

Licensing Sub-Committee

Tuesday 5 February 2019 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 David Barker (Chair), Jack Clarkson and Adam Hurst

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.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. 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.

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 John Turner on 0114 273 4122 or email john.turner@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
5 FEBRUARY 2019**

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 - Dead Donkey Bar, 240 Abbeydale Road, Sheffield S7 1FL**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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.

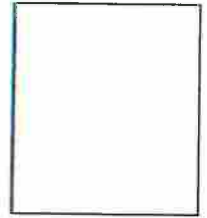
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 5th February 2019

Subject: Licensing Act 2003

Author of Report: Jayne Gough

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

240 Abbeydale Road, Sheffield, S7 1FL

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

**REPORT OF THE CHIEF LICENSING OFFICER
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE
LICENSING ACT 2003**

Ref No 10/19

240 Abbeydale Road, Sheffield, S7 1FL

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Mr Edward Daly of Aequum Bars Ltd.

2.2 The application, which was received on 28th November 2018, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- 6 x Public Objections

3.2 In addition to the objections received from residents, the Licensing Service also received comments from Cllr Alison Teal, as she has been working closely to support one of the objectors. No formal objection has been lodged by Cllr Teal, but her comments have been included in the report and can be found at Annex B(1).

3.3 South Yorkshire Police and the Environment Protection Service have agreed conditions with the applicant and these are attached to this report at Appendix C.

3.4 The applicant and objectors who made written representations 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 Licensing Policy

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.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

5th February 2019

Appendix A

Application



Sheffield
Application for a premises licence
Licensing Act 2003

For help contact
licensing@sheffield.gov.uk
 Telephone: 0114 2734264

*required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Dead Donkey Bar

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Edward

* Family name

Daly

* E-mail

ed@deaddonkeybar.co.uk

Main telephone number

+447837610236

Include country code.

Other telephone number

+447837610236

Indicate here if you would prefer not to be contacted by telephone

Are you:

 Applying as a business or organisation, including as a sole trader Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House?

 Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

11510283

Business name

Aequum Bars Ltd.

If your business is registered, use its registered name.

VAT number

-

none

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Aequum Bars Ltd.

Details

Registered number (where applicable)

11510283

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

A former shop front on the corner of Abbeydale Road and St. Ronan's Road. The premises is open plan, with a small back area used as a kitchen and storage, toilets located to the rear and bar off to one side. See attached plan of the premises for further detail.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The recorded music being played will be background music played through small speakers, it will never be played above a background level

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Christmas Eve, New Year's Eve and Bank Holiday Sundays we would like to play music up until 01:00 if needed.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

FRIDAY

Start End
Start End

SATURDAY

Start End
Start End

SUNDAY

Start End
Start End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Serving food and alcoholic beverages

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We would like to be able to stay open later on Christmas Eve, New Years eve and Bank Holiday Sundays until 01:00

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

n/a

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

On Christmas Eve, New Year's Eve and Bank Holiday Sundays we would like to continue until 01:00

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

We would like to stay open until 01:00 on Christmas Eve, New Year's Eve and Bank Holiday Sundays

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

- Thorough training of all staff on the licensing objectives and social responsibility.
- Challenge 25 policy in place with clearly displayed information to customers.
- CCTV system installed on the premises

b) The prevention of crime and disorder

- Installation of CCTV system monitoring entrances, exits and other areas for the purposes of crime prevention
- Staff trained not to sell alcohol to drunk or intoxicated people as well as vigilance of illegal drug use
- Clearly displayed notices to customers to behave in an orderly and respectful manner on the premises and
- Alcohol not to be consumed outside the premises in the streets, no outside drinking areas.

c) Public safety

- All indoor and outdoor areas to be well lit
- Staff thoroughly trained in health & safety and first aid
- All building works to be carried out by professional contractors
- All fixtures and fittings to be well maintained and in good working order at all times

d) The prevention of public nuisance

- Noise reduction measures will be put in place in accordance with our planning application to reduce public disturbance
- Clearly displayed notices to customers stating their need to enter and exit the premises quietly
- Deliveries of goods and emptying of waste bins to be carried out at reasonable hours
- Customers will not be admitted to the premises outside of operating hours
- Exterior lighting will be adequately dimmed/angled/screened to prevent disturbance to neighbours and the public.

e) The protection of children from harm

- Implementation of the Challenge 25 system
- Staff thoroughly trained in their responsibility to perform age verification checks
- Children on the premises to be supervised at all times

Continued from previous page...

- Children not to be permitted on the premises late at night during busy trading hours

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application **will not be determined until you have complied with this guidance.**

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[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). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sheffield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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

OFFICE USE ONLY

Applicant reference number	Dead Donkey Bar
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) Next >

Consent of individual to being specified as premises supervisor

I

of

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

by

relating to a premises licence

for

and any premises licence to be granted or varied in respect of this application made by

concerning the supply of alcohol at

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

Personal licence number

SY05727PER

Personal licence issuing authority

Sheffield City Council

Licensing Services, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
0114 2784264

Signed



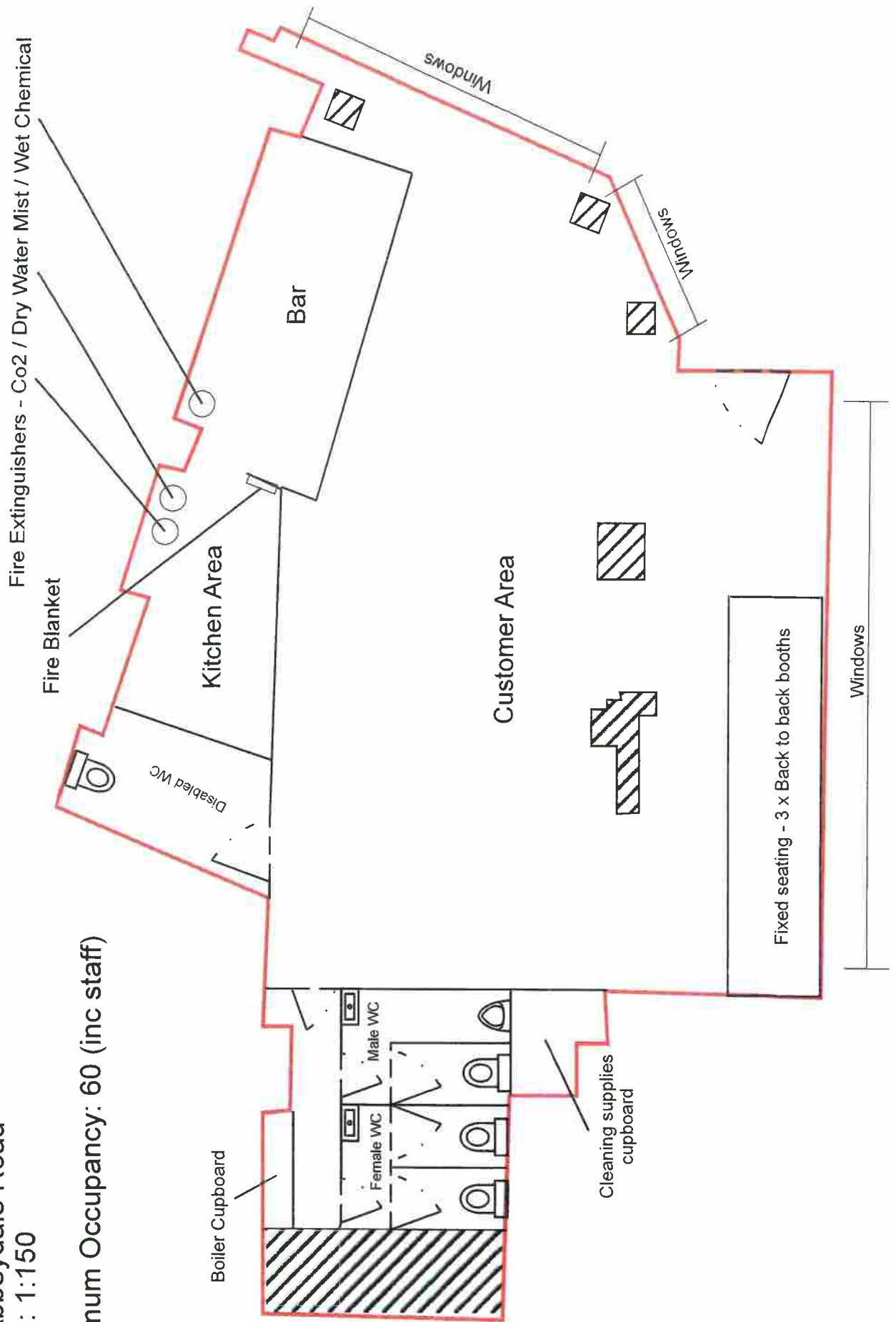
Name (please print) EDWARD DALLY

Date 1/2/2018

Floor Plan - Proposed

240 Abbeydale Road
Scale: 1:150

Maximum Occupancy: 60 (inc staff)



Appendix B

Objections
6 x Public

Gough Jayne (CEX)

From: Annette Taberner [REDACTED]
Sent: 15 January 2019 10:56
To: licensingservice
Cc: Annette Taberner
Subject: 240 Abbeydale Road application
Attachments: 240 Abbeydale Road - final.doc; DSCN7457.JPG; DSCN7458.JPG; DSCN7459.JPG; DSCN7456.JPG

Categories: Emma Rhodes

Please find attached my submission opposing the granting of a licence.

I have attached photographs of the location and property.

Please confirm receipt of this communication.

I was unwilling at the earlier stage to place concerns about antisocial behaviour in the public domain and have only made brief reference to them here. I am concerned that a drinking establishment with extended opening hours will exacerbate this and other existing problems. I give permission to Councillor Alison Teal to represent me in this objection following our meeting to discuss my concerns.

I believe that this proposal should have been stopped at the planning stage and am dismayed at the dismissive way in which local residents concerns were ignored. Guidance says :

The Statement of Licensing Policy states that substantial changes of use will only be permitted if 'conditions for nearby residents ... will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and they are unlikely to lead to anti-social behaviour that would disturb residents'

This is a substantial change and will indeed add to the sorts of problems outlined in the policy statement.

Please keep me informed of the progress of this application

Yours sincerely
Mrs Annette Taberner

Representation- application for 240 Abbeydale Road

I wish to make representations against a drinking establishment being opened at 240 Abbeydale Road and against the granting of a licence to sell alcohol.

The Statement of Licensing Policy states that substantial changes of use will only be permitted if 'conditions for nearby residents ... will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and they are unlikely to lead to anti-social behaviour that would disturb residents'

I believe that this application should have been stopped at an earlier stage and that change of use status should not have been granted. The attitude of planning officers was that we live in a commercial area and that we should expect to have to put up with the nuisance likely to result from this type of business. This is not the case. In over 3 decades [REDACTED] 240 Abbeydale Road it has had a different status and the change in status and the consequences of this would change the character of the area.

Planning officers have flatly contradicted local residents when they have made statements about the problems in the area eg on the parking situation. They have totally disregarded the information that local residents have supplied and have ridden roughshod over expressions of concern and objections made.

There appears to be no appeals procedure for planning matters, please can you inform me of a complaints procedure if one exists?

I believe that the proposals will alter the character of the area and be detrimental to the health, privacy and well being of residents.

I trust that the application will be declined so as to ensure , " prevention of public nuisance" "

I enclose photographs to support this objection to licensing consent.

[REDACTED] 240 Abbeydale Road
for the last 32 years.

This is a largely residential area with some limited commercial businesses fronting on to the main road. 240 Abbeydale Road is different; the largest length of frontage is straight onto the public footpath on St Ronan's Road.

(Please see photographs)

There is a church on the opposite corner.

Over the years many businesses have come and gone and relations have been largely amicable. During our time here, 240 Abbeydale Road has been an antiques shop, a shop selling baby wear and equipment and a grocers.

All of these have had relatively low levels of footfall and all have closed in the early evening.

Flats adjoining 240 Abbeydale Road were recently sold and there are no residents there currently so some problems with refuse disposal are better than usual temporarily.

I have briefly outlined concerns about environmental health, parking, anti social behaviour and noise in this submission. Councillor Alison Teal has met me and I am happy for her to add more detail and act on my behalf. Objections at the planning stage were ignored as I requested anonymity.

Unaddressed environmental health issue constitute a public nuisance.

Environmental health

There have been regular infestations of rats and flies and incidents of fly tipping.

Drainage pipes into the main sewer were chewed by rats and until recently rats could move from the sewer to the passageway behind 240. The area around the drain regularly overflows. A toilet owned by 240 was used by a homeless man last winter and has been left in an unhygienic condition.

When businesses and flats are fully occupied there are numerous bins parked alongside our property and occupying much of the access area to the side of 240 these have often not been regularly emptied. Fly tipping occurs in the alleyway behind the shops, on the pavement and in our garden.

Anti social behaviour

We have been subjected to anti social behaviour and I fear that this may extend into the evening with longer opening hours.

Councillor Teal can add more detail to this statement. I do not want to share details of this information in a public forum.

CCTV equipment, installed on the advice of the police, has been destroyed.

Parking

Planning council officers have denied that there is a problem with parking.

Unlike other local areas with commercial businesses, eg London Road there is no resident parking scheme here.

Many people have private vehicles and additional vehicles necessary for their work.

Unlike the area near the Broadfield and the Cremorne public houses there are no car parks in this area.

Extended opening hours into the evening will add more pressure to an already difficult

situation. By mid evening customers of local businesses and people who leave their cars here and take a bus or walk into town have gone. It is still difficult for residents to find parking in this street or surrounding streets.

Funerals, weddings , services and use of the church and church hall add to the volume of traffic in the area.

Any additional traffic associated with the proposed drinking establishment will add to current difficulties.

Noise

Abbeydale Road is busy from early morning and until the end of the evening rush hour. However, when the traffic has subsided the evenings are largely quiet. We are able to go to sleep in our bedroom without our sleep being disturbed.

The opening of a drinking establishment so close to our home threatens to extend noise disturbance into the early hours of the morning. The council indicates that it allows up to 30 minutes after closing hours for people to leave the area. This means we are being asked to tolerate noise disturbance up to 00.30 [REDACTED]

I am unconvinced that noise of broadcast music and clients conversation can be confined to the premises. People arriving and leaving throughout the evening will disturb the relative peace we value. In addition the walls of the building are largely made of thin glass and unlikely to contain noise from within. (Please see photograph)

Smoking, drinking ,congregating outside

There is a very limited space on the frontage on Abbeydale Road that belongs to the property. The pavement has a lamp post located in the middle of it.

The frontage onto St Ronan's Road abuts the pavement.

[REDACTED]

A fire escape is to be installed in the frontage onto St Ronan's Road.

It is not clear to me what provision is being made for customers who wish to smoke. I am concerned that drinkers and people who wish to smoke will spill out onto the pavement and to spaces outside the establishment.

The property has floor to ceiling windows on the St Ronan's Road frontage. Pubs , especially long established ones in residential areas have solid walls and windows which obscure the spectacle of people drinking. A change from a closed, unlit shop window to a display of people drinking into the late evening or early hours is not acceptable.

How many drinking establishments are we to be asked to accommodate?

In recent years there has been an expansion in the number of drinking establishments. In addition to long established bars the Cremorne on London Road and the the Broadfield and the Picture House Bar licences have been granted for a new pub, The Hardy Pick, the Gin Palace, Barrowboys and Jabeerwocky.

These are further from residential areas than the proposed establishment.

Is it the councils intention to join up long established areas with concentrations of drinking establishment to turn the length of London Road/Abbeydale Road into a late night drinking area?

Adding the 30 minutes allowed for the establishment to empty takes noise and disruption to 1.30 am in a residential area.

Regulation of hours

The proposed opening hours are unacceptable and will fundamentally change the character of the area.

In addition to standard hours the application seeks to extend opening on Bank Holidays until 1am on Monday: from 12.00 on Christmas eve to 1.00 on Christmas day and from 12.00 on New years eve to 1.00 on New Years day.

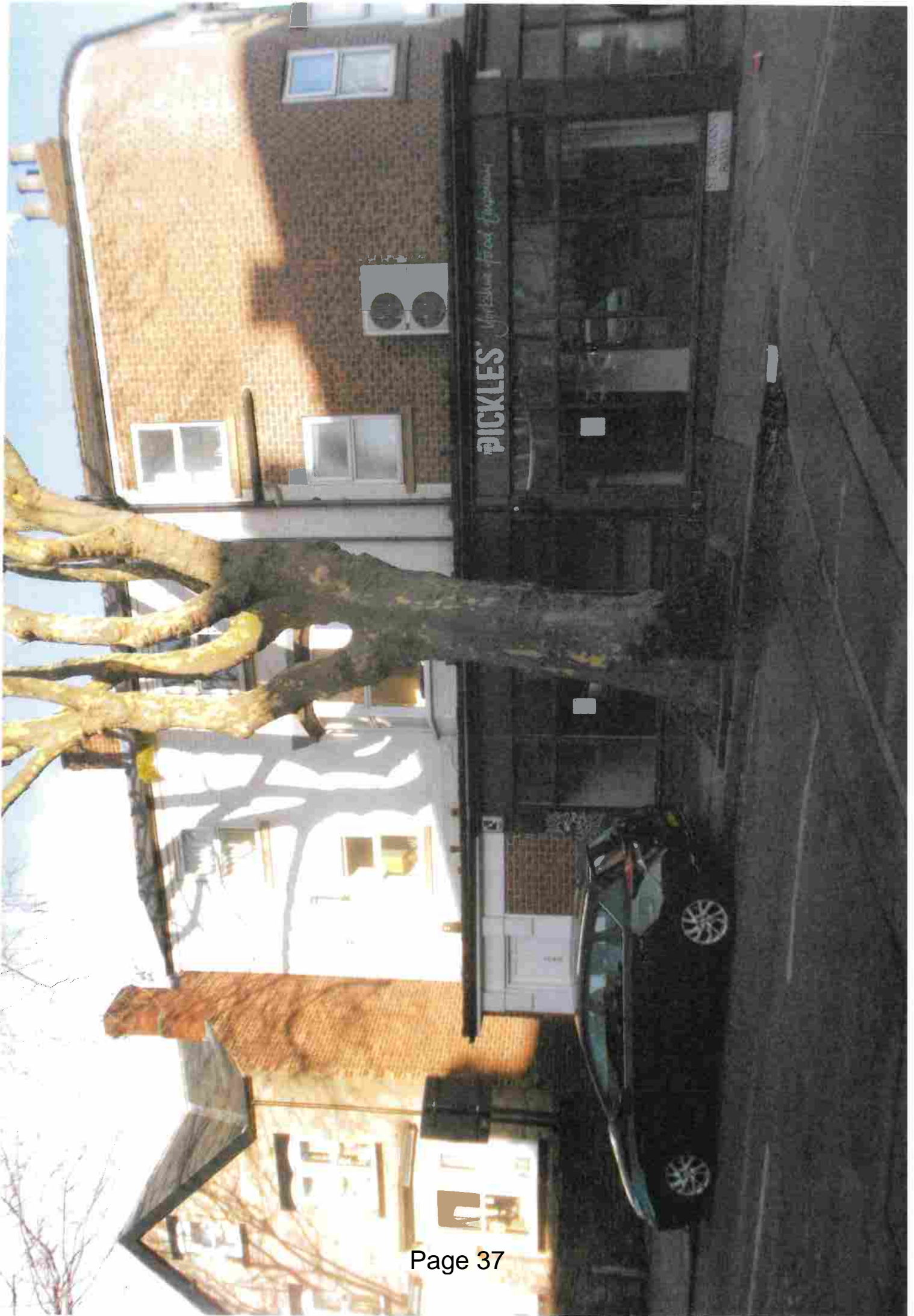
I think this is unreasonable.

On Christmas Eve the Church holds a midnight mass, there is already additional heavy footfall and traffic on this evening.

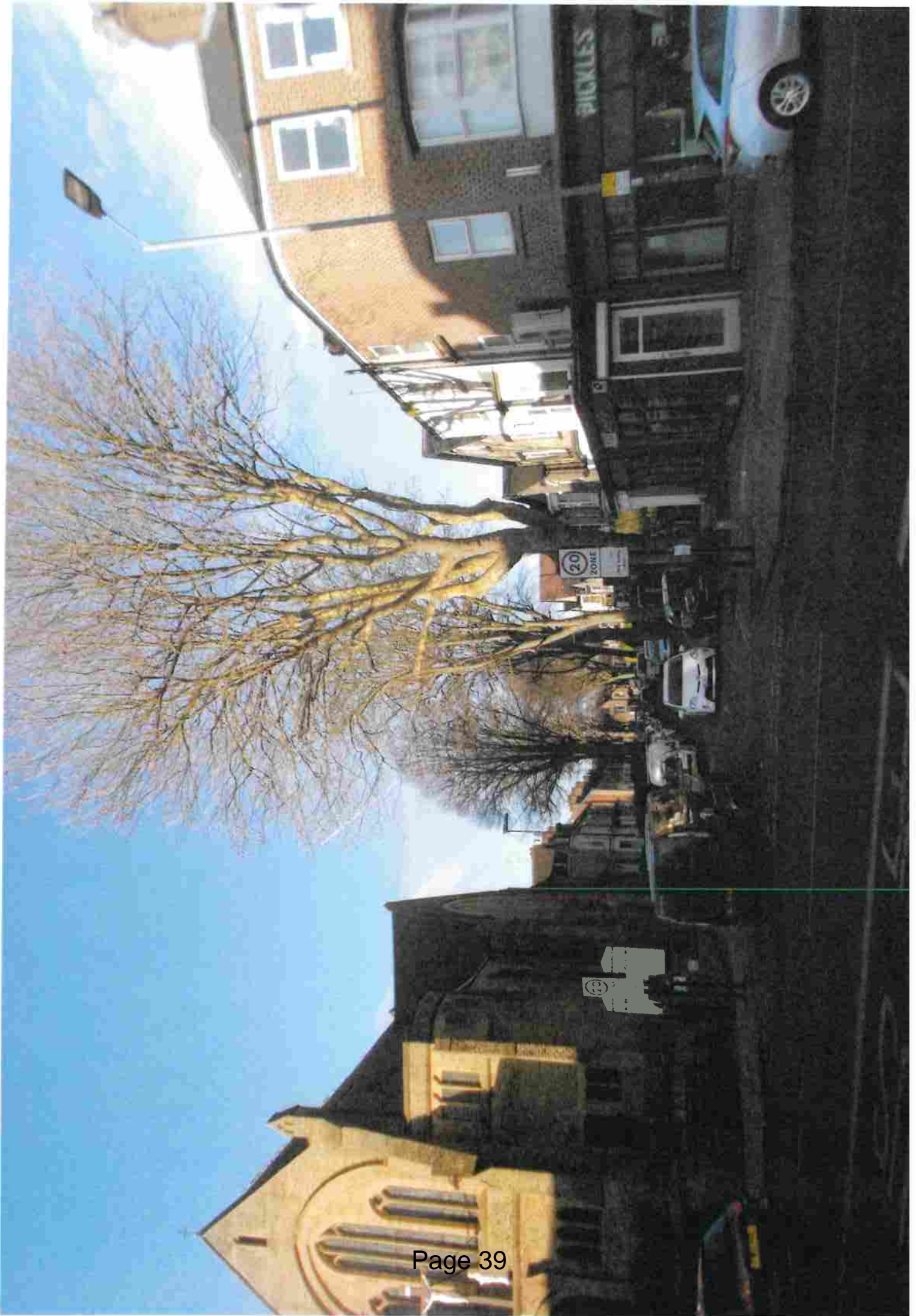
The application constitutes a “considerable change of use”

I believe that the establishment of a drinking establishment with late night opening hours so close to our family home and that of other residents will have a negative impact on our well-being and quality of life.









Gough Jayne (CEX)

From: Annette Taberner [REDACTED]
Sent: 15 January 2019 11:05
To: licensingservice
Cc: Annette Taberner
Subject: Re: 240 Abbeydale Road application

Categories: Emma Rhodes, GENERAL TEAM

It seems I have to provide my address which I neglected to add.

[REDACTED]

I contacted your office by telephone and asked about making an anonymous submission. Your guidelines say

"Anonymous representation

It is not usually possible to make representations anonymously except in exceptional and isolated circumstances. This is because we need to be certain that it is a serious objection.

However, if you fear there may be repercussions if you submit a representation to an application (for example if there are fears of intimidation and violence), you would need to contact us first to discuss your worries and explain the situation."

However, I have omitted details of some concerns and authorised Councillor Alison Teal to represent me in this regard.

I do not want my concerns to be disregarded as they were at the planning stage because of possible repercussion to detailing anti social behaviour.

Please confirm receipt of this information

Yours sincerely

Mrs Annette Taberner

From: Annette Taberner
Sent: 15 January 2019 10:56
To: licensingservice@sheffield.gov.uk
Cc: annette taberner
Subject: 240 Abbeydale Road application

Please find attached my submission opposing the granting of a licence.

I have attached photographs of the location and property.

Please confirm receipt of this communication.

I was unwilling at the earlier stage to place concerns about antisocial behaviour in the public domain and have only made brief reference to them here. I am concerned that a drinking establishment with extended opening hours will exacerbate this and other existing problems. I give permission to Councillor Alison Teal to represent me in this objection following our meeting to discuss my concerns.

I believe that this proposal should have been stopped at the planning stage and am dismayed at the dismissive way in which local residents concerns were ignored. Guidance says :

The Statement of Licensing Policy states that substantial changes of use will only be permitted if 'conditions for nearby residents ... will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and they are unlikely to lead to anti-social behaviour that would disturb residents'

This is a substantial change and will indeed add to the sorts of problems outlined in the policy statement.

Please keep me informed of the progress of this application

Yours sincerely
Mrs Annette Taberner

Gough Jayne (CEX)

From: Annette Taberner [REDACTED]
Sent: 15 January 2019 12:00
To: licensingservice
Subject: 240 Abbeydale Road

Categories: Emma Rhodes

Please could you add this note to my submission.

When I made a telephone call to the licencing office last week I was told emphatically that I was too late and that the time for responses had closed. I was asked what evidence I had that the closing date had not passed and said it was from a notice issued by your office and now displayed in the window of 240 Abbeydale Road.

The woman I spoke to was clearly giving me information on the basis of the information which she had. I think it is clear that the record had not been updated.

Prior to the telephone call I looked for and failed to find the application in listed pending applications.

I wonder if other people have failed to find the pending application or have been told that it is too late to make submissions?

I am concerned at the handling of this application and wish to have this concern included in the submission previously forwarded to you.

Please acknowledge receipt of this and 2 other e mails sent to your offic today

Yours sincerely

Mrs Annette Taberner

Gough Jayne (CEX)

From: merisa thompson [REDACTED]
Sent: 15 January 2019 06:00
To: licensingservice
Subject: Representation re: Licencing of 240 Abbeydale Road
Attachments: Licencing Representation Letter_2018.01.15.pdf

Categories: Emma Rhodes

Dear Licensing Team,

Please find attached my representation regarding the pending application of proposed licencing of the premises 240 Abbeydale Road, S7 1FJ.

Many thanks,
Merisa Thompson
[REDACTED]

Licensing Service, Block C
Stanforth Road Depot
Staniforth Road
Sheffield
S9 3HD

14th January 2019

Dear Licensing Service,

I am writing to you to make a representation (in the form of an objection) to the application made by Aequum Bars Ltd to grant a Premises License for the premises known as 240 Abbeydale Road. I am making this representation particularly on the grounds of 'the prevention of public nuisance' (as set out in the 2003 Licensing Act).

I have already raised many of these objections as per the initial planning application (18/03747/FUL). However, I do not believe that our objections with regards to the 'prevention of public nuisance' were in fact taken into full and appropriate account in the Officer Report produced as part of that process. In fact, as part of the original planning process, I spoke with the planning officer - Michael Johnson - on the telephone who informed me that because our residential area is already adjacent to a commercial row of shops and businesses that it was already a fairly predetermined outcome that planning approval for the proposed licensed bar would go ahead (as commercial business development is apparently a high priority for Sheffield City Council). This suggestion, however, completely fails to take into account the fact that none of the current commercial uses in our residential neighbourhood are bars or pubs. Therefore, the introduction of a licensed bar clearly represents a dramatic change in terms of timings, character, nature of use and negative impacts on local residents.

Having now read The Licensing Act 2003, I am even more convinced that not only have our objections not been taken into adequate account, but also that it is entirely inappropriate for the council to agree to the change of use of this property from retail (Use Class A1) to drinking establishment (Use Class A4) when this change of use will directly and negatively impact the 'quality of life' and 'living conditions of nearby residents' and will lead to increased 'noise nuisance', 'anti-social behaviour', 'noise breakout', 'street noise' and 'general disturbance' – all named as reasons to **NOT** grant drinking licenses under the 'prevention of public nuisance' section of the 2003 License Act.

Since the licensing committee is 'not bound by the decisions made by a planning committee' (Licensing Act 2003, p.10), I sincerely hope that this time our views will be taken into serious consideration.

To expand on my objections, in terms of the Licensing Act 2003, page 4 states that:

"Sheffield City Council wants Sheffield to be a city with the attributes it needs to prosper and where the 'quality of life' makes it somewhere people choose to live, work and do business.

The licensing authority will strive to achieve balance between developing and enabling businesses and regulating and applying sanctions to those same businesses for the safety of premises users and the protection of local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.”

On page 10 it also states that ‘leisure, food and drink uses will be allowed’ if ‘a) conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise and general disturbance’ and ‘b) they are unlikely to lead to anti-social behaviour that would disturb residents, workers or other uses of the area’.

It is clear that the granting of a license to the premises in question will detrimentally affect the ‘quality of life’ of local residents and that the licensing authority would be failing in ‘the protection of local residents’ from ‘anti-social behaviour and noise nuisance’. The licensing of a bar directly across the street from our house and in the centre of a residential neighbourhood will clearly contravene clauses a) and b) quoted above, in terms of ‘noise breakout’, ‘street noise’, ‘general disturbance’ and ‘anti-social behaviour’. There are currently no other bars or pubs in our area and the introduction of one is clearly going to increase levels of anti-social behaviour and noise nuisance with groups of punters stood outside smoking, and an increased footfall of drunk people coming and going from outside our houses from midday to midnight every day of the week. There are residential properties to both sides of this property, above it and opposite it, therefore, it is impossible to protect residents from these negative effects – other than by not allowing the license to go ahead.

[REDACTED]

Therefore, not only will the bar be unsightly (as per the floor to ceiling windows which will not hide the nature of its business), but if we wish to open our windows, day or night, we will be harmed by noise breakout from the bar (a problem which will no doubt increase 10-fold in the summer when we will want to have our windows open most of the time, as will the bar).

I am also greatly concerned that should such a license be granted there will be the possibility for the licensee to apply for various extensions to the license, such as the clause already included for the bar to be open until 1am on Christmas Eve and New Years Eve, and the possibility of adding tables and chairs to the pavement outside (thereby increasing noise pollution, disturbance and anti-social behaviour even further).

Page 18 of the Licencing Act states: ‘We want to support a thriving night-time evening economy but not at the expense of causing public nuisance to nearby residents. To this end we will have regard to the conflict that can arise between late night uses and residential uses and would encourage operators that wish to operate noisy venues or very late night uses to seek premises that are sited well away from residential uses.’

Again, the proposed licensing clearly contravenes this statement. Supporting this licensing application *will* be at ‘the expense of causing public nuisance to nearby residents’ because there are so many houses in close proximity. Are we to believe that Sheffield Council has

now designated Abbeydale Road as a late-night drinking area? It does not appear to be listed as such in the current Licensing Act.

Furthermore, page 10 of the Licensing Act also recommends that planning permission is sought first so 'proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents'.

As mentioned earlier, I do not believe that 'proper consideration' of the impact of the proposed change of use of premises has been taken into account as part of the planning process. Michael Johnson asserts on page 3 of his report that:

"There will of course be some noise associated with general coming and goings, as well as people smoking outside the premises. However, this activity will take place onto or close to the Abbeydale Road frontage, which already has high background noise levels given its busy nature. In addition, residents living in such a proximity to a designated commercial area unfortunately have to accept a degree of associated noise and activity. The omission of outside seating/drinking areas will help ensure the proposal will not create any undue amenity nuisance."

As a resident who actually lives in close proximity to the designated commercial area and has done so for many years, I can confirm that this statement is simply not true (as was made clear by the original objections made by our community). We currently do not have any licensed bars in the designated commercial area. Therefore, we are NOT already subject to a high level of background noise. The previous occupants of 240 Abbeydale Road have been a baby clothes shop and a food shop, both of which closed before 8pm. Furthermore, Abbeydale Road currently quietens down dramatically when the rush hour and bus lane finishes around 6.30pm.

In light of this, I sincerely hope that the Licensing Authority take into serious consideration our representations and complaints with regards to introduction of a bar in our residential neighbourhood and decline to approve this application. I am extremely concerned that approval of a bar in this location will essentially lead to me having to spend all of my time in the rooms at the back of my house and to moving my bedroom in order to avoid noise and disturbance and to be able to sleep at night.

Yours sincerely



Dr Merisa Thompson



Gough Jayne (CEX)

From: Chris. Taberner [REDACTED]
Sent: 15 January 2019 12:37
To: licensingservice
Subject: licensing application at 240 Abbeydale Rd
Attachments: Representation regarding Licence application at 240 Abbeydale Rd.docx
Categories: Emma Rhodes

Please find attached my submission opposing the granting of a licence.

Please confirm receipt of this communication.

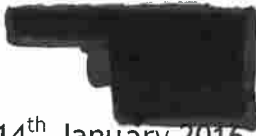
I believe that this proposal should have been stopped at the planning stage and am dismayed at the dismissive way in which local residents concerns were ignored. Guidance says :

The Statement of Licensing Policy states that substantial changes of use will only be permitted if 'conditions for nearby residents ... will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and they are unlikely to lead to anti-social behaviour that would disturb residents'

This is a substantial change and will indeed add to the sorts of problems outlined in the policy statement.

Please keep me informed of the progress of this application.

Christopher Taberner
[REDACTED]



14th January 2016

Representation to a Licence application at 240 Abbeydale Road.

- the prevention of crime and disorder;

Well, alcohol consumption isn't usually accepted to reduce either of these; so - moving on:-

- public safety;

Risk of road traffic accidents -

increase in traffic:-

football matches and

religious events

at the mosque and

catholic church

already create extra traffic and put pressure on parking space.

Residents of St Ronan's Rd ordinarily have difficulty parking outside their property.

With reference to Sheffield CC Policy on licensing around the impact of alcohol and gambling - we already have a gambling establishment on the block; maybe also having a drinking establishment would contradict Sheffield CC's stated Licensing Policy Direction and Priorities (4).

Blockage of roads during deliveries of barrels into the premises via the fire escape on narrow St Ronan's Rd? Or the front entrance on busy Abbeydale road? How is this going to be managed without disruption?

- the prevention of public nuisance;

Restaurant -OK, public house type establishment, not.

In 1986 there was an antique shop on the corner, I wouldn't have bought this house if there had been a drinking establishment instead. I feel that this change will make it more difficult to sell this as a family house, more likely it will be acceptable as flats.

Parking on this street is difficult for residents, and tightly controlled on Abbeydale Rd with the bus lane, so customer parking is likely to extend well up St Ronan's Rd., with extra late night conversation to disturb the residents: Especially on late night opening bank holidays, Xmas eve and new year's eve.

The likely demographic for this business is not local, nor bus-boarding: It may be one end of the Broadfield junction nexus, establishments with fewer residential properties in proximity.

Catering causes cooking odours and waste, certainly the rubbish bins are overflowing any allocated space, the access road is under pressure and waste has piled up, augmented by other tipping in the past on several occasions. The area has to accommodate bins for the over-shop flats as well as the ground floor retail businesses.

Increased traffic - despite being an arterial route and busy during the day, by 8 or 9 o'clock in the evening, the area is quiet, the local restaurants do not stay open late and the burger bar, international grocers and off-licences do not attract many noisy customers. I am sure that an establishment of this size will need a considerable number of customers, arriving and leaving in cars or taxis, creating considerably more noise than exists at present.

The premises also have their largest frontage onto St Ronan's Rd and the properties next to it, approximately 25 feet, separated by the narrow access road are family houses, very likely to be subjected to reduced quality of environment by this development. The proposed opening hours are too late to avoid nuisance to residents, either on weekdays or at week-ends, especially as Council's Licencing Policy is to allow 30 minutes after closing time for customers to leave the premises.

There was pub called The Royal, at the junction of London Road and Abbeydale road, there were no family houses for a considerable distance.

- the protection of children from harm.

Traditionally, pubs had shoulder-height windows that were either stained glass or frosted, and shielded the passing public from viewing the drinkers inside. Given the proximity of a mosque and a catholic church, many families nearby are religious, most religious teaching is cautious of, or intolerant of, alcohol consumption. Floor to ceiling (almost), clear plate glass is inadequate to perform this protection of children from harm.

Gough Jayne (CEX)

From: Ruth Hubbard [REDACTED]
Sent: 15 January 2019 11:32
To: licensingservice
Cc: Kate Devlin
Subject: 240 Abbeydale Rd S7 1FL Representation

Categories: Emma Rhodes



14th January 2019

Dear Madam or Sir

We are writing to register our objection to the licensing application for 240 Abbeydale Rd (corner of St Ronan's Rd). We live [REDACTED]. The basis for this representation is that granting a license to these premises will not promote the licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder. However, we believe there is evidence to suggest that public safety, and the protection of children from harm may also be implicated.

The background to this representation is that we have previously reported suspicious activity at the side and back of this property. Most of the 'shopfront' is, in fact, on St Ronan's Rd and there is an open, relatively wide alley at the back, that also gives access to some flats.

Throughout 2017 there was a problem with groups of young men hanging around adjacent to, and at the back of the premises. These were several different groups of young men, not just one isolated group. They regularly blocked the narrow pavement, litter accumulated in the area, and cars would also regularly draw up to have brief conversations and exchanges with some of the group. They sat on private garden walls, drank alcohol on the street, and appeared to perpetrate acts of minor vandalism. A particular issue arose with one group as we saw young teenage girls arriving during the day to seemingly meet some of the men and there was a van with darkened windows that appeared to be in use and parked on St Ronan's Rd. We were concerned about the littering/flytipping, and what appeared to be potential illegal drug 'deals' and also the possibility of child sexual exploitation going on, variously, with the groups hanging around. Several neighbours [REDACTED] also worried about, and felt threatened by, those hanging around, especially as there are many children living on the road. We contacted the police about our concerns, and environmental health because of a build up of litter and refuse, and also contacted Cllr Jim Steinke (although he did not get back to us). A community police officer (Sarah Hague from Chesterfield Rd police station) visited Kate towards the end of 2017, and took some action - for one group hanging around we believe this involved Immigration Services. Environmental Health took some action to try to improve the littering problem. During this time Kate was also in communication with Ellie (one of the regular workers at Pickles) and the manager from La Mama's restaurant next door - they had exactly the same concerns. The point is that this is a 'vulnerable' corner, we think for a number of reasons eg there are places to hide (the alley, front gardens, multiple parked cars, church grounds opposite), the premises footprint effectively goes round the corner onto St Ronan's, there are very close bus stops both into and out of town. What are family properties are extremely close to the premises.

Since we reported our concerns there has been marginal improvement but there is still some littering/flytipping and 'hanging around', the alley is still an eyesore, and parking (all around this area) is

problematic for residents and others. Much more thought is needed here, as a licensed premises will, we believe, only potentially exacerbate the issues.

Specifically,

1. Public nuisance: we know of no other licensed premises in the area (and there are many) so close to an intensive area of family housing. We are unconvinced that a licensed premises here will do anything to ameliorate noise, in fact will increase it very close to family properties, and late at night. There will be an increase in potential groups (and smokers) blocking the comparatively narrow pavement outside the property on St Ronan's, right next to/outside family properties. Unrestricted access to our road (both vehicular and pedestrian) is likely to be affected, and access to the flats problematic. The eyesore alley and adjacent gardens (and walls) will be more under threat and the alley is a perfect place to attract things like public urination. We are particularly concerned with the parking situation as St Ronan's Rd is already used by many from outside the area, both in the daytime and evening, to attend events and public premises in the vicinity eg the Catholic Church opposite the premises in question.
2. Crime and public disorder: This corner has already proved itself vulnerable to crime and antisocial behaviour, as above. Much more thought needs to go into prevention measures on this corner of our road. There are many licensed premises in the very local area, including shops selling alcohol into the evening, another will only exacerbate potential problems.
3. Protection of children: St Ronan's Rd has many babies and children living in family households, [REDACTED] We are concerned about the impact of a bar essentially [REDACTED] and incredibly close to family properties including drunkenness, safety issues as more strangers will be in the area, and we have already reported a child protection concern about activity on this corner, due to its particular vulnerability.
4. Public safety: It is more than possible that bar users, smokers etc on the narrow pavement will force pedestrians off the pavement into the road. There are also safety issues in relation to parking given the well-used church and church hall and other local venues, the use of the road for parking generally for people catching the bus/walking to town from here - alongside local residents. We are all increasingly having difficulties parking on our road or nearby and this has led to some unsafe situations.

Much greater thought needs to be given to licensing this property, including for extended hours.

A final comment. My mother has died over the Christmas period so I have been inevitably preoccupied and unable to give this full attention. However, I'm very concerned that, in the brief conversations I have had in the last 24 hrs, my neighbours appear unaware of the license application here (and concerned), and I believe this has been generally affected by the application coming over the Christmas period. I believe everyone on St Ronan's Rd (at least) needs to be made directly aware of this application as it is so close to all our family properties.

Yours faithfully

Ruth Hubbard and Kate Devlin
[REDACTED]

Gough Jayne (CEX)

From: Ammer Malik [REDACTED]
Sent: 15 January 2019 13:45
To: licensingservice
Subject: 240 Abbeydale Road Licensing Objection 13.01.19
Attachments: Malik Licensing Objection 13.01.19.docx

Categories: Emma Rhodes

Dear Sir/Madam

Please find attached my objection to licensing of 240 Abbeydale Road.

I would be grateful if you could confirm receipt.

Kind regards,

Ammer Malik
[REDACTED]

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Mr A Malik

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

13 January 2019

RE: 240 Abbeydale Road Licensing Application Objection

Dear Sir/Madam

I write with reference to the licence application by Aequum Bars for a premises licence for 240 Abbeydale Road. Please accept this communication as a strong and severe objection to this licensing application.

I am objecting to this application on the basis that it will create a significant public nuisance for local residents as detailed under Sheffield City Council's Statement of Licensing Policy, 2016.

In the first instance and in order to set some context, I should state there are a number of concerns regarding the change of use from A3 to A4, as a late night drinking establishment. As a local resident who will be directly and detrimentally impacted by this change of use I am severely disappointed at the Council's refusal to take the legitimate concerns of local residents into consideration as part of the planning process (APPLICATION: 18/03747/FUL).

In fact, the direct opposite seems to have been the case with the result of the recent planning application where nuances relevant to local residents and the issues that are directly felt by us have not been given due and appropriate consideration. Instead, what we have seen is the council riding roughshod over our concerns. It is clear from the planning officer's report and comments that local residents' concerns have not been taken seriously.

[REDACTED] proposed site and have done so for seven years now and it's clear the council has not appropriately considered the impact of this change on immediate residents. It will have a significant impact on our lives and will seek to cause severe disruption for us by changing the nature of this part of Abbeydale Road, especially on an evening.

It should also be stated, that after discussing this matter with other residents, I understand that there were enough objections in order to take the planning application decision to committee, however this has not been the case. As well as not following the right process, it would seem that the views and legitimate concerns of local residents have been trivialised in the planning application decision.

In the officer's report, Mr Johnson states that "there will of course be some noise associated with general coming and goings, as well as people smoking outside the premises. However, this activity will take place onto or close to the Abbeydale Road frontage, which already has high background noise levels given its busy nature. In addition, residents living in such a proximity to a designated commercial area unfortunately have to accept a degree of associated noise and activity".

It's clear from these comments that the planning officer has not understood the nature of the issue at hand. We recognise that we live in a busy road with general coming and goings and at times there are high levels of background noise. As a resident of Abbeydale Road for seven years, I recognise and accept that there will be some level of background noise and at times this will be high. What the decision does not take into account or consideration is that this usually dies down in the evening.

Currently there are no drinking establishments through this stretch of Abbeydale Road and any businesses that are open late do not create the footfall and the noise that a drinking establishment, that will be open late into the evening, will create. This will create a significant public nuisance.

It will also encourage people to loiter outside the premises. Historically, this part of the neighbourhood has suffered from gangs of men congregating on Miller Road, which has been disturbing and intimidating for both local residents and others visiting the area. Friends of mine, visiting in the past, have commented on how intimidating they have found this. What this application and licensing will do is to create a similar situation of people congregating and loitering in our local area, leading to severe disturbance for residents.

As stated at the outset, this application should be denied on the basis of 'preventing public nuisance' to local residents.

Sheffield City Council's Statement of Licensing Policy, 2016 states the following:

"The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance.

*We want to support a thriving night-time evening economy but **not at the expense of causing public nuisance to nearby residents.** To this end we will have regard to the conflict that can arise between late night uses and residential uses and **would encourage operators that wish to operate noisy venues or very late night uses to seek premises that are sited well away from residential uses.***

Issues with noise, smells, light pollution and litter that result from the operation of licensed premises unreasonably affecting persons living or working nearby must be reported to the licensing authority and/or relevant responsible authority."

It's clear that the proposed change of use of this venue will result in serious public nuisance for nearby residents especially when this site is flanked by residential properties on ALL sides.

This end of Abbeydale Road is unique in the sense that there are a higher proportion of residential properties located here. It's true to say there are commercial properties here but none of these are A4 use and those that are open into the evening do not encourage the level of footfall or coming and goings that a noisy bar would generate. Most establishments are either shops that are open late or a couple of restaurants which tend to wind down earlier than a bar would. The change of use and granting of a license fundamentally changes this and seeks to bring late night revellers into what is a fairly residential area.

All the other bars in the area are located further away, either towards Sheldon Road and clustered near the Broadfield pub or at the top of London Road. The density of residential properties is

nowhere near what we have through the stretch of Abbeydale Road where this site is located. The change of use will encourage more people to use this stretch of Abbeydale Road as part of a pub crawl, creating more public nuisance for local residents.

There has already been a steady increase in new drinking establishments in the local area within the aforementioned clusters. I would question whether a further venue, situated directly within one of the most residential parts of Abbeydale Road is really required and I would argue that it is not. I cannot stress highly enough how much detriment this is likely to cause to local residents, me as well as many others and it is a real concern that the council is not taking these issues seriously.

In conclusion, I would state again that this site should not have had the change of use approved. In the first instance, due process has not been followed as some residents' views have been disregarded completely and in those cases where they have been considered, they have not been taken seriously at all.

As well as this, any granting of a license will have a significant and detrimental impact on the lives of local residents and will create a significant public nuisance. We can expect to see the quality of our lives deteriorate greatly and this will impact on a great number of local residents. This is not a suitable location for a bar. I would hope the licensing committee takes these views into serious consideration.

Yours sincerely,

Mr A Malik

Gough Jayne (CEX)

From: Matthew Bishop [REDACTED]
Sent: 15 January 2019 20:36
To: licensingservice
Cc: Hollis Georgina (CEX)
Subject: Re: Representation (objection) re: licence for 240 Abbeydale Rd
Attachments: Bishop Licensing Representation 240 Abbeydale Rd.pdf
Categories: Emma Rhodes

Dear Sir/Madam,

I noticed a couple of typos in the letter that I sent to you a few days ago. I have now corrected these. I believe that the deadline is midnight tonight (i.e. in about 3 hours). Please discard my previous representation letter and use the attached version instead.

Regards,

Dr M Bishop

On Mon, Jan 14, 2019 at 12:56 PM Matthew Bishop [REDACTED] wrote:
Dear Georgina,

Please find attached my representation re: the proposed alcohol licence for 240 Abbeydale Rd, the deadline for which is the 15th January 2019.

Please acknowledge receipt.

Regards,

Dr M Bishop

Dr Matthew L. Bishop

13th January 2019

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

RE: Representation regarding 240 Abbeydale Road premises licence

Dear Sir/Madam,

I am writing to object in the strongest possible terms to the licensing application by Aequum bars for a premises licence for 240 Abbeydale Rd. As a long-term resident living [REDACTED] which has been, since I first moved here in 2006, a shop – the change of use from A1 to A4 and creation of a late-night drinking establishment will decimate the peaceful, residential character of this part of Abbeydale Rd, and make the lives of residents intolerable. In this letter, I explain in detail why this application should be denied on the basis of *preventing public nuisance* to local residents.

Sheffield Council's *Statement of Licensing Policy 2016* says (p.10) that:

...the proposed use of the premises has planning permission first so that proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents.

There were, in my view, severe failures in the planning process: an objection by the neighbours adjacent (who, fearing victimisation due to perceived local gang activity, wished to remain anonymous, was ignored, meaning that the decision was not referred to committee as it should have been). The planning process manifestly *did not* establish that this scheme is either compatible with the character of the area or will not harm the living conditions of residents. Indeed, the opposite is the case. Specifically, the report by the planning officer, Mr Johnson, that conditionally approved the A4 change of use either ignored or caricatured residents' objections, and made some erroneous claims in order to justify the approval. I refer to this at various points throughout this letter.

The *Statement of Licensing Policy* also says (p.10) that substantial changes of use will only be permitted if 'conditions for nearby residents ... will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and they are unlikely to lead to anti-social behaviour that would disturb residents'. This scheme will undeniably lead to an inordinate amount of anti-social behaviour and new disturbance for residents. This was even admitted in the first line of the planning approval:

There will of course be some noise associated with general coming and goings, as well as people smoking outside the premises. However, this activity will take place onto or close to the Abbeydale Road frontage, which already has high background noise levels given its busy nature. In addition, residents living in such a proximity to a designated commercial area unfortunately have to accept a degree of associated noise and activity.

There were serious problems with the conclusions reached in the approval, which were based, as noted, on a series of erroneous claims or misrepresentations. First, the key one, which I wish to impress upon the licensing committee, and which I demonstrate in greater detail below, is that this particular part of the northern end of Abbeydale Rd is *an overwhelmingly residential area* and holds the largest collection of residences on the road. Second, although it does have commercial activity, most of this takes place at cafes and shops in the daytime and evening, *not* at night-time. Most businesses here are closed by 7pm. Third, it has, at present, *no* A4 drinking establishments. This change of use threatens to fundamentally and detrimentally alter its character by introducing large groups of noisy drinkers, late at night, into a peaceful residential area that is currently completely free of them.

Fourth, and following this, it *does not* have a 'high level of background noise' as incorrectly claimed in the planning officer's report, or at least not in the late evening, which is what is at stake here: after around 9.30pm when the two nearby restaurants wind down, it is completely peaceful, much to the relief of residents. The *only* commercial businesses functioning then are a small takeaway and one small convenience store, both with limited footfall. Neither encourages loitering. Therefore, licensing a late-night drinking establishment right in the middle of this, which will have groups of drinkers out on the street smoking, talking and making noise until midnight, will decimate the peace that residents currently enjoy, making it impossible for us to sleep. We collectively detailed all of this in our planning objections; it was either ignored, skirted over, or misrepresented in the approval report.

The decision to approve the A1 to A4 use change is flawed and legally questionable

The justification (above) given by the planning officer for the A1 to A4 change of use is that Abbeydale Rd is simply 'a designated commercial area'. I accept that there is (daytime/evening) commercial activity, and am pleased about the resurgence of it since first moving here 2006. However, this is not a sufficient basis to approve a specific change from A1 to an A4 drinking establishment that will open late at night.

If it were, it would imply that anyone can now set up a late-night bar anywhere along Abbeydale Rd, or, indeed, anywhere in Sheffield where there is another commercial property of any kind nearby. If this is so, and drinking establishments are now indiscriminately permitted anywhere there is a small parade of shops, then it surely undermines the very principle of making a legal distinction between A4 and A1, A3 or A5 use. Clearly, though, it is not the case that anyone can set up a bar anywhere: this means that A4 is a very special category which should *only* be approved, with a premises licence subsequently given, in cases where the site for the drinking establishment is undeniably in keeping with the area and will cause minimal disruption to residents (as outlined in Sheffield Council's Statement of Licensing Policy 2016).

The bar will create substantial public nuisance in a largely residential area

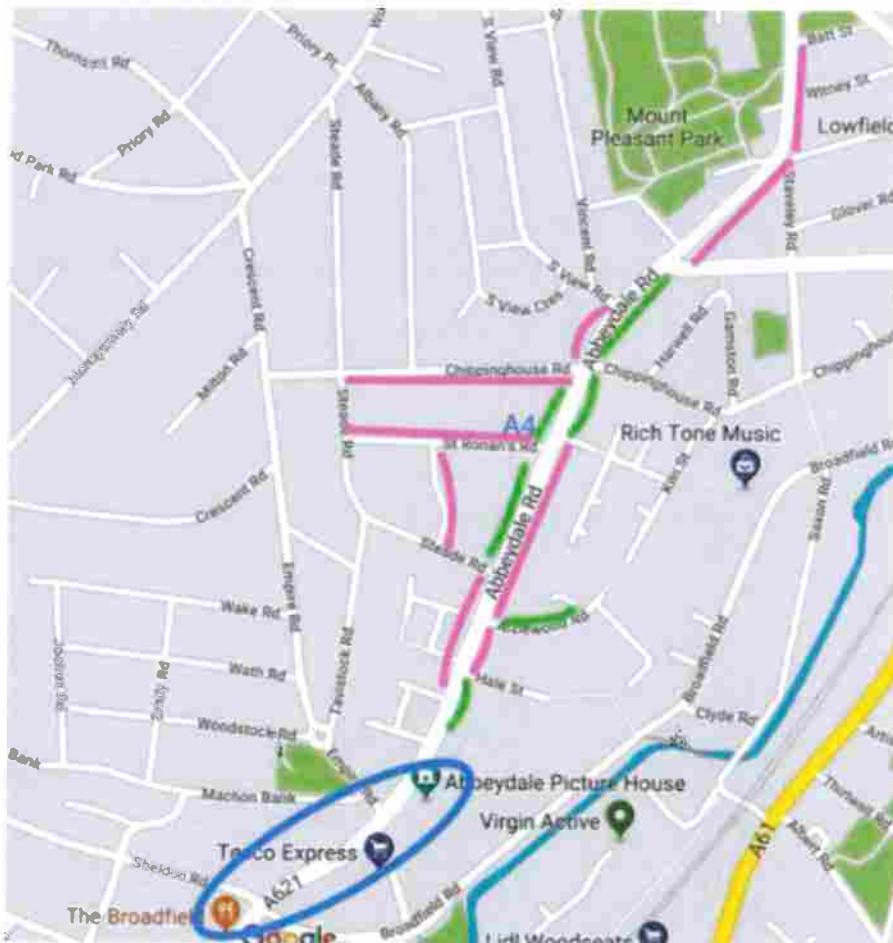
It is obvious to anyone – and particularly residents – that this is not the case, and that the entirety of Abbeydale Rd is *not* solely composed of commercial properties. Therefore, it is not appropriate to site a licenced A4 establishment anywhere on the road simply on the basis of there being commercial properties (of whatever kind) nearby. This specific area (between Chippinghouse and Aizlewood Roads) is *one of the two largest residential enclaves* on the northern end of Abbeydale Rd, the other being between Chippinghouse Rd and the junction with London Rd (a point totally ignored in the planning approval, despite the fact we raised it in our objection). There are literally hundreds of people living here. In the former, where we live, [REDACTED] there is *by far the largest density of residential housing* in the area, including numerous residential streets running perpendicular. There are also *no* A4 drinking establishments in these two areas in which the vast majority of northern Abbeydale Rd residences are located (i.e. between the Polish Jaberwocky bar on London Rd and Picture House Social).

This is, of course, entirely as it should be: between the junction of London Rd and the end of our row of houses (i.e. at Aizlewood Rd where both sides of Abbeydale Rd subsequently have commercial properties heading south towards the Picture House) the entire stretch is composed primarily of residential property with some shops, daytime cafes, a few restaurants and the odd takeaway mixed in. There are, though, and to reiterate, *no A4 drinking establishments*. It therefore stands to reason that this is an utterly inappropriate location for a late-night bar, particularly since the unit in question is *entirely surrounded on three sides by residences* (above, to the side, and opposite, where we live) which will be severely disrupted by it.

By contrast, *all* of the other bars are sited well away from large-density residential property. The Picture House, Gin Bar, Broadfield, Barrow Boy, Jaberwocky, even the Cremorne on London Rd have *no* residential property above (aside from, in some cases, their own flats), a very limited number of houses opposite, and none adjacent. Nor, in any of these cases, do they sit at a road junction directly adjacent to a residential property as is the case with the dual-aspect nature of 240 Abbeydale road vis-à-vis our neighbours on St Ronan's Rd (the Gin Bar is next to a commercial property on its junction with Sheldon Rd, the Barrow Boy and Picture House are adjacent to Pizza Hut and Bedale Rd, which is not residential and does not lead into a residential area, where Tesco is based, and are further away from the handful of residences opposite). The Hungry Horse pub is a little further away, effectively in an industrial zone. It is thus obvious that any new bars on Abbeydale Rd should be sited in that zone and well outside of our

residential enclave: i.e. they should be amongst the cluster of bars further south along Abbeydale Rd where there are fewer residences and already a thriving, and appropriately isolated late-night economy which has space to expand behind Tesco where the Hungry Horse is.

As the map below of the northern end of Abbeydale Road shows quite clearly, the proposed site of this bar (marked 'A4') is totally inappropriate. The two long stretches of pink show the two main residential enclaves mentioned above; other areas of pink are where the use is primarily residential; the green illustrates primarily mixed use (i.e. A1/A2/A3/A5 commercial properties *and* residences, as shops/cafes usually have flats above them). There are, again, *no* A4 establishments in these areas, meaning between the Picture House and London Rd: the area circled in blue is where *all* of the Abbeydale Rd A4 drinking establishments are sited, and they do not have anywhere near this density of residential property in close proximity (nor, as noted, do they have residences *immediately adjacent on three sides* as the unit at 240 Abbeydale Rd *does*).



If this license is approved, not only will you be permitting a late-night drinking establishment in the most densely residential part of Abbeydale Rd, you will also fundamentally change the character of our neighbourhood: this bar will become an intermediate 'pub crawl' point between The Cremorne on London Rd and The Picture House, linking two distant drinking zones which are presently only reached by taxi, meaning inordinate numbers of noisy drinkers will enter into, transit through, or remain in our peaceful residential community where previously they did not at all.

Moreover, in recent years the number of drinking establishments in the latter zone has *quintupled* (from one to five), turning it into a 'drinking destination' and putting substantial pressure on the local community. Placing a fifth new bar (meaning six in total) in the broad vicinity, but actually 500m away from the existing bars [REDACTED] will intensify this 'destination' process, drastically change the profile of our community and make our lives a complete misery. Perhaps that is the council's intention: if so, it is extremely unfair to the hundreds of us who have called this part of Abbeydale Rd and its environs home for a very long time and since the time there was just one drinking establishment further south (The Broadfield).

Specific noise nuisance to residents and contradictions in council policy

As noted, at present there are few people on the streets along this stretch of Abbeydale Rd after 9.30pm or 10.00pm. Traffic is actually limited, and largely passing through. This does not create a disturbance. The area – contrary to the erroneous claim in the planning officer's report – *does not* have 'high background noise levels' nor 'a busy nature' in the late evening (as by 9.30pm most commercial business is closed or closing).

The sole times that we have suffered with night-time noise are, firstly, on the odd occasion that groups of people are talking loudly on the street as they walk through, which invariably wakes us up. This is because the sound of people talking on the street – especially loud, drunk people – is infinitely more intrusive than the low hum of cars occasionally passing by. Indeed, it is the *very fact* that this part of Abbeydale Rd is *so quiet* at night-time that makes people talking or arguing outside so disruptive to residents.

Secondly, this became particularly problematic a few years ago when a small group of men began congregating on Miller Rd (next to Mr Compensator) in the late evening, decimating the peace and our ability to sleep. The noise of their collective talking and laughing carried at night well into our homes, preventing us from sleeping. Sheffield City Council, at that time, placed a sign on Miller Rd to discourage such loitering:



[REDACTED] The conditional planning approval states quite clearly that there will be increased noise and drinkers on the streets smoking and talking until midnight as they disperse, in an area where there are presently none and that is usually completely peaceful by 10pm when we go to bed. This will be exacerbated by taxis continually stopping, idling, and disgorging noisy passengers, with doors slamming etc., something that does not happen at all at present (again, specifically because there are no other late-night establishments nearby).

Our sleep will thus be decimated unless we do not open our master bedroom windows which [REDACTED] we may even be unable to use our bedroom anymore, particularly in summer. This will clearly be intolerable: it will have a serious, negative impact on our sleep and our mental health. It will presumably be even worse for those living in the flats directly above the premises: they will have to contend with the continual flow of noxious cigarette smoke into their living spaces should they wish to open their windows.

More broadly, I find it astonishing that Sheffield City Council can approve a change of use from A3 to A4 and consider licensing premises which it *explicitly admits* will encourage loitering of people outside in a densely populated residential area *directly outside people's homes* where it has previously discouraged exactly the same thing happening, and where there are no other drinking establishments in the immediate vicinity. Everybody in our group of residential houses on Abbeydale Rd, those above the unit, and the people directly adjacent on St Ronan's Rd will suffer. Again, all of this was detailed in our planning objection: it was ignored, misrepresented or caricatured. The net effect for residents will be exactly the same as previously: public nuisance and disrupted sleep.

Conclusion: an extremely aggrieved local community

This premises should not be licensed: it is entirely out of character with the immediate vicinity, which is unique in terms of Abbeydale Road as a whole, both due to its overwhelmingly residential nature and the fact that there are, at present, no A4 drinking establishments within it. The proposed bar will destroy the peace that currently exists for residents, of whom there are many who will be affected.

I am extremely aggrieved at the way this process has been conducted, and the way that residents' valid concerns have been disingenuously disregarded. As noted above, I recently emailed Mr Johnson for clarification on a number of these issues, posing six sets of questions. These were broadly as follows:

1. Why is the council prepared to – as the planning approval admits – encourage noisy late-night loitering in an area in which it has previously discouraged it, the same distance from our bedroom windows? Why is loitering okay now, when it was not previously? Why was our objection in this regard ignored in the planning approval?
2. Why did the planning report claim incorrectly that there is always 'a high level of background noise given its [the road's] busy nature' when this is not true in the late evening, as we made clear in our objection?
3. Why is a specific change from A1 to A4 use permissible simply because a stretch of road is a 'designated commercial area'? Does this now mean that Sheffield Council's planning policy is to allow A4 drinking establishments to be sited anywhere there are commercial businesses of any kind nearby, regardless of the residential profile of the area? Why did the planning approval ignore the distinctive residential profile of this specific part of Abbeydale Rd, and the fact that there is no other area of Abbeydale Rd where there are drinking establishments with so many residential properties both directly adjacent and in the immediate vicinity?
4. We noted in our objection that most other commercial spaces are either cafes (generally closed by early evening, 5pm-7pm) or restaurants (winding down by 9.30pm, before we go to bed). The only places open later are shops (a small takeaway and convenience store). None are drinking establishments. So, why did the report erroneously imply that there are many other late-night uses in the vicinity when there are not, and certainly no late-night drinking establishments?
5. Given that the law does make a clear distinction between A1 and A4 use – and, presumably, approving such a change cannot be justified simply on the basis of there being other commercial properties nearby – can you please advise under what conditions such an application would actually be denied in our specific part of Abbeydale Rd?
6. Finally, was there anything at all that we could have said that could have caused you to reach a different decision and deny the application, or was it in fact a pre-conceived decision where you were always going to approve it?

Mr Johnson has not (as-yet) responded. Two conclusions can be drawn from this. Firstly, this could be for the same reason that the substance of our objections were not dealt with adequately or sincerely in the planning report: had they been taken seriously, it would have been far more difficult to recommend approval of this scheme. By falsely describing the area as always-busy and noisy (which it is absolutely not) and simply saying that we live in 'a designated commercial area' so any kind of commercial use should be approved, it became possible to ignore, downplay or mischaracterise our objections. Secondly, if this is true, then it implies that the approval was pre-conceived: i.e. that there was nothing residents could have done, in terms of quantity or substance of objections, to see it denied. If so, it is legally questionable; it makes a mockery of the planning process; and it suggests that local democracy in Sheffield is an utter sham.

I hope that the licensing committee takes this representation more seriously, and denies a licence to an establishment which promises to make a large number of long-term residents' lives a misery. I bear no ill will to the owners of Aequum bars, and am pleased that they wish to do their part in rejuvenating Nether Edge. However, this is simply not the appropriate location for them to do it: their bar should be placed further along Abbeydale Rd amongst the others, well away from our residential community which, at present, lives in peace at night and wishes to continue doing so.

Regards,



Dr Matthew Bishop

The Licensing Act 2003
(Premises & Club Premises Certificates) Regulations 2005



Notice is hereby given that:

We, **Aequum Bars Ltd**
Have made an application under Section 17 Part 3 of the Licensing Act
2003 for the grant of a Premises Licence for the Premises known as
240 Abbeydale Road
Sheffield
S7 1FL

We intend to conduct on or from the premises the following licensable activities:

- The provision of late night refreshment (indoors)
Friday & Saturday: 23:00 – Midnight
- Sale by retail of alcohol - on and off the premises
Sunday 12:00 – 22:00
Monday - Thursday: 12:00 – 23:00
Friday & Saturday: 12:00 – 00:00
- The provision of regulated entertainment, namely:
Playing of recorded music (indoors)
Friday & Saturday: 12:00 – Midnight

Interested parties or responsible authorities may make written representations to The Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield S9 3HD about this application by 15/01/2019

For information on representations, please see
www.sheffield.gov.uk/licensinginforesidents

For full details and to view a copy of the application please contact the Licensing Service, Telephone: 0114 2734264 or by e-mail to licensing@sheffield.gov.uk.

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000.

Appendix

B(1)

Cllr Alison Teal Comments

Gough Jayne (CEX)

From: Teal Alison (GN CLLR)
Sent: 14 January 2019 17:01
To: licensingservice; Rhodes-Evans Emma (CEX)
Subject: 240 Abbeydale Road

Categories: Emma Rhodes

Hello Emma and Licensing

In the past week I have had concerns expressed to me about the proposal to establish a bar at the previous Mr Pickles shop.

I recently met with a resident on St Ronan's Rd. She was very concerned that the licensing department had told her that the opportunity to object to a licence had already closed when the deadline was in fact 15th Jan. Is it appropriate to extend this deadline, given the error?

A local activist has canvassed St Ronan's Road. From the thirteen homes closest to the proposed bar at 240 Abbeydale Road, four residents were not home, one was unconcerned, one expressed mild concern, seven expressed strong concern.

Residents who expressed strong concern were focused on issues of traffic and parking, noise and litter. One person was particularly concerned about the effect on children having a bar in the immediate area.

I have been lobbying for work to be done on Abbeydale Road and surrounding streets regarding problems with bad smelling drains and flooding. Capacity is already a problem due to significant deposits of silt which appears to be blocking pipes. I am curious to know if environmental health have been consulted regarding the sewer capacity in the area?

Given that there are flats above the proposed bar, have special requirements been made regarding soundproofing to protect residents in the same building from noise pollution?

Best wishes,

Cllr Alison Teal

07500 7654189
Alison.Teal@sheffield.gov.uk
Sheffield City Council
Town Hall
Pinstone Street
Sheffield City Council
S1 2HH

Gough Jayne (CEX)

From: Alison Teal <alison.teal@councillor.sheffield.gov.uk>
Sent: 15 January 2019 09:25
To: licensingservice
Subject: 240 Abbeydale Road

Categories: Emma Rhodes

Hello Licensing

I sent an email yesterday from my computer in the town hall but it is not showing up as Sent on my phone email so I am sending a quick message again. Please let me know if you have received the other sent on the 14 January.

A number of residents have expressed concern [REDACTED] about the application for change of use from what was Mr Pickles to a bar. The main concern is around noise pollution as a result of the comings and goings of patrons late into the night. Apparently the area they live in is fairly peaceful after rush hour traffic has finished. They are concerned about people smoking and talking outside. Can the licencing conditions reflect this, if the committee are inclined to grant a licence? As a local councillor I am keen that small independent business should flourish, yet this has to be balanced against the wishes of residents and I can understand that living close to a bar might not be conducive to a good night's sleep if there are people talking outside at 11pm and later.

There were seven households living close to the proposed new business who had heard nothing about the application. This is a concern.

Will there be a requirement to have excellent sound proofing to protect residents living above the bar?

Has there been an environmental impact assessment with particular regard to sewer capacity?

Thank you for considering these comments, I hope my email from yesterday arrives today.

Best wishes, Alison Teal
Cllr Nether Edge and Sharrow ward

Appendix C

Agreed conditions:
South Yorkshire Police
Environmental Protection Service

EPS condition.

Hepplestone Danny (CEX)

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 18 December 2018 12:18
To: Hollis Georgina (CEX); Hepplestone Danny (CEX)
Subject: FW: NEW LICENSING APPLICATON: DEAD DONKEY BAR 240 ABBEYDALE RD

From: Ed Daly [<mailto:ed@deaddonkeybar.co.uk>]
Sent: 18 December 2018 11:48
To: Round Jonathan
Cc: licensingservice
Subject: Re: NEW LICENSING APPLICATON: DEAD DONKEY BAR 240 ABBEYDALE RD

Hi Jonathan,

Yes absolutely, we would be happy for that condition to be attached to the license.

Regards,

Ed

On 18 Dec 2018, at 09:48, Round Jonathan <Jonathan.Round@sheffield.gov.uk> wrote:

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

I have the following representation to make with regards to Public Nuisance for the application for a premises licence for the above premises. The premises are in close proximity to residential accommodation, both to the side and above. The proposal to have recorded music therefore needs to be adequately controlled. In the application the applicant notes thatrecorded music shall only be played at a background level. Could you therefore confirm if you would be happy to attach the below condition to the premises licence when granted:

- Recorded music shall only be played at a background level.

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

Regards,

Jon.

Jonathan Round
Environmental Health Officer

Sheffield City Council
Environmental Protection Service
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Rhodes-Evans Emma (CEX)

From: Finch Shimla (CEX) on behalf of licensingservice
Sent: 13 December 2018 14:58
To: Rhodes-Evans Emma (CEX)
Subject: FW: New Grant: 240 Abbeydale Road,Sheffield

From: SHEFFIELD_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]
Sent: 13 December 2018 10:45
To: licensingservice
Subject: FW: New Grant: 240 Abbeydale Road,Sheffield

Morning all,

Please see below agreed conditions with the applicant for 240 Abbeydale Road. Please ensure these are added to the licence should it be granted by yourselves.

Thank you, appreciated.

Regards

South Yorkshire Police Licensing Dept
Force Headquarters
Carbrook House
5 Carbrook Hall Road
Sheffield
S9 2EH

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Alicia Marsden 0114 2523111 internal 718 111
Ian Armitage 0114 2523618 internal 718618
Cheryl Topham 0114 2523163 internal 718163
Daniel Barraclough 0114 2523556 internal 718556
John O'Malley internal 714308

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

From: Ed Daly [mailto:ed@deaddonkeybar.co.uk]
Sent: 13 December 2018 10:05
To: SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>
Subject: Re: New Grant: 240 Abbeydale Road,Sheffield

Good Morning,

Thanks for your email, we are more than happy with all these proposals and will make sure they are all implemented.

Could I quickly clarify one thing on the incident/refusal book; does it require a hard copy or can it be electronic? Our plan was to record refusals using our ePos system as we have done in our previous employment and to keep an incident record saved electronically to lower the chances of it being lost/damaged.

If you could clarify that one point that would be great, we are happy to do it either way.

Regards,

Ed Daly

On 13 Dec 2018, at 09:23, SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk> wrote:

Good Morning Edward,

Hope you are well.

We have received your application in regard to the new grant of a premise licence for 240 Abbeydale Road. In addition to the proposed conditions and measures you have put forward within your application, we would require the following conditions adding to the licence, should it be granted-

- Incident and refusal book maintained and such records to be retained for at least 12 months and available for inspection on request.
- It is considered that for the nature of the operation door supervisors will not be required however, a risk assessment will be undertaken should unusual events takes place and if they consider it appropriate will employ the same.
- It is considered that for the nature of the operation, plastic/polycarbonate drinking vessels will not be required however, a risk assessment will be undertaken should unusual events takes place and management deem it necessary.
- Zero tolerance policy in relation to drugs.
- A CCTV system of your choosing will be fitted, maintained and in use at all times whilst the premises are open . The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.

We would be grateful if you could respond to this email to inform us you are happy to adopt the above practices.

Thank you, your response will be greatly appreciated.

Regards

South Yorkshire Police Licensing Dept
Force Headquarters

Carbrook House
5 Carbrook Hall Road
Sheffield
S9 2EH

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Alicia Marsden 0114 2523111 internal 718 111
Ian Armitage 0114 2523618 internal 718618
Cheryl Topham 0114 2523163 internal 718163
Daniel Barraclough 0114 2523556 internal 718556
John O'Malley internal 714308

Website address - southyorks.police.uk

<image001.png><image002.png><image003.png>

Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

Appendix D

Hearing notices and Regulations



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

Mr Edward Daly



Sent via email: [Redacted]

The Sheffield City Council being the licensing authority, on the 28th November 2018 received an application in respect of the premises known as;

240 Abbeydale Road, Sheffield, S7 1FL.

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

- **6 x Public objections**

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 **5th February 2019 10.00am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 28th January 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical 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

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.

Form LAR 1
Regulation 8

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 **Edward Daly**

Of **[REDACTED]**

hereby confirm that I have received the Notice of Hearing dated 28th January 2019 and notify you as follows (please complete):

I intend to attend the hearing at Town Hall Sheffield on 5th February 2019 at 10.00am

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 thatshould 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

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.



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

Mrs Annette Taberner

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2018 received an application in respect of the premises known as;

240 Abbeydale Road, Sheffield, S7 1FL.

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

- **6 x Public objections**

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 5th February 2019 10.00am**; following which the Council will issue a notice of determination of the application.

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- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
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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: 28th January 2019

Signed:

Jayne Gough

The officer appointed for this purpose
Licensing Enforcement and Technical 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



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

Merisa Thompson



Sent via email: [Redacted]

The Sheffield City Council being the licensing authority, on the 28th November 2018 received an application in respect of the premises known as;

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Dated: 28th January 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical 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



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

Mr Christopher Taberner

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2018 received an application in respect of the premises known as;

240 Abbeydale Road, Sheffield, S7 1FL.

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

- **6 x Public objections**

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

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- 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: 28th January 2019

Signed:

Jayne Gough

The officer appointed for this purpose
Licensing Enforcement and Technical 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



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

Ruth Hubbard and Kate Devlin



Sent via email: [Redacted]

The Sheffield City Council being the licensing authority, on the 28th November 2018 received an application in respect of the premises known as;

240 Abbeydale Road, Sheffield, S7 1FL.

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

- **6 x Public objections**

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 5th February 2019 10.00am**; following which the Council will issue a notice of determination of the application.

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Dated: 28th January 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

Mr Ammer Malik
[REDACTED]

Sent via email: [REDACTED]

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Dated: 28th January 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical 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



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

Dr Matthew Bishop

Sent via email: [REDACTED]

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Signed: **Jayne Gough**
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Licensing Enforcement and Technical Officer

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