jan Harris</i>
Date	<i>18TH NOVEMBER 2013</i>
Capacity	<i>COMPLIANCE OFFICER</i>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

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

Appendix B

Current Premises Licence

THE LICENSING ACT 2003

Premises Licence No: SY 1762 PR ISSUE NO: 6.

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

PART 1 – Premises details

Viper Rooms (fka Cellar 35)
35 Carver Street
Sheffield
S1 4FS

Telephone Number: 0114 272 6594

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

1. Provision of regulated entertainment:

Films

Indoors

Sunday	12:00 to 03:30 hours the following day
Monday - Wednesday	10:00 to 03:30 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
Sundays before Bank holidays	12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

Indoor Sporting Events

Indoors

Sunday	12:00 to 03:30 hours the following day
Monday - Saturday	10:00 to 03:30 hours the following
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Live Music

Recorded Music

Indoors

Sunday	12:00 to 03:00 hours the following day
Monday - Wednesday	10:00 to 03:00 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Sundays before Bank holidays 12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

Performances of Dance

Anything of a similar description to live music, recorded music or performances of dance

Indoors

Sunday	12:00 to 03:30 hours the following day
Monday - Wednesday	10:00 to 03:30 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
Sundays before Bank holidays	12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

2. Provision of entertainment facilities for:

Facility for Making Music

Facility for Dancing

Entertainment of a similar description to making music and dancing

Indoors

Sunday	12:00 to 03:30 hours the following day
Monday - Wednesday	10:00 to 03:30 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
Sundays before Bank holidays	12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

3. Sale by retail of alcohol

a) for consumption on the premises

b) for consumption off the premises

Sunday	12:00 to 03:00 hours the following day
Monday - Wednesday	10:00 to 03:00 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
Sundays before Bank holidays	12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

The opening hours of the premises are

Sunday	12:00 to 03:30 hours the following day
Monday - Wednesday	10:00 to 03:30 hours the following day
Thursday - Saturday	10:00 to 04:00 hours the following
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour
Sundays before Bank holidays	12:00 to 04:00 hours the following day

An additional hour on the day when British Summertime commences.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption both on and off the premises.

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

PART 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Harewood (Viper Rooms) Limited
2 Kings Road
Harrogate
HG1 1BT

Telephone Number: 07851 603034

Registered number of holder, for example company number, charity number (where applicable):

07614493

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

David Robert Burgees
[REDACTED] Road
Dore
Sheffield
S17 [REDACTED]

B4

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: SY 2392 Per
Issuing Authority: Sheffield City Council

State whether access to the premises by children is restricted or prohibited:

Prohibited

This Premises Licence shall be in force from the 6 May 2008.

Issued on: 23 June 2008.



.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: 2 Issue Date: 03/04/2012
Variation of DPS	No: 2 Issue Date: 19/08/2013
Transfer of Premises Licence	No: 2 Issue Date: 04/08/2011
Minor Variation	No: 1 Issue Date: 28/09/2011
Change of Name/Address	No: 1 Issue Date: 09/12/2011

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (a) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
 - “children” means persons aged under 18; and
 - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

Annex 1B - Mandatory Conditions effective from 6th April 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that—
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. The fire exit doors on to Carver Lane shall only be used as disabled access or as an emergency exit and shall not at any other time be propped open.
2. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall have received the prior written approval of the Environmental Protection Service.
3. No amplified sound or live music shall be played nor shall loud speakers be placed at any time outside the building within the proposed outdoor smoking area.
4. Music should only be played within the building such that:
 - (i) Noise breakout from the building to the street should not exceed the ambient noise levels by more than 3 dB(A) when measured as a 15 minute LAeq;
 - (ii) Noise breakout from the building to the street should not exceed the ambient noise levels in any octave band centre frequency by more than 3dB when measured as a 15 minute Leq.

Note: Where ambient noise level is the ALeq, 15 minutes in the absence of the specific noise source (breakout from the premises).

Annex 3 – Conditions attached after a hearing by the licensing authority

1. To acquire a suitable number of radio set(s) for the premises and take the CCRAC Radio Scheme into use at all times when trading and continue to be a user whilst this system/facility is in use in Sheffield.
2. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
3. A Colour CCTV system to the specification of South Yorkshire Police must be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 28 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder.
4. Additional external colour camera fitted to CCTV system, showing right side of external drinking area.
5. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
6. Any reasonable requirements of the authorities will be complied with in order to ensure the premises are suitable for their intended use.
7. The designated premises supervisor for these premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance should be maintained.
8. A designated member of staff will monitor any outside drinking area at all times.
9. When public dancing is to take place on the premises in an area not previously approved for dancing by the authority, at least 14 days notice must be given to Environmental and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use and dancing must not take place in that area unless approved by the authority.
10. Indoor sporting events shall consist of traditional pub games.
11. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
12. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
13. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
14. When regulated entertainment is provided windows and doors shall remain closed except for access and egress.

15. Children under the age of 18 are not permitted on the premises at all times.
16. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of live music and other entertainment.
17. Each entrance to the premises will be monitored by at least 1 member of door staff from 21:00 hours on any day the premises remains open after 01:00 hours.
18. No entry to the premises after 03:00 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays.

B10

Annex 4 – Plans

1107.100 Rev. E
July 2011

B11

Appendix 1

Appendix C

Agreed Amendments

SCC Environmental Protection Service

Agreed

CI

Hollis Georgina (CEX)

From: Pates Neal
Sent: 01 November 2013 10:26
To: Hollis Georgina (CEX)
Cc: Paul Kinsey; David Burgess; 'Ian Harries'; Licensing(General)
Subject: RE: Variation Application - Viper Rooms

Nina,

As discussed, I am pleased to agree the negotiated amendments to the application and avoid the need for formal representations to be made. These amendments are:

Hours of Licensable activities under sections B, C, E, F, G, H & J of your application:

10:00 until 04:00 the following day on Sundays, Mondays, Tuesdays, Wednesdays & Thursdays,;
10:00 until 05:30 the following day on Fridays & Saturdays;
additional non-standard timings as currently agreed.

Opening Hours (section L):

10:00 until 04:30 the following day on Sundays, Mondays, Tuesdays, Wednesdays & Thursdays;
10:00 until 06:00 the following day on Fridays & Saturdays;
additional non-standard timings as currently agreed.

On Boxing Night (on which ever night of the week that it may fall) that the hours of licensable activities under sections B,C,E,F,G,H and J of the application would be 10.00 until 05.30 the following day' and 'that Opening hours (section L) would be 10.00 until 06.00 the following day.

Thanks to all.

Kind Regards,

Neal Pates

Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB
Tel: +44 (0)114 205 3588
Fax: +44 (0)114 273 6464
web: <http://www.sheffield.gov.uk/environment/environmental-health>

From: Ian Harries [mailto:ianharries@harewoodoperations.co.uk]

Sent: 30 October 2013 17:02

To: Pates Neal; Licensing(General)

Cc: Paul Kinsey; David Burgess

Subject: RE: Variation Application - Viper Rooms

C2

RE: Variation Application – Viper Rooms, 35 Carver St, Sheffield S1 4FS

Dear Neal,

Further to our conversation on Tuesday I have spoken to Paul Kinsey the owner of The Viper Rooms and discussed at length your suggested compromise as detailed in your email dated 23rd October 2013.

I have checked the premises licence for Paris and confirm that the information you gave me was correct.

I would like one small additional amend which would state that:

' On Boxing Night (on which ever night of the week that it may fall) that the hours of licensable activities under sections B,C,E,F,G,H and J of the application would be 10.00 until 05.30 the following day' and 'that Opening hours (section L) would be 10.00 until 06.00 the following day'.

I hope that you would agree to this additional amend.

I write therefore to confirm that we accept your proposals as stated below with our additional amend.

Kind Regards,

Ian Harries

On behalf of The Viper Rooms

Mobile 07803668588

From: Pates Neal [mailto:Pates.Neal@sheffield.gov.uk]

From: Pates Neal [mailto:Neal.Pates@sheffield.gov.uk]

Sent: 23 October 2013 11:42

To: Ian Harries

Subject: Variation Application – Viper Rooms

RE: Variation Application – Viper Rooms, 35 Carver St, Sheffield S1 4FS

Dear Ian,

I am concerned that the change in hours requested represent a drastic change from those currently licensed for the premises, and that they also exceed those available to all other comparable premises in the vicinity. Such a step change would have a knock on effect for the Carver Street area, which already attracts considerable attention as a focus for noise nuisance due to the late night activity in and around the various premises on the street.

However, I am mindful that improvements made at the premises, both physical and operational, have resulted in a recent lull in complaints specific to the Viper Rooms. Also, that these changes have been implemented and retained with the helpful cooperation of the current management team.

In light of the above, I would like to suggest that a compromise may be agreed in line with the following changes to opening hours and licensable activities. Please let me know if you are agreeable to these hours, and I can avoid the need to make a formal representation in this case.

Hours of Licensable activities under sections B, C, E, F, G, H & J of your application:

10:00 until 04:00 the following day on Sundays, Mondays, Tuesdays, Wednesdays & Thursdays,;
10:00 until 05:30 the following day on Fridays & Saturdays;
additional non-standard timings as currently agreed.

Opening Hours (section L):

10:00 until 04:30 the following day on Sundays, Mondays, Tuesdays, Wednesdays & Thursdays;
10:00 until 06:00 the following day on Fridays & Saturdays;
additional non-standard timings as currently agreed.

The above allows 30min for dispersion (to avoid potential issues in the street at closing time), and allows a 06:00 hours finish for Fridays to Saturdays. Other days still enjoy opening until hours comparable with the latest opening hours available to other comparable premises in the area.

I hope you will view the above as a reasonable concession. I'm happy to discuss the finer points.

Kind Regards,

Neal Pates

Neal Pates
Environmental Protection Officer
Environmental Protection Service

Appendix D

Public Representations / Petition

DI

From: Murphy Robert (GN CLLR)
Sent: 13 November 2013 22:07
To: Licensing(General)
Subject: Objection to variation of Licence application. Viper Rooms/Cellar 35, 35 Carver Street, Sheffield

Please see my objection below to the Viper Rooms application.

Regards, Rob.

"I am writing to object to the application by The Viper Rooms to substantially extend their permitted opening hours. The premises are close to 30 housing association flats at Cambridge Court about 25 yards away. Turning right out of the premises customers will walk towards the residential apartment blocks at Morton Works and West Point on West Street which are around 100 yards away. They may also use the car parks on Carver Street and there will be taxi noise.

City centre residents are getting respite in some areas with an increasing focus on Thursday to Saturday trading and some bars and clubs choosing not to open on Sundays, Mondays or Tuesdays. I note from their website that The Viper Rooms opens 7 days a week including The Sunday Club from 10pm to 3am. So local residents don't get any quiet "nights off".

The residents of all these blocks already have to contend with a lot of late noise and anti-social behaviour from nearby premises such as Crystal, Walkabout and Reflex/Flares. I believe this currently this does not extend past 4am and it allows residents the expectation of, at least, a modest 3 to 4 hour window with limited noise allowing them to get much needed sleep. The current permitted opening hours should be retained to maintain the correct balance between the night time economy and the well-being of residents."

I the undersigned object to the proposed extended licensing application by the Viper Rooms, 35 Carver Street, S1 4FS (being Sunday 12.00 to 06.30 hours the following day and Monday to Saturday 10.00 to 06.30hours the following day); in consideration of the prevention of crime and disorder, the prevention of public nuisance and public safety.

Name

Address

Signature

JOHN BUSTON

J. Buston

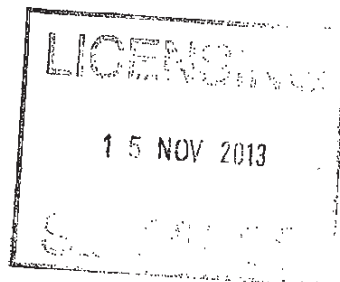
3 CAMBRIDGE COURT

43 CARVER STREET,

SHEFFIELD.

S1 4FS.

I John Buston would like to attend the licensing committee hearing, to be arranged, on behalf of the residents/tenants of Cambridge Court Carver Street, Sheffield.



Appendix E

Hearing Notices / Regulations / Procedure

**Notice of hearing of representations
in respect of the following application:
LA03 - Application to Vary a Premises Licence**

Mr Ian Harries
Harewood (Viper Rooms) Limited
2 Kings Road
Harrogate
HG1 1BT

ianharries@harewoodoperations.co.uk

The Sheffield City Council being the licensing authority, on the **18th October 2013** received your application in respect of the premises known as;

Viper Rooms, 35 Carver Street, Sheffield, S1 4FS

During the consultation period, the Council received representations from the following authorities/interested parties, on the likely effect of this application and on the promotion of the licensing objectives, should it be granted;

14 Members of the Public

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 **Tuesday 10th December 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) 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: 2nd December 2013

Signed: **Matt Proctor**
The officer appointed for this purpose
Licensing Officer

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

Mr John Buston
3 Cambridge Court
43 Carver Street
Sheffield
S1 4FT

jbuston22@gmail.com

The Sheffield City Council being the licensing authority, on the **18th October 2013** received an application in respect of the premises known as;

Viper Rooms, 35 Carver Street, Sheffield, S1 4FS

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

- **14 No. members of the public**

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 **Tuesday 10th December 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 2nd December 2013

Signed: Matt Proctor
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.

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

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

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

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