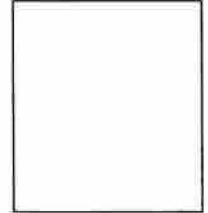




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 12<sup>th</sup> July 2018

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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**Recommendations:** That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

**Ref No 72/18**

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

2.1 The applicant is Brewer & Hop Limited

2.2 The application, which was received on 25<sup>th</sup> May 2018, is attached to this report labelled Appendix 'A'.

**3.0 REASONS FOR REFERRAL**

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

- No 7 Public

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 'C'

**4.0 POLICIES TO CONSIDER**

4.1 Sheffield City Council Licensing Policy

**5.0 FINANCIAL IMPLICATIONS**

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

**6.0 THE LEGAL POSITION**

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

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

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

## **7.0 HEARINGS REGULATIONS**

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

## **8.0 APPEALS**

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

## **9.0 RECOMMENDATIONS**

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

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

- 10.1 To grant the premises licence in the terms requested.
- 10.2 To grant the premises licence with conditions.
- 10.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

12<sup>th</sup> July 2018

# Appendix A

Application

**Application for a premises licence to be granted  
under the Licensing Act 2003**

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, Brewer & Hop Ltd, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Dalbury & Palmer 40 Wostenholme Road	
Post town Sheffield	Post code S7 1LJ

Telephone number of premises (if any)	
Non-domestic rateable value of premises	£12,250

**Part 2 – Applicant Details**

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals\*  please complete section (A)
  - b) a person other than an individual\*
    - i. as a limited company  please complete section (B)
    - ii. as a partnership  please complete section (B)
    - iii. as an unincorporated association or  please complete section (B)
    - iv. other (for example a statutory corporation)  please complete section (B)
  - c) a recognised club  please complete section (B)
  - d) a charity  please complete section (B)
  - e) the proprietor of an educational establishment  please complete section (B)
  - f) a health service body  please complete section (B)
  - g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
  - h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick  yes

A2

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

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

Date of Birth:	I am 18 years old or over <input type="checkbox"/>
Nationality:	

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

Date of Birth:	I am 18 years old or over <input type="checkbox"/>
Nationality:	

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

A3

**(B) OTHER APPLICANTS**

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

Name <b>Brewer &amp; Hop Ltd</b>
Address <b>84 Gleadless View, Sheffield S12 2UL</b>
Registered number (where applicable) <b>11353299</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Limited Company</b>
Telephone number (if any)
E-mail address (optional)

**Part 3 – Operating Schedule**

When do you want the premises licence to start?

Day    Month    Year

A	S	A	P
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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day    Month    Year

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

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

N/A
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A4

**Please give a general description of the premises (please read guidance note 1)**

XXXX are the Operators of the Dalbury & Palmer Hotel. The hotel includes a restaurant currently licensed by Sheffield City Council under licence SY 1221 PR operated by Mrs. Donna Santos.

The purpose of this application is to:

- (1) Create a showdown licence for the Hotel Operator in identical hours to that already granted, this will ensure continuity of business.
- (2) Extend the demise of the licence area to cover an additional food and beverage area which will operate principally as a breakfast room and coffee shop, as described on deposited plan - "14-27 PLO4 Rev B"
- (3) To add a residential exemption to the licence to differentiate between members of the public and residents. As is common with hotels, the Applicant seeks unrestricted hours of operation for residents.
- (4) To revise the current children's condition to differentiate between resident and non-resident children.
- (5) To revise the opening hours of the premises to reflect a proposed breakfast service open to resident and non-residents.

The activities and hours of operation sought are as follows:

- Regulated entertainment in the form of films, indoor sporting events, live music, recorded music and performance of dance - 11am to Midnight, Monday to Sunday.
- Retail sale of alcohol on and off the premises - 11am to Midnight, Monday to Sunday (non-residents), unrestricted for residents (extended on NYE as specified below).
- Late Night Refreshment - 11am to Midnight, Monday to Sunday.

The requested opening hours are:

- 06:00hrs to 00:30hs - Monday to Sunday (unrestricted for residents).

The Operating Schedule proposed mirrors the existing licence save for the removal of a condition relating to dancing (facilities for dancing is no longer regulated) and a variation to condition 11 of Annex 2 which reads:

*"Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours."*

The Applicant proposed the following revised condition:

*"Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours, save for those resident at the hotel who shall be permitted unrestricted access."*



**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick  yes

**Provision of regulated entertainment (please read guidance note 2)**

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

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

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
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 6)		
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish	<p>Please give further details here (please read guidance note 4)</p> <p>There shall be no films shown to a close seated audience. Any entertainment of this nature will be ancillary to the operation of the premises as a hotel and restaurant.</p> <p>State any seasonal variations for the exhibition of films (please read guidance note 5)</p> <p>N/A – save as below</p> <p>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 6)</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)</p>		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

**C**

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)		
			Restricted to traditional pub games in the presence of an audience, including (but not limited to) darts, pool, snooker, dominos and similar. Any entertainment of this nature will be ancillary to the operation of the premises as a hotel and restaurant.		
Day	Start	Finish	<p>State any seasonal variations for indoor sporting events (please read guidance note 5)</p> <p>N/A – save as below</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)</p> <p>When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)</p>		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Fri					
Sat					
Sun			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 6)		

**E**

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	X
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 4)	Both	
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00	N/A – save as below		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

F

AB

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 4)		
Tue	11:00	00:00	Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation. Any entertainment of this nature will be ancillary to the operation of the premises as a hotel and restaurant.		
Wed	11:00	00:00	State any seasonal variations for playing recorded music (please read guidance note 5)		
Thur	11:00	00:00	N/A – save as below		
Fri	11:00	00:00	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 6)		
Sat	11:00	00:00			
Sun	11:00	00:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 4)		
Tue	11:00	00:00	Any entertainment of this nature will be ancillary to the operation of the premises as a hotel and restaurant.		
Wed	11:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	11:00	00:00	N/A – save as below		
Fri	11:00	00:00	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 6)		
Sat	11:00	00:00			
Sun	11:00	00:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**H**

A9

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			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 3).	Indoors	
				Outdoors	
Mon				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
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 6)		
Sun					

**I**

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	X
Day	Start	Finish		Outdoors	
Mon	23:00	00:00	Please give further details here (please read guidance note 4) Operation of a restaurant / café to member of the public.	Both	
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	00:00	N/A – save as below		
Fri	23:00	00:00	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 6)		
Sat	23:00	00:00			
Sun	23:00	00:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
				Off the premises	
				Both	X
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00	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 6)		
			To permit sale of alcohol and such regulated entertainment as authorised hereunder from 10.00 to New Year's Eve - terminal hour as proposed being 00.00 on 2 <sup>nd</sup> January.		
			The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.		

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

**Name:** TBC .....

**Date of Birth:** .....

**Address:** .....

.....

**Postcode:**.....

**Personal Licence number (if known):** .....

**Issuing licensing authority (if known):** .....

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9)

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

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)  Please see box J above
Day	Start	Finish	
Mon	06:00	00:30	
Tue	06:00	00:30	
Wed	06:00	00:30	
Thur	06:00	00:30	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 6)
Fri	06:00	00:30	The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Sat	06:00	00:30	The premises shall remain open 24 hours a day for hotel residents.
Sun	06:00	00:30	

**M**

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

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

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

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

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

1. Any person exercising a security activity (as defined by paragraph 2(1) (a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises Licence.
3. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the police.
6. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
7. The Designated Premises Supervisor for these premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance should be maintained.

**c) Public safety**

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

**d) The prevention of public nuisance**

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

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
2. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

AR

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

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

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. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
2. Children under the age of 16 shall not be permitted to enter the premises after 21:00 hours, save for those resident at the hotel who shall be permitted unrestricted access.



**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected
- {Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

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

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• {Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
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Signature: John Gaunt & Partners 

Date: 23<sup>rd</sup> May 2018.....

Capacity: Solicitors.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature:.....

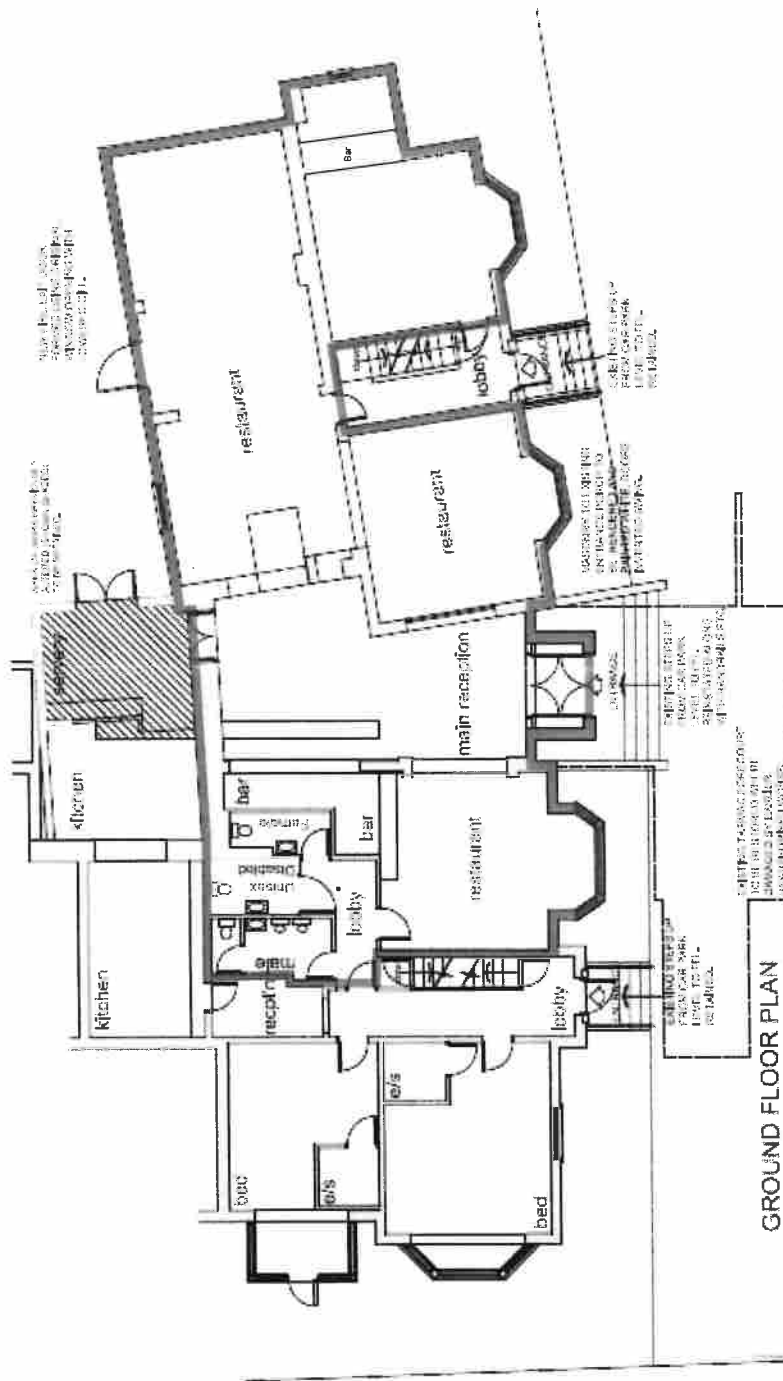
Date:.....

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
<b>John Gaunt &amp; Partners Omega Court 372 Cemetery Road</b>	
Post town <b>Sheffield</b>	Post code <b>S11 8FT</b>
Telephone number (if any)	<b>0114 2668664</b>
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <b>cgrunert@john-gaunt.co.uk</b>	

### Notes for Guidance

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. 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



GROUND FLOOR PLAN

PROPOSED

drawn	checked		
project			
Dalbury & Palmer			
Proposed Ground Floor Plan Amendment			
ref	number	date	rev
14-27	PL04	17/5/18	B

**AIS**

# Appendix B

Objections  
No – 7 Public

**Stephenson Clive (CEX)**


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**From:** Marshall Shelley  
**Sent:** 25 June 2018 14:55  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** Objection 1 - FW: Licensing Application- Brewer & Hop Ltd Dalbury & Palmer 40 Wostenholme Road, Sheffield, S7 1LJ

**Sent:** 17 June 2018 13:16  
**To:** licensingservice  
**Subject:** Licensing Application- Brewer & Hop Ltd Dalbury & Palmer 40 Wostenholme Road, Sheffield, S7 1LJ

Dear Sir

Regarding the above application I would like to object on the following grounds:

**'the prevention of public nuisance'**

The application indicates the following:

Supply of alcohol Mon - Sun 11:00-00:00  
 LNR Mon - Sun 23:00-00:00  
 Performance of Dance Mon - Sun 11:00-00:00  
 Recorded Music Mon-Sun 11:00-00:00  
 Live Music Mon-Sun 11:00-00:00  
 Indoor sporting event Mon-Sun 11:00-00:00  
 Films Mon- Sun 11:00-00:00

1. This is a residential area the finishing time is extremely late. At least after midnight, there is no doubt there will be some amount of noise pollution during the period of customers leaving the premise, for example, cars doors opening and closing and conversations taking place
2. The finishing time for all the above is midnight. Whilst there is there is no mention of Drinking up Time in the 2003 Licensing Act. It is noted applicants for premises licences can specify the maximum period (their "Opening Hours") for which they wish to allow their customers to stay after the time at which the sale of alcohol ends ("the terminal hour") within their Operating Schedule. In this case this is not indicated in the application. As such drinking up time is determined by the licensee's discretion. In this case this could therefore be any amount of time and significantly extend the operating hours of the organisation and subsequently the time people leave the premises
3. There is a Nursing Home close by the hotel with vulnerable adults who would be disturbed at an extremely late hour with customers leaving the premises
4. There does not appear to be an operational condition to keep all the windows closed until midnight in the case of live music or films
5. It is not clear what LNR means in the application- there is a therefore a lack of transparency in the process
6. The public notification for the application for a licence does not state you can respond by email if you wish to object. There was an incorrect form used to notify the public of this application. Consequently, I believe there has been a failure to communicate this application correctly to the public and therefore a lack of due process as the incorrect form has been used. The public have not been informed of all the ways they could object if so desired. Clearly, it is far easier to make

an objection by email rather than in writing. Consequently, the failure to indicate to the public they could object by email has potentially prevented some people objecting. A new, correct form indicating objections can be made by email should replace the original and the timescale (28 days) for objections begin again to ensure a transparent process

**Extract from Facebook Page- posted by Ashleigh Cartwright 14th June**

*(Keep an eye on [Brewer and Hop's Facebook page](#) for more information).*

*'Expect real ales and craft beers, gins and cocktails, alongside meat and cheese boards, all available to enjoy **in a beautiful beer garden in Nether Edge**. The perfect summer scenario. From the beginning of August, the two will also be offering their venue out for private events.'*

7. There is no mention of a beer garden in the application and private events. This would result in additional noise pollution outside the property to at least midnight for local residents

**'public safety'**

The application includes 'Dalbury and Palmer' whom I assume own the property.

There is a history of recent works to this property not being carried out when planning permission was required and disregarding the Nether Edge Conservation area directive. This indicates a pattern of behaviour which does not instill confidence the applicants will keep to the terms of the licence.

1. Broken wall with exposed drains- at least 2 years
2. Installation of UPC windows, not replaced as original
4. Change of colour paint from original
5. New surface to front of property- tarmacked to an extremely poor standard, tarmac spilling on to pavements
6. New windows with etching, not as original

Thank you for considering my objection.

Yours sincerely,

**Stephenson Clive (CEX)**

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**From:** Marshall Shelley  
**Sent:** 25 June 2018 15:01  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** objection 6 - FW: Application for licence to serve alcohol until midnight, Priory Lodge Hotel

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**Sent:** 20 June 2018 10:49  
**To:** licensingservice  
**Subject:** Application for licence to serve alcohol until midnight, Priory Lodge Hotel

Dear Sirs

I object to this application on the following grounds:

1. The property in question is converted from detached dwellings into one premises and includes 38 and 40 Wolstenholm Road.
2. The premises are entirely surrounded by owner occupied properties and some rented homes and apartments. It is a very stable community with mostly long term residents, including myself.
3. It is my understanding that when the original planning application was made it was only granted on the condition that the back of the premises was not to be used as part of the restaurant/bar area. This was to ensure that there was no disturbance to neighbours.
4. Because of its position and the type of properties which are victorian and therefore taller than modern dwellings, all sound echoes around the area. This is especially the case for 38/40 Wolstenholm Road as it is in a corner.
5. My home abutts the rear garden of 38/40 Wolstenholm Road and the rear entrances to our respective properties are within 25 yards of one another.
6. I have lived here for 40 years and know that groups of people partying or playing music always cause some disturbance for the reasons I have outlined above. To have this happening on a weekly and even more frequent basis would be intolerable and would prevent me from using the rooms at the rear of my home.
7. Modern music and their sound systems place great emphasis on bass tones which travel very effectively through brick walls and to which I am extremely sensitive. I know from recent, I assume experiments in music playing on the premises, I can hear these and indeed the music itself.
8. Previous attempts to use the property for public music performance have resulted in some very bitter arguements between the then owners of Priory Lodge and some of their neighbours and indeed at one point, a court case.

John Dobson

3+4

W B4

Stephenson Clive (CEX)

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**From:** Marshall Shelley  
**Sent:** 25 June 2018 15:02  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** objection 7 - FW: Brewer & Hop Ltd: Application to serve alcohol 11.00 – 00.00 to the public on and off the premises

**Sent:** 20 June 2018 10:38

**To:** licensingservice

**Cc:** Maroof Mohammad (LAB-CLLR); Steinke Jim (LAB CLLR); Teal Alison (GN CLLR)

**Subject:** Brewer & Hop Ltd: Application to serve alcohol 11.00 – 00.00 to the public on and off the premises

Dear Madam/Sir

**Re: Brewer & Hop Ltd/Dalbury & Palmer, 40 Wostenholme Rd, Sheffield S7 1LJ**

**Application to serve alcohol 11.00 – 00.00 to the public on and off the premises**

We object to the granting of the above licence on the grounds of “prevention of public nuisance. Being a residential area, the serving of alcohol until midnight, seven days a week seems inappropriate in terms of noise (unavoidable, even with the best will in the world) and the potential for rowdy behaviour - sadly this is already an issue in the neighbourhood.

There is no mention of a beer garden made in the licence application but it is promised on Facebook (14/06/2018). This will surely disturb local residents not only late at night but also in fine weather during daylight hours, when residents will want to relax and enjoy their own gardens.

We're very worried about this application since the premises has shown little regard for neighbours (some four years of ongoing building work), the look of the local area, Planning requirements and the Council's Building Standards, eg:

- The UPVC windows which were installed several years ago break the Nether Edge Conservation Order which requires timber box sashes and we understand are the subject of an ongoing enforcement enquiry.
- The demolition about four years ago of c 6 metres of a stone boundary wall (see photo) with consequent mud and mess on the adjacent pavement and the exposure of a large utility pipe. This is unsightly and suggests little concern for the local community.

The above (ongoing) issues serve to make us question the premises' willingness and Sheffield Council's ability to ensure that the conditions of the licence are respected and adhered to.

We'd like to add that we are not NIMBYs and regard the presence of Casa Mia (operating from the same premises) as benefiting the neighbourhood and a vast improvement on the Priory Lodge Hotel (the previous establishment) – indeed we and our family have eaten at Casa Mia and we wish the venture well.

Yours faithfully



45

AA B5

**Stephenson Clive (CEX)**

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**From:** Marshall Shelley  
**Sent:** 25 June 2018 14:58  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** Objection 4 - FW: Application for licence: Brewer and Hop Ltd

**Sent:** 18 June 2018 20:41  
**To:** licensingservice  
**Subject:** Application for licence: Brewer and Hop Ltd

Dear Sir / Madam

**Re: Application for Dalbury and Palmer at 40 Wostenholme Road, Sheffield, S7 1LJ**

Regarding the above application I wish to object on the following grounds:

This is a family residential area and the closing time is extremely late. There will be noise pollution created from customers leaving the premises

There is no mention of a beer garden in the application with potential access until at least midnight. This would also result in noise pollution for residents.

Yours Sincerely

36

36

## Stephenson Clive (CEX)

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**From:** Marshall Shelley  
**Sent:** 25 June 2018 14:58  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** Objection 3 - FW: Application no: 163372 Brewer & Hop Ltd

**Sent:** 18 June 2018 20:18  
**To:** licensingservice  
**Subject:** Application no: 163372 Brewer & Hop Ltd

Re application no:163372 Brewer & Hop Ltd  
Dalbury & Palmer, 40 Wostenholm Road, Sheffield, S7 1LJ

Dear Sir/Madam,

Regarding the above License Application, we would like to object on the following grounds. Firstly it is our understanding that the building where Brewer & Hop wish to open is in no 38 Wostenholm Road, although it is a separate business they will be supplying food & alcohol for hotel guests as well as the public as the owners work for Dalbury & Palmer. We believe that Brewer & Hop are leasing that area off Dalbury & Palmer & will be a separate business. We think having Casa Mia Restaurant & bar is enough on that premises & surrounding area, there will be extra cars & noise levels & groups outside drinking. it is unacceptable for a residential area that late night drinking be 00.30hrs & 24 hrs for hotel guests.

Drinking in outside Areas, front beer garden & back large patio area: this hasn't been applied for on the application (their Facebook page tells you exactly what they are planning) the premises are in a residential area, surrounded by at least 6 residential properties, apartments & a nursing home, these will all be affected as was in the past when it was formerly Priory Lodge Hotel & bar, numerous complaints were made by residents to 101 late night & early morning regarding unruly late night disturbances & disorder & high music volumes, there should only be drinking & socialising inside behind closed doors & windows.

Private Functions: this will result in marquees erected in the back patio area leading to late night echoing music & noise disturbance.

Parking: There are not enough parking spaces on the premises car park for the Dalbury & Palmer Hotel, Casa Mia Restaurant & Bar & Brewer & Hop, the on street parking is already flooded with cars parked from the neighbouring permit parking side roads.

On street License notice: Who has put the notice up on the lamp post, this doesn't look like an official City Council notice. Non of the immediate residents have been informed of this application & was only noticed as we were walking past, it is our belief that immediate neighbours should be informed by letter.

Brewer & Hop Ltd have a Facebook page indicating they are opening on 7th July, we would be grateful if you could spare the time to read this.

A reply to this email would be gratefully received.

We trust this email will be kept private & confidential.

Yours Faithfully

B7

B7

**Stephenson Clive (CEX)**

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**From:** Marshall Shelley  
**Sent:** 25 June 2018 14:56  
**To:** CGrunert@john-gaunt.co.uk  
**Subject:** Objection 2 - FW: Brewer & Hop Licence Application Nether Edge

**Sent:** 18 June 2018 11:15  
**To:** licensingservice  
**Subject:** Brewer & Hop Licence Application Nether Edge

Dear Sirs,

I would like to strongly object to grant of a licence for these premises in a residential area.

The wish to provide alcohol in a garden setting and a venue for large functions is not suitable in my opinion.

The public nuisance from both noise, traffic and parking would not be in keeping within a conservation area

Applicant: Brewer & Hop Ltd  
Premises:  
Address: Dalbury & Palmer  
40 Wostenholme Road, Sheffield, S7 1LJ  
Type of Premises: Restaurant  
Ward: Nether Edge & Sharrow  
Legislation &  
Type of app: Licensing Act 2003  
Grant of Premises

Thank you for you

Yours faithfully

# Appendix C

Hearing notices and Regulations



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

CI

Brewer & Hop Limited  
C/O John Gaunt & Partners  
Omega Court  
Cemetery Road  
Sheffield  
S11 8FT

Sent via email: [cgrunert@john-gaunt.co.uk](mailto:cgrunert@john-gaunt.co.uk)

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on Thursday **12<sup>th</sup> July 2018 10.00am** ; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 27<sup>th</sup> June 2018

Signed: Clive Stephenson

The officer appointed for this purpose  
Licensing Enforcement and Technical Officer

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



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

C2

Anna Greer  
[REDACTED]

Sheffield  
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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

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Dated: 27<sup>th</sup> June 2018

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Enforcement and Technical Officer

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



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

Andrew Machell  
[REDACTED]

Sheffield  
S7 1LW

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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

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Dated: 27<sup>th</sup> June 2018

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Enforcement and Technical Officer

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



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

C4

Helen Ward

[Redacted]  
Sheffield  
[Redacted]

Sent via email: [Redacted]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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Dated: 27<sup>th</sup> June 2018

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

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





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

C5

John & Sally Nur  
[REDACTED]

Sheffield  
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

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Dated: 27<sup>th</sup> June 2018

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Enforcement and Technical Officer

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



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

CG

Sarah & Chris Johnson

[REDACTED]  
Sheffield  
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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

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Dated: 27<sup>th</sup> June 2018

Signed: **Clive Stephenson**  
The officer appointed for this purpose  
Licensing Enforcement and Technical Officer

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



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

C7

Simon Wills  
[REDACTED]  
[REDACTED]  
Sheffield  
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 25<sup>th</sup> May 2018 received an application in respect of the premises known as;

Dalbury & Palmer 40 Wostenholme Road Sheffield S7 1LJ

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

- **7 x Public**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on Thursday **12<sup>th</sup> July 2018 10.00am** ; following which the Council will issue a notice of determination of the application.

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- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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Dated: 27<sup>th</sup> June 2018

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

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

C9

- (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.