



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 12th October 2015

Subject: Licensing Act 2003

Author of Report: Steve Lonnia

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

OMG, 53-59 West Street, Sheffield, S1 4EQ

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 74 / 15

OMG, 53-59 West Street, Sheffield, S1 4EQ

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is OMG (S1) Limited.

2.2 The application which was received by the Licensing Service on 20th August 2015, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence (SY 0469 PR Issue No:20) is attached at Appendix 'B'

3.0 REASONS FOR REFERRAL

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

3 Public Objections
1 Councillor Objection (Councillor Robert Murphy)
1 Responsible Authority Objection - Environmental Protection Service

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

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

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

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

6.0 HEARINGS REGULATIONS

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

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



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

12TH October 2015

Appendix A

The Application

AI

Sheffield City Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We OMG (S1) Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number SY 0469 PR
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description OMG (formerly Locker Room) 53-59 West Street			
Post town	Sheffield	Post code	S1 4EQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£49,000.00

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	454 Altair House		
Post Town	Cardiff	Postcode	CF10 4RH

Part 3 - Variation

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

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

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

To extend the sale of alcohol, provision of regulated entertainment and late night refreshment Sunday, Wednesday and Thursdays until 0400 the following morning; Friday and Saturday until 0500 the following morning; all other days to remain as existing. Opening hours to be extended Sunday, Wednesday and Thursday until 0430 the following morning; Friday and Saturday until 0530 the following morning. Also to remove obsolete or outdated conditions and amend conditions requiring update in line with the Licensing Act 2003.

NB. The Live Music Act 2012 removed the requirement to license the provision of entertainment facilities and therefore all such activities are now de-regulated. As facilities for making music and dancing are no longer licensable under the Licensing Act 2003, we would be grateful if any reference to such provision could be omitted from any new licence issued as a result of this application.

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

Part 4 Operating Schedule

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

- | <u>Provision of regulated entertainment</u> | Please tick yes |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| <u>Sale by retail of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) AS EXISTING
Day	Start	Finish	
Mon	NO CHANGE		
Tue	NO CHANGE		State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	11:00	04:00	
Thur	11:00	04:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	11:00	05:00	
Sat	11:00	05:00	
Sun	11:00	04:00	AS EXISTING

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon	NO CHANGE		Please give further details here (please read guidance note 3)			
Tue	NO CHANGE		AS EXISTING			
Wed	11:00	04:00	State any seasonal variations for the performance of dance (please read guidance note 4)			
Thur	11:00	04:00				
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	11:00	05:00				
Sun	11:00	04:00	AS EXISTING			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
Mon	NO CHANGE				Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue	NO CHANGE		Please give further details here (please read guidance note 3)			
Wed	11:00	04:00	AS EXISTING			
Thur	11:00	04:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)			
Fri	11:00	05:00				
Sat	11:00	05:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	11:00	04:00	AS EXISTING			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		Please give further details here (please read guidance note 3) AS EXISTING		
Tue	NO CHANGE				
Wed	23:00	04:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	04:00			
Fri	23:00	05:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5) AS EXISTING		
Sat	23:00	05:00			
Sun	23:00	04:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	NO CHANGE				
Wed	11:00	04:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) AS EXISTING		
Thur	11:00	04:00			
Fri	11:00	05:00			
Sat	11:00	05:00			
Sun	11:00	04:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8) NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	NO CHANGE		
Tue	NO CHANGE		
Wed	11:00	04:30	
Thur	11:00	04:30	
Fri	11:00	05:30	
Sat	11:00	05:30	
Sun	11:00	04:30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
			AS EXISTING

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

TO BE REMOVED IN THEIR ENTIRETY:-
Annex 2 conditions 3 -5, 13 – 15, 19, 20, 23 – 27, 29, 33 – 35.
Annex 3 conditions 1 and 2

TO BE REMOVED AND REPLACED AS PER LICENSING OBJECTIVES BELOWS:-
Annex 2 conditions 1, 9, 18, 21, 22
Annex 3 condition 4

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Licence is currently with the Council for a minor variation.

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

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

Bearing in mind the nature of this variation and those conditions either already attached to the licence, nothing further is required, saved those additional conditions below.

A9

b) The prevention of crime and disorder

- 1. A CCTV System to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 31 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder;
- 2. The need for Door Supervisors will be addressed by way of risk assessment and cognisance will be taken of any Police advice.

c) Public safety

- 1. No open bottles or glasses are to be removed from the premises at any time.

d) The prevention of public nuisance

- 1. Prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly;

e) The protection of children from harm

- 1. Persons under the age of 18 years must be accompanied by a responsible adult and off the premises by 9pm, unless attending events that are designed specifically for children and young people. When under 18's events operate, the premises must not be open to the public and must have a trained safeguarding coordinator on site. A risk assessment should be undertaken with reference to the Sheffield Safeguarding Children Board good practice guidance for events and be retained in writing;
- 2. The Challenge 25 scheme must operate. Staff will be trained to operate the scheme, including how to recognise and respond to underage persons. A refusals register must be maintained. Staff training records will be maintained and made available to the authorities for inspection on request. Signage will be prominently displayed


Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	20 August 2015
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	0115 9349 157		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) a.gardner@popall.co.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.

AK

7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix B

Current Premises Licence

B1

THE LICENSING ACT 2003

Premises Licence No: SY 0469 PR

Issue No: 20.



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

PART 1 – Premises details

OMG
53-59 West Street
Sheffield
S1 4EQ

Telephone Number: 0114 2787311

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

1. Provision of Regulated Entertainment

Plays

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

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

Indoors

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

2. Provision of Regulated Entertainment

Facility for Making Music

Facility for Dancing

Entertainment of a similar description to making music and dancing

Indoors

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

3. Provision of Late Night Refreshment

Indoors

Sunday to Thursday	23:00 to 02:30 hours the following day
Friday & Saturday	23:00 to 04:00 hours the following day
Sundays Proceeding a Bank Holiday	23:00 to 03:00 hours the following day
New Year's Eve (31.12)	23:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

4. Sale by retail of alcohol

a) for consumption of the premises

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 03:30 hours the following day
Sundays Proceeding a Bank Holiday	11:00 to 03:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

The opening hours of the premises are

Sunday to Thursday	11:00 to 03:00 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
Sundays Proceeding a Bank Holiday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

PLEASE NOTE:

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

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

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

Sale by retail of alcohol for consumption on the premises.

PART 2

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

OMG (S1) Ltd
 454 Altair House
 Falcon Drive
 Cardiff
 CF10 4RH

Telephone Number: -

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

09418988

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

Gary King

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

Personal Licence Number: 32UHA13040
Issuing Authority: West Lindsay District Council

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

Prohibited

This Premises Licence shall be in force from the 24 November 2005.

Issued on: 4 January 2006.



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

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: 9 Issue Date: 19/02/2014
Variation of DPS	No: 7 Issue Date: 22/11/2013
Transfer of Premises Licence	No: 9 Issue Date: 13/07/2015
Minor Variation	No: 3 Issue Date: 22/06/2013

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Condition effective from 28th May 2014:

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 1C - Mandatory Conditions effective from 1st October 2014:

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of images for purposes in connection with prevention and detection of crime and disorder.
2. To acquire a suitable number of radio set(s) for that premise and take the CCRAC Radio Scheme into use at all times when trading, and continue to be a user whilst this system / facility is in use in Sheffield.
3. The Designated Premises Supervisor for these premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance should be maintained.
4. A designated dance floor for the public dancing is located on the ground floor, as in agreement with the Health Protection Service, and marked on the plan - reference number 1397-101 Revision E, dated July 2012.
5. When public dancing is to take place elsewhere on the premises, in an area not previously approved for dancing by the Authority, at least 14 days notice must be given to Environment & Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use, and dancing must not take place in that area unless approved by the Authority.
6. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of public live music.
7. All windows and doors are to be closed at all times, except for access and egress, when amplified sound is present in the premises.
8. The outside of the premises is well lit.
9. There are a minimum of two staff on duty at any one time.
10. One entrance and exit will be used in order to improve the monitoring of potential 'trouble makers' and reduce noise, crime and disorder developing in or from the venue.
11. Zero tolerance drug policy.
12. Involved with Sheffield City Centre 'Working Forum' with the Police, which involves being updated regularly on licensing / crime & disorder issues.
13. All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices.
14. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

15. Staff are trained in first aid.
16. Gas and electrical certificates are in place and appliances are tested annually.
17. An accident and incident booklet is kept on the premises.
18. Signs will be displayed in the premises stating "Please be respectful of neighbours on departure".
19. When required, staff organise taxis to transport customers home.
20. At the end of each evening a member of staff will stand at the exit door to ensure that they depart in a quiet and orderly manner.
21. Strictly over 18's.
22. ID is required where there is any doubt over a customer's age - only Passport or photo ID driving licence will be accepted.
23. A maximum of two pool cues per table are allowed in the public area at any one time, and any remaining cues are kept behind the bar. Possession of the cues should be limited to within 2 metres of the pool tables, except for when collecting from or returning them to a servery on the first floor. Notices to this effect should be displayed in prominent positions on the relevant floor where the tables are situated.
24. The applicant shall comply with the requirements of the South Yorkshire Fire & Rescue Service.
25. The varied Premises Licence shall not become effective until the premises has been inspected by a representative of the Sheffield City Council's Health Protection Service so as to ensure that the provisions made for the variation are satisfactory.
26. A queuing system will be used during busy periods to control the flow of people into the premises, so that underage people and potential trouble makers can be more easily identified by door staff. Any person found with false ID will be handed over to South Yorkshire Police.
27. The rear entrance to the premises, which is used as a smoking area, will be solely used for egress to help to limit the level of noise caused by music.
28. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
29. All members of Security Staff who are on duty will wear hi-visibility distinctive clothing at all times.
30. In respect of the use of Polycarbonate drinking vessels, risk assessments will be carried out regularly by management to deem whether they are required.

31. A signing in book will be maintained, at the premises, and completed by each member of the Security Staff prior to the start of their duties each day. The entry will contain detail of name, start and finishing time in block capitals.

32. Both register and signing book shall be open for inspection at any time by any Police Officer or Authorised Officer of the Council. These records are to be kept on the premises for a period of not less than twelve months.

33. The use of door supervisors and polycarbonate glasses will be risk assessed on an event by event basis. Where engaged, door staff shall be licensed by the SIA.

34. The new main entrance to the venue will not be used until a suitable acoustic lobby has been installed to the written satisfaction on the Environmental Protection Service.

35. Music should only be played within the building such that: a) Noise breakout from the building to the street should not exceed the ambient* noise levels by more than 3dB(A) when measured as a 15 minute LAeq.

b) Noise breakout from the building to the street should not exceed the ambient* noise levels in any octave band centre frequency by more than 3dB when measured as a 15 minute Leq.

* where ambient noise level is the LAeq 15mins in the absence of the specific noise source (breakout from the premises).

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

Conditions attached after a hearing by the licensing authority 19th March 2009.

1. Any increase in hours will not take effect until an internal acoustic lobby has been installed to the satisfaction of the Responsible Authorities
2. Indoors Sporting Events will be restricted to traditional pub games.
3. All amplified sound will be played through a noise limiter to be set by Environmental Protection Services.
4. No open bottles or glasses to be removed from the premises save for the consumption in the designated smoking area.

Annex 4 – Plans

Ground Floor:

Plan Reference: Project No: 1397

Drawing No: 101

Rev: G

Date: July 2012

1st Floor:

Plan Reference: Project No: 1397

Drawing No: 102

Rev: D

Dated: July 2012

Lower Ground Floor:

Plan Reference: Project No: 1397

Drawing No: 103

Rev: B

Date: July 2012

Appendix C

Objections

3 Members of the Public

1 Responsible Authority – Environmental Protection Service

1 Councillor Objection

From: Heather Cook <heather_cook@hotmail.com>
Sent: 08 September 2015 14:31
To: licensingservice
Subject: OMG/Locker Room application

As a city centre resident residing at 15 Broughton House, 50 West Street, Sheffield, S1 4EX, I wish to object to the proposal to extend the opening hours at Locker Room. This is the second objection I have had to make in as many weeks and an application by another bar demonstrates a worrying trend to make Sheffield city centre a 24 hour drinking city. Surely the council does not want to encourage such a thing by granting such requests.

Locker Room is situated right in the middle of a number of apartment blocks why should council tax payers like myself have to put up with even more disturbance at night. A weekend extension to 5.30am would mean that residents are disturbed all night by people coming and going, smoking outside, taxis stopping and starting and are the police also going to have to be around 24 hours to prevent the inevitable anti social behaviour that would follow? Again at what cost to the tax payer? I like myself work throughout the week and do not wish to be disturbed any more than I am already by late night revellers until 4.30 in the morning. As it is I am up at 6 to travel to work. Much has been done to improve that area of West Street with Leopold Square and the council should be working to improve things further by tackling the late night anti social behaviour not encouraging it. In the interests of the prevention of public nuisance and crime and disorder I strongly oppose this application.

Regards
Mrs Heather Dunn

Sent from my iPhone

Rhodes Emma (CEX)

From: sheila sharpe <sheila.sharpe@talk21.com>
Sent: 14 September 2015 21:50
To: licensingservice
Subject: Licensing application by Locker Room/OMG for later opening

Categories: Helena Palmer

I wish to object to the application by Locker Room/OMG on two criteria

- 1) The prevention of public nuisance
- 2) Public safety

I live in a flat in Westpoint opposite this club. I do not think that the opening of a club till 4.30 on Wednesdays, Thursdays and Sundays and until 05.30 on Fridays and Saturdays is a reasonable request.

The longer hours the club is open I suggest the more people will drink. I have lived with scenes of noise and mayhem interspersed with sirens when clubs closed at 3am and 4am.

Longer opening hours will just create more public nuisance. There is also the risk to the people who attend the clubs who leave noisily, inebriated, often with mobility impaired which can result in them requiring medical assistance which never arrives quietly.

Where we live is both residential and commercial and requires give and take from both sides. For the residents on West Street there appears to be no consideration for our welfare and we have to put up with public nuisance in the pursuit of commercial gain.

The government has just released plans to curb over drinking but this application is likely to stimulate more drinking and more drunken people stumbling around West Street looking for places to urinate.

I ask the council to consider very carefully the ramifications of granting this application.

regards

Sheila Sharpe
39 West Point
58 West Street
S1 4EZ

Sent from my iPad

Palmer Helena

From: Bower Claire on behalf of licensingservice
Sent: 16 September 2015 13:12
To: Palmer Helena
Subject: FW: Correction , please ignore my previous email. Objection to extended opening hours of OMG/Locker room

From: Sona Mehra [mailto:sonarmehra@gmail.com]
Sent: 16 September 2015 13:11
To: licensingservice
Subject: Correction , please ignore my previous email. Objection to extended opening hours of OMG/Locker room

As residents/owners of 10 WestPoint, 58, West Street, we strongly object to this application. This is for an hour later than the current application for Reflex/Flares. It is absolutely ridiculous even to read that in middle of so many purpose build flats and hundreds of residents we have an application for opening hours up to 5:30 am at night/morning.

We live directly opposite the premises and have to live with the impact of it on our quality life on a daily basis. We are a family of working parents with two schoolchildren and living any kind of normal life is increasingly difficult. We have to live with night time noise nuisance and anti-social behaviour all around us on the streets outside. The only certainty is that it will stop when licensed premises close at a time agreed by law and people have then been dispersed. At that time we have a very short window of uninterrupted sleep before the next day begins with the early morning noise of the city centre clean up. This application, if granted, means that window would not start until 6:00 pm on any night when OMG/ Locker room choose to open to 05.30am. I write this on 14th September 6.37 am when sunrise is at 6.01am. In June sunrise is as early as 4.36 am. This is what my family have experienced and will experience:

When the venue was open previously we saw customers queuing outside or leaving and gathering around the venue screaming and shouting, sometimes singing and chanting loudly in a drunken state , completely disrespectful and inconsiderate towards the local residents. This continues from 10 pm onwards until people finally disperse about 30 minutes after closure. They move on from the venue across the street just under our flats or via City Hall bus stop, where on many occasions I have seen them wee or vomit just where ever they can and sometimes just collapsing on the road/ floor just after that. Because of this there is a constant movement of police cars around are well with their sirens to add to everything as they try to sort this out. This fighting and screaming from taxis/people/vehicles makes it impossible for us to open any of our windows in the house no matter what the weather is.

We are trapped in our own house in hot and stuffy weather too, forced to bear the heat which is even more due to the double glazing we have. We are forced to close the windows and use room fans to cool ourselves for months – which are unhealthy and expensive. The only time we can open the windows is when the city is settled and roads are quiet outside which at the moment is around 4.30 am. Around 6 to 6.30 am the sun is glaring up and tram and cleaning services start.

The last hours are the most difficult ones. Taxis outside the venue just stop anywhere to pick people up and then other drivers behind them honk at them to move on. I have witnessed myself on various occasions when drunk persons sit on the tram track or get sick on the tracks and refuse to move even for the honking tram, sometimes for 5 minutes or more. That noise is so loud that it wakes not only us but our children as well and then we struggle to get them back to sleep. Taxis also honk to drunken customers running all over the street from one side to other without being bothered about the oncoming traffic. Being open later would mean we will have to put up with this for much longer, potentially every night if this permission is given. Finishing at 5:30 means basically we will be losing even the last window of an hour's uninterrupted sleep that we get now.

I don't know how will I cope with waking up at 6 to go to work and dropping my children off to school. How my daughter will cope – she has her GCSE's this academic year. Or my son who is only five and wonders why in the evening, although we have a balcony, he can't stand out. Why can't we watch television as a family keeping our

living room windows open or enjoy a breeze of fresh air by opening the balcony door without being drowned out by the noise outside ?

We are a working class, hard working family where both parents have to get up at 6 am. Sometimes earlier at 4:30 am when my husband has to catch a 5:15 am train. Thus getting ready myself, getting my kids ready, dropping them off and then a long day at work. We need to get rest in the night for us to cope the next day. I work on Saturday too and my kids have activities clubs just like other normal children on Saturday and Sunday so the weekend routine is similar in many respects. My husband, who is sometimes on call, has felt his work and health has suffered as he has not been able to get enough sleep.

There are more families with children living here along with young professional and retired adults. They include the family of a shop owner on my floor with an eight year old son. Two families of four are on the floor below with two pre-teen children in fact under 5 too. I have spoken personally to a family with a 6 year old that used to live on the 5th floor that have moved to Crookes because their child was struggling to sleep due to early morning noise disturbance. The NHS has established a clear link between health and uninterrupted sleep for both adults and children. It affects their performance in school and at home – recently highlighted in the ITV programme “Britain's Noise Nuisance –Tonight”

I have made endless calls to report situations to the on-going noise harassment team specially in respect to this particular premises when it was open. EPS officers like Allison have been to my apartment on many occasions for noise nuisance assessment and have first hand witnessed what we go through We have been in touch with John Round, Neil Peats from the EPS team about problems from this premises. These reports have often been made when the venue already has extra permissions to open an hour later when the students arrive back in September and October – which I dread. This could be the EPS team check the 101 calls I have made to verify this. These are the worst nights to live in my house and an extension of opening times means this could be a permanent feature in our lives.

As if this was not enough, the viewing balcony of the premises is straight in line of vision with my house that means every one can see through straight into my apartment. I therefore lose all my privacy as soon as that premises opens and it stays that way until it closes. I have to draw my curtains for all the rooms doors and windows as they face the venue. If this application was successful that could mean nearly all night on some days of the week.

Kind Regards
Sona Mehra/Rajiv Mehra
10 west point
58 west street
sheffield s1 4ez

Palmer Helena

From: Bower Claire on behalf of licensingservice
Sent: 16 September 2015 12:00
To: Palmer Helena
Subject: FW: OMG (s1) Limited

From: Murphy Robert (GN CLLR)
Sent: 16 September 2015 11:55
To: licensingservice
Subject: OMG (s1) Limited

Applicant:	OMG (s1) Limited
Premises:	OMG
Address:	53-59 West street , Sheffield, S1 4EQ
Type of Premises:	BAR

Please accept the following submission as an objection to the above new application from myself and Cllr Smalley.

Regards, Rob

"We ask the committee to consider the many people who live in the blocks close to and opposite the venue. The premises are directly opposite 58 apartments at West Point. To the right opposite are 50 apartments at Broughton House. To the left opposite are 50 apartments at Morton House. Close by are the 55 apartments at the old Education Department next to City Hall. Residency is mixed in these apartments – we have been contacted by a concerned family with a 15 year old daughter. Residents struggle for much needed sleep free of disturbance by noise and anti-social behaviour while trying to live normal lives with 9 to 5 jobs and children at school. The opening hours should not be extended further into the night (and into early morning) leaving them a very small window of uninterrupted sleep before the early morning city centre clear up starts.

It can be difficult for residents to differentiate between activity at the side by side 53 West St and the immediately adjacent club Reflex/Flares when both have been open together in recent years. So some evidence submitted may be inadmissible despite the combined impact of the two premises on people who live nearby. We ask that evidence from the police on 101 calls and other incidents plus EPS enquiries and evidence gathering is considered very carefully in making this decision. There should be evidence that can be attributed to 53 West St and evidence that relates to evenings when it has been open and Reflex/Flares has not been open.

We note the current licensing application by Reflex/Flares requesting permission to open until 4.30am 7 days a week. Residents face the possibility of late night opening until 4.30am and beyond at both venues if these applications are successful. We suggest that the balance between residents and the night time economy will be correctly maintained by not granting this application."

CB

Cllr Robert Murphy, Speaker for the Green Group, Sheffield City Council, Town Hall, Sheffield S1 2HH.

Tel: 0787 501 5354, Email: robert.murphy@sheffield.gov.uk

From: Pates Neal
Sent: 04 September 2015 15:41
To: a.gardner@popall.co.uk; licensingservice
Cc: mathew.causon <mathew.causon@impactleisuregroup.com>
Subject: LAC2003 Premises Licence Variation Application – OMG (FKA Locker Room/Steelhouse), 53-59 West St, Sheffield S1 4EQ

RE: LAC2003 Premises Licence Variation Application – OMG (FKA Locker Room/Steelhouse), 53-59 West St, Sheffield S1 4EQ

Date: 04/09/2015
 EPS REF: 555495/NEP

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

Dear Ms Gardner,

I represent Sheffield City Council's Environmental Protection Service as Responsible Authority for the Prevention of Public Nuisance for this application. I have reviewed the application submitted on behalf of your clients, OMG (S1) Ltd, and make the following representation.

The premises at 53-59 West St are overlooked by multiple residential properties, and form one of many other licensed premises which combine to characterise this area's busy and thriving nighttime economy. Environmental Protection Service receive many complaints and service requests in relation to premises in this part of West Street, both directly and via our Night Time Noise Service. We have numerous complaints of noise nuisance on file relating to these specific premises, and more generally to night time noise issues associated with the late night operations of premises in the immediate locality. EPS therefore seek to control such public nuisance issues, both by implementation of conditions on the licences of specific premises, and by limiting any attrition of established trading hours in this area. Having said that, this portion of West St, along with the nearby Carver Street, already enjoy some of the latest trading hours currently permitted in the city centre. Nevertheless, our approach is protect the remaining 'quieter periods', particularly on nights/early mornings preceding working weekdays.

This current application seeks to extend the current hours available for licensable activities on these premises, and it is of particular concern that these extensions include the Sunday to Thursday period. The proposed hours for Friday & Saturday also exceed the established terminal hours available to other comparable premises in the immediate vicinity.

EPS are mindful that the proposed changes to points of entry past 23:00 hours offer some protection for local residents, and that the applicant has been open and cooperative with Responsible Authorities in preceding discussions. However, in light of the concerns outlined above, EPS are minded to seek a reduction in the extended hours. **I must therefore make a formal objection to the application in its current form.** However, if agreement can be reached regarding the following recommendations, I shall be pleased to withdraw my objection.

Hours – Recommended Revision:

<u>Licensable Activities:</u>	Sun - Thurs;	11:00 to 03:00
	Fri & Sat;	11:00 to 04:00
<u>Opening Hours:</u>	Sun - Thurs;	11:00 to 03:30
	Fri & Sat;	11:00 to 04:30

The retention of the existing non-standard timings is not disputed. In addition to this, EPS are happy to agree additional non-standard timings such that, on any Sunday preceding a Public Holiday Monday, timings for licensable activities and opening hours may be extended by one hour. Also, on any Thursday preceding a Public Holiday Friday, timings for licensable activities and opening hours may also be extended by one hour.

Conditions:

Extensive deletions and revisions are listed on the application. EPS will limit comments to those conditions identified as being wholly or partly relevant to the Prevention of Public Nuisance. The following conditions are identified (as numbered in existing licence issue no.19):

- Annex 2; Nos. 7, 10, 18, 19, 20, 27, 34, 35
- Annex 3; Nos. 1, 2, 3, 4.

So, dealing with these in turn –

Annex 2; No. 7: Proposed for retention with amended wording;

"Other than in case of emergency, all windows and doors serving licensable areas or forming acoustic lobbies are to be closed at all times, except for access and egress, whenever regulated entertainment is present in the premises."

Annex 2; No.10: Understood to be agreed with Steve Pitts (SCC; HPS) to be retained with amended wording;

"Except for wheelchair users, access to and egress from the premises shall be via West Street (front) prior to 23:00 hours, and via West Street Lane (rear) after 23:00 hours only. Except for wheelchair users, access and egress via West Street shall be via the Holly Lane end door only."

Annex 2; No.18: Revision of wording is agreed, as per wording proposed;

"Prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly."

Annex 2; No.19: Deletion agreed.

Annex 2; No.20: Deletion agreed.

Annex 2; No.27: Deletion agreed.

Annex 2; No.34; Proposed for retention with amended wording;

"Regulated Entertainment shall not take place on the premises unless and until suitable acoustic lobbies have been installed at each public entrance, to the written satisfaction of the SCC Environmental Protection Service. Once installed, lobbies shall be allowed to function as such, with no doors being propped or fixed open at any time, other than in case of emergency."

Annex 2; No.35; Deletion agreed.

Annex 3; No.1: Deletion agreed.

Annex 3; No.2: Deletion agreed.

Annex 3; No.3: Proposed for retention with amended wording;

"No amplified sound shall be played except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamperproof manner. The design and setting of the limiter shall have received the prior written approval of Sheffield City Council's Environmental Protection Service prior to any regulated entertainment taking place on the premises."

Annex 3; No.4: Proposed for retention with amended wording;

"No Open bottles or glasses are to be removed from the premises at any time, nor drinks permitted in any designated smoking area."

In addition to the above listed conditions, proposed for deletion or amendment on the application form, EPS would also request the addition of the following conditions, to assist with the prevention of public nuisance:

"A management plan shall be held on site detailing the importance of monitoring and controlling the behaviour of customers in the immediate vicinity of the premises (including smokers), and the dispersion of customers towards the close of trading. Staff shall be suitably trained to implement the management plan and a copy of the plan and any referenced policies shall be made available upon request by the Licensing Authority."

"All ventilation outlets serving the licensed area are to be acoustically baffled."

I look forward to receiving your comments regarding this representation.

C9

Kind Regards,

Neal Pates

Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

Tel: +44 (0)114 205 3588

Fax: +44 (0)114 273 6464

web: <http://www.sheffield.gov.uk/environment/environmental-health>

Appendix D

Hearing Notices / Regulations / Procedures



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

Angela Gardner
Poppleston Allen Solicitors
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS

a.gardner@popall.co.uk

The Sheffield City Council being the licensing authority, on the 20th August 2015 received your application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

**1 Environmental Protection Service representation
3 public representations / objections
1 Councillor representation / objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12th October at 2pm**; 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: 24th September 2015

Signed: Emma Rhodes
The officer appointed for this purpose
Licensing Officer

**Notice of hearing of representations
in respect of the following application:
Application for a Variation of a Premises Licence**

Neal Pates
Environmental Protection Service
Sheffield City Council
2 -10 Carbrook Hall Road
Sheffield
S9 2DB

neal.pates@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **20th August 2015** received an application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

**1 Environmental Protection Service representation
3 public representations / objections
1 Councillor representation / objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24th September 2015

Signed: _____ Emma Rhodes _____
The officer appointed for this purpose
Licensing Officer

LICENSING ACT 2003

**Notice of hearing of representations
in respect of the following application:
Application for a Variation of a Premises Licence**

Cllr Robert Murphy
Sheffield City Council
Town Hall
Sheffield
S1 4EX

robert.murphy@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 20th August 2015 received an application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

**1 Environmental Protection Service representation
3 public representations / objections
1 Councillor representation / objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12 October 2015 at 2pm**; 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: 24th September 2015

Signed: Emma Rhodes
Page 132 The officer appointed for this purpose
Licensing Officer

D4



LICENSING ACT 2003

**Notice of hearing of representations
in respect of the following application:
Application for a Variation of a Premises Licence**

Ms Heather Dunn
15 Broughton House
50 West Street
Sheffield
S1 4EX

Heather_cook@hotmail.com

The Sheffield City Council being the licensing authority, on the 20th August 2015 received an application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

- 1 Environmental Protection Service representation
- 3 public representations / objections
- 1 Councillor representation / objection

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12 October 2015 at 2pm**; 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: 24th September 2015

Signed: Emma Rhodes
The Officer appointed for this purpose
Licensing Officer

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LICENSING ACT 2003

**Notice of hearing of representations
in respect of the following application:
Application for a Variation of a Premises Licence**

Ms Sona Mehra
10 West Point
58 West Street
Sheffield
S1

sonarmehra@gmail.com

The Sheffield City Council being the licensing authority, on the 20th August 2015 received an application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

**1 Environmental Protection Service representation
3 public representations / objections
1 Councillor representation / objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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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: 24th September 2015

Signed: Emma Rhodes

The officer appointed for this purpose
Licensing Officer

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LICENSING ACT 2003

**Notice of hearing of representations
in respect of the following application:
Application for a Variation of a Premises Licence**

Sheila Sharpe
39 West Point
58 West Street
Sheffield
S1 4EZ

sheila.sharpe@talk21.com

The Sheffield City Council being the licensing authority, on the **20th August 2015** received an application in respect of the premises known as;

OMG, 53-59 West Street, Sheffield, S1 4EQ

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

**1 Environmental Protection Service representation
3 public representations / objections
1 Councillor representation / objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 12 October 2015 at 2pm**; 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: 24th September 2015

Signed: Emma Rhodes

The officer appointed for this purpose
Licensing Officer

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Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Regulation 8

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

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

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

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

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

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

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