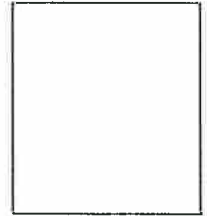




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 21st June 2018

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

OHM Unit 14 West One Plaza, Fitzwilliam Street Sheffield S1 4JB

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 67/18

OHM unit 15 West One Plaza, Fitzwilliam Street Sheffield S1 4JB

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 OHM.

2.2 The application, which was received on 1st May 2018, 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 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':-

1 Environmental Protection Services

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 'E'.
- 6.3 Attached at Appendix 'E' is the following: -
- a) a copy of the Notice of Hearing;
 - b) the rights of a party provided in Regulations 15 and 16;
 - c) the consequences if a party does not attend or is not represented at the hearing
 - d) the procedure to be followed at the hearing.

7.0 APPEALS

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

8.0 RECOMMENDATIONS

- 8.1 That Members carefully consider the representations made and take such steps as the 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

21st June 2018

Appendix A

The Application

AI

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 S. O. Commercial Ltd 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 2054PR

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

OHM
Unit 14
West One Plaza

Post town
Sheffield

Post code
S1 4JB

Telephone number of premises (if any)

0114 278 1000

Non-domestic rateable value of premises

£68500

Part 2 – Applicant Details

Daytime contact telephone number

Email address
(optional)

Current postal
address if
different from
premises address

Unit 14 Fitzwilliam Street

Post Town

Sheffield

Postcode

S1 4JB

Part 3 – Variation

A2

Please tick π yes

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

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

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.

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see Guidance Note 1)

yes no

Please describe briefly the nature of the proposed variation (please read guidance note 2)

OHM is an established late night premises operating without significant issue within the West One Plaza as part of a group of licensed leisure Operators in the development and immediate vicinity.

The Application seeks to extend the hours for the retail sale of alcohol by 30 minutes across the week and on a number of specific days as detailed in the application below. The Applicant would propose the premises shall close 30 minutes after the hour specified for the retail sale of alcohol, as detailed below.

If granted the revised hours for the retail sale of alcohol would be:

- 09:00hrs – 01:00hrs (Monday to Wednesday)
- 08:00hrs – 01:00hrs (Thursday)
- 08:00hrs – 01:30hrs (Friday to Sunday)
- 09:00hrs – 01:00 (Sunday) – 01:30 (Bank Holiday Sunday)
- 09:00hrs – 01:30hrs (Boxing Day / NYE)
- Sunday morning when British summer time is applied – 02:30hrs BST

The internal public address system in the premises is controlled by a noise limiting device which has been fixed in conjunction and with the agreement of responsible authorities. The noise from these speakers is therefore controlled to ensure no noise nuisance arises. There is an absence of substantiated noise complaints relating to the playing of recorded music by OHM.

Despite these controls the present licence shows a disconnection between the operational hours and the permitted hours for recorded music. The Applicant seeks therefore to mirror the permitted hours for the provision of recorded music to that for the retail sale of alcohol.

The current licence does not permit the provision of late night refreshment. The Applicant proposes to add this as a permitted activity with a terminal hour mirroring that for the retail sale of alcohol.

The licence is currently subject to a curfew on the external area of 22:30hrs, in common with other Operators in the same development.

The licence, unlike other Operators, also contains a blanket prohibition on the installation of speakers in external areas.

The Applicant does not through this application seek to extend the curfew or for permission to provided regulated entertainment in the external areas.

The Applicant does wish to install appropriate speakers in the external area in order to allow background levels of music to be played during the hours of operation (of the external area).

The Applicant therefore seeks the removal of condition 19 of Annex 2, which reads:

- "No amplified sound or live music shall be played nor shall loudspeakers be placed at any time outside the building within the proposed outdoor eating and/or drinking area."

The Applicant proposes an alternative condition in order to ensure the promotion of the relevant licensing objectives, which shall read:

- "Any external audio equipment shall be controlled so as to avoid any potential public nuisance. Any external speakers shall not be utilised between 22:30hrs and 09:00hrs daily".

The Applicant does not consider that any aspect of this modest application will undermine the Licensing Objectives and the management of the premises has demonstrated they are capable of promoting the objectives.

A3

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.

Please tick π yes

Provision of regulated entertainment (Please see guidance note 3)

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

A4

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed				State any seasonal variations for performing plays (please read guidance note 6)	
Thur					
Fri			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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

C

15

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

AG

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	π
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	23:00		Please give further details here (please read guidance note 5) As stated in Part 3 above and to include live music which may be amplified or unamplified.	
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 6) N/A – save as below		
Thur	09:00	23:00			
Fri	09:00	00:00	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 7) 09:00hrs to 01:00hrs on Boxing day.		
Sat	09:00	00:00			
Sun	09:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	π
Day	Start	Finish		Outdoors	
				Both	
Mon	09:00	01:00		Please give further details here (please read guidance note 5) Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.	
Tue	09:00	01:00			
Wed	09:00	01:00	State any seasonal variations for playing recorded music (please read guidance note 6) N/A – save as below		
Thur	08:00	01:00			
Fri	08:00	01:30	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	08:00	01:30			
Sun	09:00	01:00			

G

A7

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 5)	Both
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 {Y} (please read guidance note 4).	Indoors
Mon				
Tue			Please give further details here (please read guidance note 5)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the entertainment of 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 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	π	
Day	Start	Finish		Outdoors		
				Both		
Mon	23:00	01:00	Please give further details here (please read guidance note 5) The provision of hot food and drinks for consumption on and off the premises at the Manager’s discretion and in the areas identified.			
Tue	23:00	01:00				
Wed	23:00	01:00		State any seasonal variations for the provision of late night refreshment (please read guidance note 6) N/A – save as below		
Thur	23:00	01:00				
Fri	23:00	01:30		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 7) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	23:00	01:30				
Sun	23:00	01:00				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
				Both	π
Mon	09:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 6) 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 7) To permit the sale of alcohol and such regulated entertainment authorised hereunder on New Year’s Eve commencing 09:00 until 01:30 on the 1 st January, and on Boxing Day and Bank Holiday Sundays until 01:30 the following mornings. To extend permitted hours for all licensable activities on the commencement of British Summertime for 1 hour		
Tue	09:00	01:00			
Wed	09:00	01:00			
Thur	08:00	01:00			
Fri	08:00	01:30			
Sat	08:00	01:30			
Sun	09:00	01:00			

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 10)

NONE save for the presence of gaming machines the use of which is not permitted by persons under the age of 18

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use 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 7) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	09:00	01:30	
Tue	09:00	01:30	
Wed	09:00	01:30	
Thur	08:00	01:30	
Fri	08:00	02:00	
Sat	08:00	02:00	
Sun	09:00	01:30	

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

Annex 2 – Condition 19:

- "No amplified sound or live music shall be played nor shall loudspeakers be placed at any time outside the building within the proposed outdoor eating and/or drinking area."*

Please tick π 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

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 11)

This is an application for variation as described in Part 3 above.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed.

c) Public safety

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed, save as below:

1. Any external audio equipment shall be controlled so as to avoid any potential public nuisance. Any external speakers shall not be utilised between 22:30hrs and 09:00hrs daily.

e) The protection of children from harm

No further risks have been identified which need to be addressed.

- 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

11

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners 

Date: 30th April 2018

Capacity: Solicitors.....

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 14). **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 15)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional) cgrunert@john-gaunt.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. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Appendix B

Current Premises Licence

Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

LOCAL AUTHORITY



Licensing Service
Place Portfolio
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD
Tel: 0114 2734264
Email: licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing

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

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

OHM

Unit 14 West One Plaza, Fitzwilliam Street, Sheffield, South Yorkshire, S1 4JB.

Telephone 0114 278 100C

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	9:00am	11:00pm
	Monday	9:00am	11:00pm
	Tuesday	9:00am	11:00pm
	Wednesday	9:00am	11:00pm
	Thursday	9:00am	11:00pm
	Friday	9:00am	Midnight
	Saturday	9:00am	Midnight
	Boxing Day (26/12)	9:00am	1:00am
F. Playing of recorded music (Indoors)			
	Sunday	9:00am	12:30am
	Monday	9:00am	12:30am
	Tuesday	9:00am	12:30am
	Wednesday	9:00am	12:30am
	Thursday	9:00am	12:30am
	Friday	9:00am	12:30am
	Saturday	9:00am	12:30am
	New Years Eve (31/12)	9:00am	1:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	9:00am	12:30am



Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...			
	Monday	9:00am	12:30am
	Tuesday	9:00am	12:30am
	Wednesday	9:00am	12:30am
	Thursday	8:00am	12:30am
	Friday	8:00am	1:00am
	Saturday	8:00am	1:00am
	Bank Holiday Sunday	9:00am	1:00am
	Boxing Day (26/12)	9:00am	1:00am

THE OPENING HOURS OF THE PREMISES

	Time From	Time To
Sunday	9:00am	1:00am
Monday	9:00am	1:00am
Tuesday	9:00am	1:00am
Wednesday	9:00am	1:00am
	8:00am	1:00am
Friday	8:00am	1:00am
Saturday	8:00am	1:00am
Bank Holiday Sunday	9:00am	1:30am
New Years Eve (31/12)	9:00am	1:30am

PLEASE NOTE:

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

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

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

S.O Commercial Limited
9 Balmoral Glen, Sheffield, S10 4NQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

S.O Commercial Limited

10568574

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Bethanie Gigi Michelle ZAPHRONELLE

29 Glenview Road, Sheffield, S8 7SF.

B3

Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

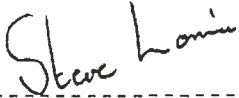
Licence No: SY05719

Issued by: Sheffield

LICENCE DATES

This Premises Licence shall be in force from the 10 March, 2017

Issued on 30 May, 2017



Steve Lonnia

Head of Licensing Services

On behalf of Sheffield City Council (Issuing Licensing Authority)

R4

Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

ANNEXES

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.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula-

$$P = D + (D \times V)$$
 where-
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-



RS

Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

ANNEXES continued ...

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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



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ANNEXES continued ...

- (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. 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.
2. A zero tolerance policy will be in force in relation to drugs, and warning signs put in place.
3. The use of door supervisors will be risk assessed on an event by event basis and a written record of the risk assessment is to be kept at site for 6 months.
4. C.R.R.A.C. radio scheme will be in operation.
5. Membership of the Pub watch scheme will be made.
6. Signs will be displayed on all exit routes requesting customers respect local residents and leave quietly.
7. Persons under 18 years old will not be allowed on the premises unless they are under adult supervision at all times.
8. Persons under 18 years old will not be admitted on the premises after 20:00 hours.
9. I.D. will be requested from any person who appears to be under 21 years old.
10. Regular glass collections will be made both outdoors and indoors.
11. The external drinking area will be controlled by Security staff.
12. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and Police and Authorised officers of the Council will be given access to images for the 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. A copy of the specification dated January 2010 will be available at all times for inspection of the Police and Authorised officers.
13. A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music.
14. Minimum seating arrangement for 100 persons will be maintained at the premises.
15. A Building Regulation Completion Certificate shall be submitted to the Responsible Authority for Public safety within a reasonable time period after the premises has opened for business.
16. No Licenseable activity shall take place under the authority of this licence until the licensing

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Licensing Act 2003 Premises Licence

Issue No: 14

SY002054 PR

ANNEXES continued ...

representaion on behalf of the Health Protection Service. The Licensee will give the Health Protection Service a minimum of 14 days notice of the intended opening date of the premises. The Health Protection Service will attend the site within a 14 day notice period referred to above.

17. Music should only be played within the building such that:-

(i) Noise breakout from the building to the street should not exceed the ambient* noise levels by more than 3dB

(A) when measured as a 15 minute Laeq;

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

*where ambient noise level is the Laeq. 15 mins in the absence of the specific noise source (breakout from the A4 Unit)

18. No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, limited to 90dB(A).

19. No amplified sound or live music shall be played nor shall loudspeakers be placed at any time outside the building within the proposed outdoor eating and/or drinking area.

20. Live music shall be restricted to the ground floor.

21. The outdoor seating areas shown on the drawings hereby approved shall be used only between 09:00 and 22:30 hours on any day. The furniture shall not be laid out for use between 23:00 and 09:00 hours daily. It shall be stacked outdoors by 23:00 hours in accordance with a management strategy to be submitted to and approved by teh Local Planning Authority. After stacking, the tables and chairs shall be secured and immobilised such that they cannot be moved by persons unknown.

22. The fire exit doors on to Fitzwilliam Street shall only be used as an emergency exit and shall not at any other time be propped open.

23. The entrance from the Plaza shall incorporate an acoustic lobby, as detailed in plan Revision C. The lobby doors shall not be left propped open at anytime.

24. Live Music shall cease at 23:00 hours until a validation report has been produced and approved which demonstrates that the installed works are capable of restricting noise transmission from the premises to the residential accommodation above to levels complying with the following: Bedrooms: Noise Rating curve of NR25 (23:00 to 07:00 hours)(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5Hz to 8kHz). Upon approval of the validation report live music shall be authorised until 00:00 hours, 7 days a week.

25. Barriers will be used to control customer movement in external drinking area.

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

Annex 4 - Plans

Premises: OHM, West One, Unit 14

Drawing Number: OI-0005

Date Drawn: 04-12-2016



Licensing Act 2003

Issue No: 14

Premises Licence Summary SY002054 PR

LOCAL AUTHORITY



Licensing Service

Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

Email: licensing@sheffield.gov.uk

Website: www.sheffield.gov.uk/licensing

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:

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

OHM

Unit 14 West One Plaza, Fitzwilliam Street, Sheffield, South Yorkshire, S1 4JB.

Telephone 0114 278 100C

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
E. Performance of live music (Indoors)			
	Sunday	9:00am	11:00pm
	Monday	9:00am	11:00pm
	Tuesday	9:00am	11:00pm
	Wednesday	9:00am	11:00pm
	Thursday	9:00am	11:00pm
	Friday	9:00am	Midnight
	Saturday	9:00am	Midnight
	Boxing Day (26/12)	9:00am	1:00am
F. Playing of recorded music (Indoors)			
	Sunday	9:00am	12:30am
	Monday	9:00am	12:30am
	Tuesday	9:00am	12:30am
	Wednesday	9:00am	12:30am
	Thursday	9:00am	12:30am
	Friday	9:00am	12:30am
	Saturday	9:00am	12:30am
	New Years Eve (31/12)	9:00am	1:00am
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	9:00am	12:30am

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Licensing Act 2003

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Premises Licence Summary SY002054 PR

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises continued ...			
	Monday	9:00am	12:30am
	Tuesday	9:00am	12:30am
	Wednesday	9:00am	12:30am
	Thursday	8:00am	12:30am
	Friday	8:00am	1:00am
	Saturday	8:00am	1:00am
	Bank Holiday Sunday	9:00am	1:00am
	Boxing Day (26/12)	9:00am	1:00am

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	9:00am	1:00am
Monday	9:00am	1:00am
Tuesday	9:00am	1:00am
Wednesday	9:00am	1:00am
	8:00am	1:00am
Friday	8:00am	1:00am
Saturday	8:00am	1:00am
Bank Holiday Sunday	9:00am	1:30am
New Years Eve (31/12)	9:00am	1:30am

PLEASE NOTE:

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

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

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

S.O Commercial Limited
9 Balmoral Glen, Sheffield, S10 4NQ.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

S.O Commercial Limited 10568574

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Bethanie Gigi Michelle ZAPHRONELLE



B10

Licensing Act 2003

Premises Licence Summary SY002054 PR

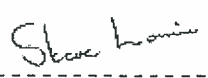
Issue No: 14

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted

LICENCE DATES

This premises licence shall be in force from 10 March, 2017
Issued on 30 May, 2017



Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing licensing authority)

Appendix C

Objections
Environmental Protection Services

Rughani Kishan

Subject: FW: OHM unit 14 West One Plaza, Sheffield S1 4JB

From: Round Jonathan
Sent: 24 May 2018 16:01
To: cgrunert@john-gaunt.co.uk; licensingservice
Subject: OHM unit 14 West One Plaza, Sheffield S1 4JB

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 variation of the Premises Licence for the above premises.

The premises were originally designed and built as a supermarket, and were therefore not built to retain loud amplified sound. We have previously received public nuisance complaints about the playing of loud amplified music at the premises. Although the premises were under different ownership at that time it does illustrate the fact that residential accommodation is in very close proximity to the premises. The premises share a ceiling/ floor with the apartments above and the outside area can be seen from the apartments in the West One complex.

When the original change of use planning consent and premises licence were granted Live music was not permitted to take place after 23:00hrs until a validation report was submitted to prove the fabric of the building was able to adequately retain sound. This validation exercise was undertaken and while the internal noise criteria in the flats was complied with the noise limiter in the bar had to be set comparatively low, and the sound from the bar was still audible in the flats above. From planning consent 12/00165/COND Officer report: *"EPS concluded that the monitoring demonstrated that the noise in the bedrooms of the flats complied with the requirements of condition 8, which has therefore been complied with. However, whilst levels complied with the requirements of the condition, the music was audible in the flats to the extent that Officers were able to distinguish what song was being played, reinforcing concerns about extending the hours of use of this unit."*

This is perhaps the reason why Unit 14 was restricted to an earlier finish than the other West One A3/ A4 units which don't have residential accommodation above them on planning consent 14/03356/FUL:

Condition 20

(a) Units 1-2 and 3, shall only be used between 0800 hours and 0030 hours the following day on Sundays, Mondays, Tuesdays and Wednesdays; between 0800 hours and 0100 hours the following day on Thursdays; and between 0800 hours and 0130 hours the following day on Fridays and Saturdays and the day immediately before a Bank Holiday

(b) Units 8 and 9 shall only be used between 0800 hours and 0030 hours the following day on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays; and between 0800 hours and 0100 hours the following day on Fridays and Saturdays and any day immediately before a Bank Holiday

(c) Unit 14 shall only be used between 0800 and 0030 hours the following day on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays; and between 0800 hours and 0130 hours the following day on Fridays and Saturdays and any day immediately before a Bank Holiday

C2

(d) All other restaurant/café units in the plaza shall only be used between 0800 hours and 2330 hours Monday to Saturday and between 0800 hours and 2300 hours on Sundays, in line with the original planning permission.

(e) After 2300 hours on any day customers to Units 1-2 shall not be allowed to use the two fire exits or the side entrance to the Plaza which shall be kept closed and shall only use the main entrance to Fitzwilliam Street.

(f) The previously approved outdoor seating areas shall only be used between 0900 hours and 2230 hours on any day.

(g) Before the above hours of operation commence a detailed management strategy to prevent noise and disturbance issues arising in the plaza shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved management strategy shall remain in force at all times and shall not be altered or deviated from without the prior authorisation of the Local Planning Authority.

The above highlighted times are not the same as have been applied for in the variation of the premises licence. Could you confirm if the hours which have been applied for will be the subject of a subsequent planning application or if the applicant would be happy to reduce the hours for the premises licence to be in line with the planning consent 14/03356/FUL.

Use of the outside area in the West One complex has resulted in several complaints about the noise from customers and amplified sound from the residents above over the years. For this reason there are restrictions on the hours of use of the outside areas under both planning and licensing regimes.

The 'nature of the proposed variation' makes reference to other premises in the complex not having a restriction on noise make equipment in external area. Under the licensing act each premises must be judged on its own merits. In this situation allowing music to be played outside would raise the background noise level. This in turn would mean that the internal noise level could be increased (it is currently restricted via condition 17), it would also mean that music would be audible on the highway, and throughout the concourse. While the premises have made use of TENs to have external music on a few recent bank holidays, the infrequent nature and the fact that they have been relatively busy/ noisy bank holidays means that residents are more likely to accept elevated noise levels, for a limited time. Having amplified sound outside for 12-13 hours a day, 7 days a week is not acceptable.

I would not agree to the removal of condition 19, which restricts the use of outdoor speakers.

I would welcome the chance to discuss the matter further and negate the need for committee. Please reply to this email or call on the number below.

Please note I'm on Annual Leave next week and return to work on 4th June 2018.

Regards,

Jon.

Jonathan Round
Environmental Health Officer

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

Appendix D

Hearing Notices / Regulations / Procedures



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

D1

OHM
C/O John Gaunt & Partners
Omega Court
Sheffield
S11 8FT

Emailed to cgrunert@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 1st May 2018 received your application in respect of the premises known as;

OHM Unit 14 West One Plaza Fitzwilliam Street Sheffield S1 4JB

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

1 Environmental Protection Services

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 21st June at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 11th June 2018

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Officer



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

D2

Jonathon Round
Environmental Health Officer
Environmental Protection Service
Sheffield City Council

Sent by e-mail to Jonathon.round@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 1st May 2018 received an application in respect of the premises known as;

OHM Unit 14 West One Plaza Fitzwilliam Street Sheffield S1 4BJ

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

1 Environmental Protection Services

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

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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: 11th June 2018

Signed: Clive Stephenson

The officer appointed for this purpose
Licensing Officer

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

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

D4

- (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)

DB

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.