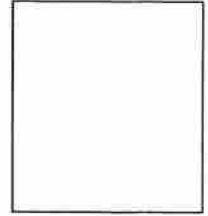




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 9th August 2018

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

185 Middlewood Road Sheffield S6 4HD

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 77/18

185 Middlewood Road Sheffield S6 4HD

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 Wendy Douglas

2.2 The application, which was received on 11th June 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:-

- X 2 Public

3.2 One responsible authority has agreed conditions. This information and conditions are attached at appendix 'C'.

3.3 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 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

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

6.0 THE LEGAL POSITION

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

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

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

7.0 HEARINGS REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.

7.3 Attached at Appendix 'D' is the following: -

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

8.0 APPEALS

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

9.0 RECOMMENDATIONS

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

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.


Stephen Lonnia
Chief Licensing Officer
Head of Licensing

9th August 2018

Appendix A

Application

Rec 11/6/13

Waiting for plan

635780

AI



Sheffield
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

Applying as an individual

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

A2

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

- Address
- OS map reference
- Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

email confirmation of correct post code. S6 2UB

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

A4

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Our Proposal

AS

Continued from previous page...

Micro Pub (small intimate premises)

- *Local beers
- *CAMRA Real Trail
- *No music
- *No gambling
- *Premises refurbishment
-New shop front etc.
- *Reduced hours of opening
- Sunday - Thursday 3pm- 10pm
- Friday - Saturday 11am - 11pm
- Onsite Personal License Holder
Manager
2 staff

Alcohol will be consumed onsite in designated areas internally and on 3 external tables to the front elevation, (6 covers in total).

Sealed beers will also be sold for consumption offsite and away from the premises.

No on street drinking will be acceptable.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

Continued from previous page...

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises
 Off the premises
 Both

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

State any seasonal variations

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

Additional hour on UK Summer time; and
 Christmas Eve and New Years Eve 11:00 - 01:00

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

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

Additional hour on UK Summer time; and
 Christmas Eve and New Years Eve 11:00 - 01:00

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

Continued from previous page...

NameFirst name Family name Date of birth / /
dd mm yyyy**Enter the contact's address**Building number or name Street District City or town County or administrative area Postcode Country Personal Licence number
(if known) Issuing licensing authority
(if known) **PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

Section 16 of 21**ADULT ENTERTAINMENT**

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

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

No adult entertainment will be offered at this premises at anytime.

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 12:00

End 22:00

Start

End

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

TUESDAY

Start 12:00

End 22:00

Start

End

WEDNESDAY

Start 12:00

End 22:00

Start

End

THURSDAY

Start 12:00

End 22:00

Start

End

FRIDAY

Start 11:00

End 23:00

Start

End

SATURDAY

Start 11:00

End 23:00

Start

End

SUNDAY

Start 12:00

End 22:00

Start

End

State any seasonal variations

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

Additional hour on UK Summer time; and Christmas Eve and New Years Eve 11:00 - 01:00

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

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

Additional hour on UK Summer time; and

Continued from previous page...

Christmas Eve and New Years Eve 11:00 - 01:00

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

A crime prevention policy agreed by the police and local authority will be in place.

I will implement a proof of age policy agreed by the police and local authority. (Note: Proof of age cards are dealt with in the pool of conditions relating to the crime and disorder objective. However, it may be appropriate to consider the production of proof of age cards to ensure that appropriate checks can be made where the presence of children is restricted by age at certain time).

b) The prevention of crime and disorder

Door Supervision

I will use or employ door supervisors at all times when a licensable activity is being carried out and I consider them necessary to:

- Prevent the admission and ensure the departure from the premises of drunk and disorderly persons, without causing further disorder;
- Keep out excluded individuals (subject to court or pub watch bans)
- Search and exclude persons suspected of carrying illegal drugs or offensive weapons; or
- Maintain an orderly queue outside the venue.

CCTV

I will provide a means of two way communication to report incidents between the premises and the local police or CCTV monitoring centre.

I will install Video/CCTV equipment inside/outside the premises and ensure that it is maintained in working order.

I will set Video/CCTV equipment to record from the time that the premises open to the public until the premises close and all members of the public have left.

I will ensure that any cameras covering the exterior of the premises are left to record at all times

I will ensure that monitoring tapes are retained for at least twenty eight days and are produced to an authorised officer on demand.

I will put up notices advising that CCTV has been installed on the premises so that they are clearly visible to the public within the licensed premises.

Glasses and Bottles

I will ensure that drinks are only available for consumption from plastic vessels or toughened glass.

Continued from previous page...

I shall participate in the local pubwatch / nightsafe scheme operating in the District

Prohibited Substances

I shall ensure that public information notices about crime and disorder issues are displayed at the request of the Council or South Yorkshire Police

I will display any restrictions on the admittance of individuals according to age (e.g. Children) on or immediately outside the premises.

I will display any conditions of entry to the premises in the vicinity of any entrance to the premises.

Proof of Age

I will ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder asks for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

Capacity Limits

I will ensure that the maximum occupancy of the licensed premises is restricted at any one time

I will provide Door Supervisors to ensure that the capacity limit is enforced.

I will ensure that no drinks are available for consumption from glass bottles.

Where glass bottles are used, they will be retained or disposed of on the premises.

c) Public safety

Escape Routes

I will make sure that escape routes and exits, including external exits, are maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

I will make sure that where chairs and tables are provided, internal gangways are kept unobstructed.

I will make sure that all exit doors are easily openable and do not require the use of a key, card, code or similar means

I will make sure that doors at such exits are regularly checked to ensure that they function satisfactorily and a record of the check is kept.

I will make sure that any removable security fastenings are removed whenever the premises are open to the public or occupied by staff.

I will make sure that all fire doors are maintained effectively selfclosing and not held open other than by approved devices (for example, electromagnetic releases operated by smoke detectors).

I will make sure that fire resisting doors to ducts, service shafts, and cupboards are kept locked shut.

I will make sure that the edges of the treads of steps and stairways

Continued from previous page...

are maintained so as to be conspicuous.

Outbreak of Fires

The fire brigade will be called at once to any outbreak of fire, however slight, and the details recorded in a Fire Log-book

Fire Action Notices

I will make sure that notices detailing the action to be taken in the event of fire or other emergencies, including how the fire brigade should be summoned, are prominently displayed and protected from damage and deterioration

Disabled Access

I will make sure that when disabled people are present, adequate arrangements exist to enable their safe evacuation in the event of an emergency, and that patrons are made aware of these arrangements.

First Aiders

I will make sure that adequate and appropriate supply of first aid equipment and materials is available on the premises.

I will make sure that at least 1 trained firstaider will be on duty when the public are present.

If more than one first-aiders is present, I will make sure that their respective duties are clearly defined.

d) The prevention of public nuisance

I will make sure that Noise or vibration is not noticeable at the façade of any noise sensitive premises.

I will make sure that doors and windows are kept closed (except for ingress and egress) to reduce noise nuisance from the premises no later than 22:00.

I will display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

I will make sure that the placing of bottles into receptacles outside the premises takes place at times that will minimise disturbance to nearby properties.

I will not permit the playing of live or recorded music

I will make sure that any request by an authorised officer of the Council in relation to reducing noise levels is complied with.

I will nominate a person to be responsible for monitoring noise levels and instruct that person to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level. (Note: this may be more relevant at an outdoor event).

I will ensure that no amplified sound

e) The protection of children from harm

I will apply age restrictions during the following hours

I will require that children under the age of 16 are accompanied by adults at all times but no later than 19:00. (Note: The above condition may be appropriate for any premises NOT serving alcohol for

Continued from previous page...

consumption on the premises, but where the public are allowed on the premises.

I will exclude children under the age of 18 from the premises.

(Note: If this condition is appropriate, the operating schedule does not need to detail steps that will be taken to promote the protection of children from harm. Otherwise, where entry is to be permitted, the operating schedule should outline steps to protect children from harm while on the premises).

Section 19 of 21**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - 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.

Section 21 of 21**PAYMENT DETAILS**

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK * RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

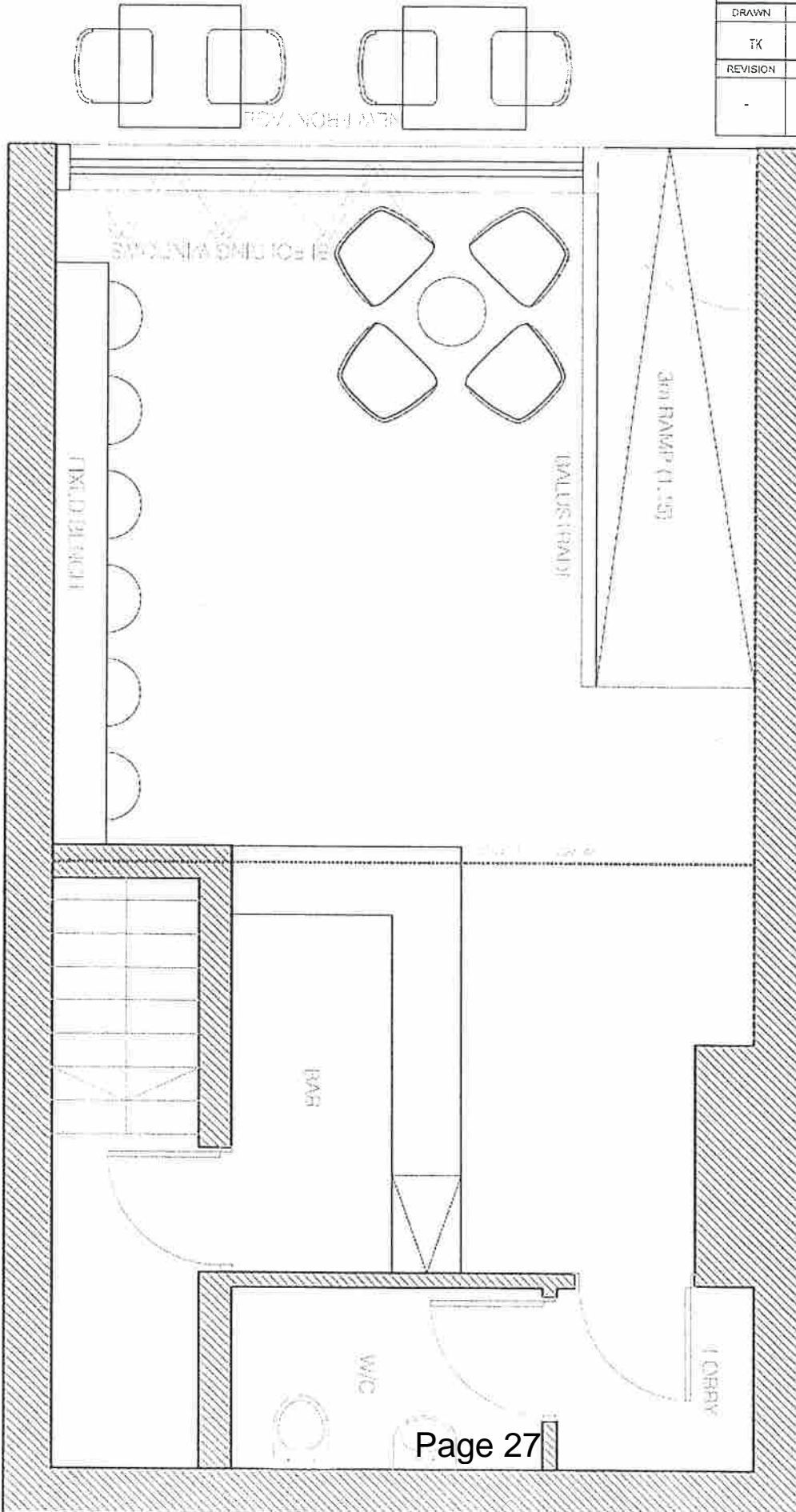
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sheffield/apply-1> to upload this file and continue with your application.

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

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

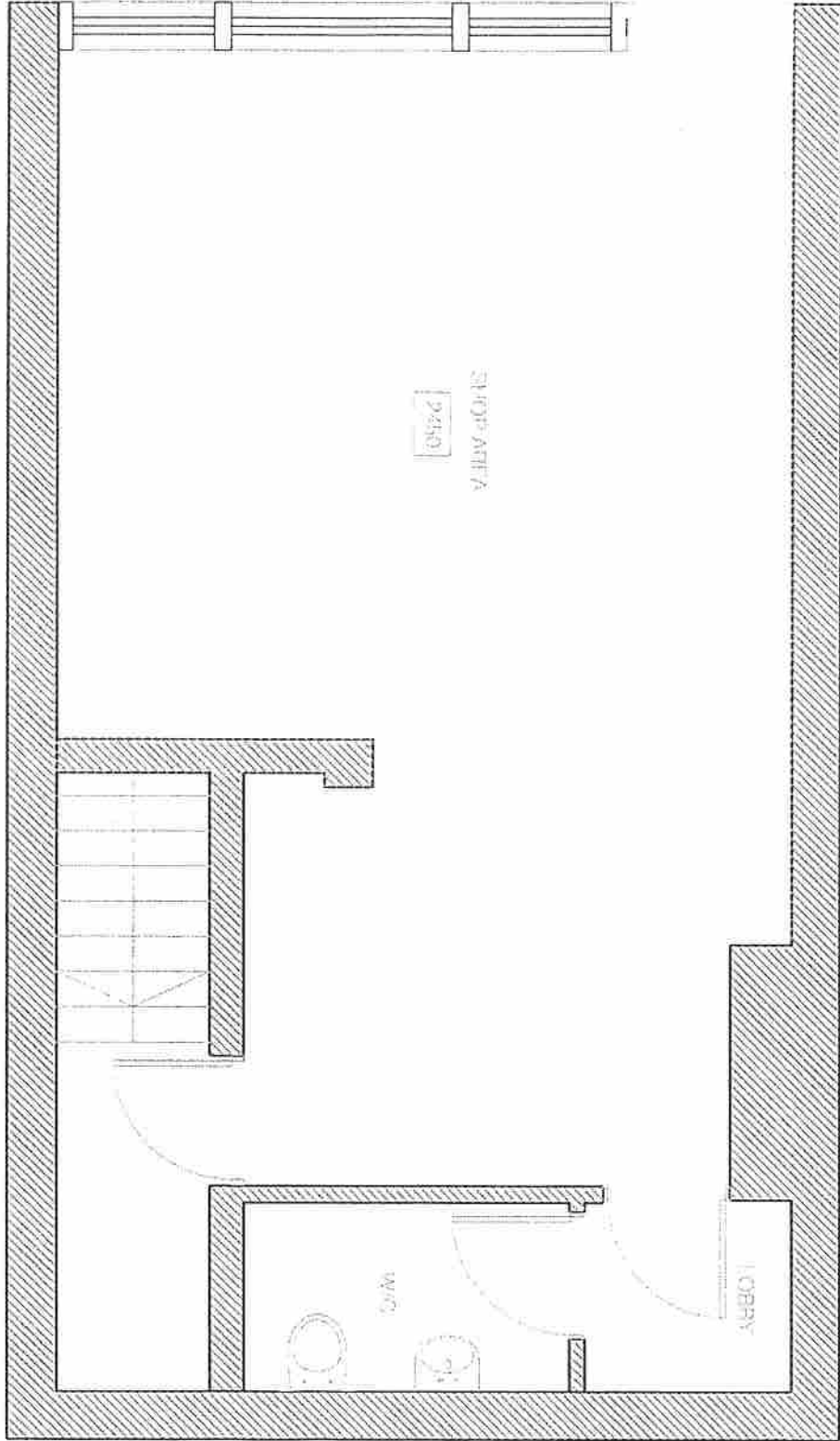
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

		A19 client	
1030 - 185 Middlewood Road		Job	
EXISTING PLANS & ELEVATIONS		Title	
PROPOSED PLANS & ELEVATIONS			
DRAWN	CHECKED	DATE	SCALE
TK	-	MAY 18	A3 ISSUE: AT ISSUE: - AS SHOWN
REVISION	DRAWING STATUS		DRAWING NUMBER
-	PLANNING		1030-102



PROPOSED GROUND FLOOR LAYOUT

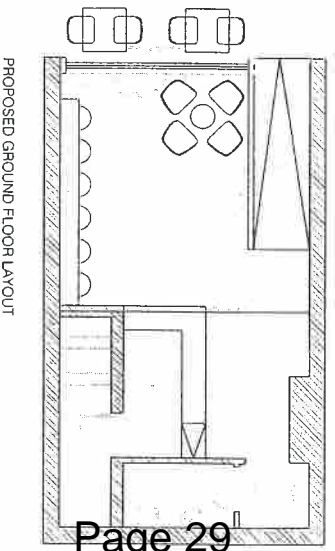
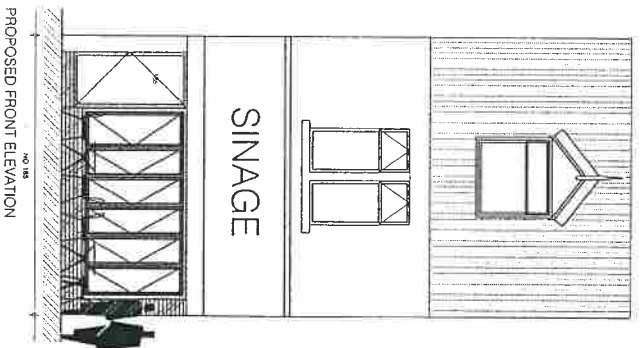
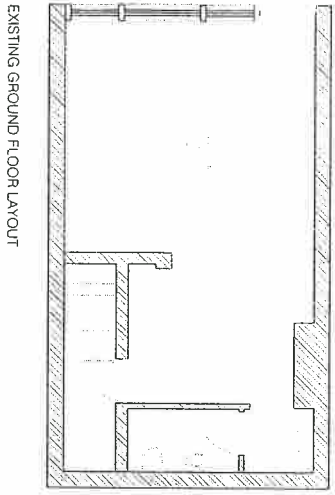
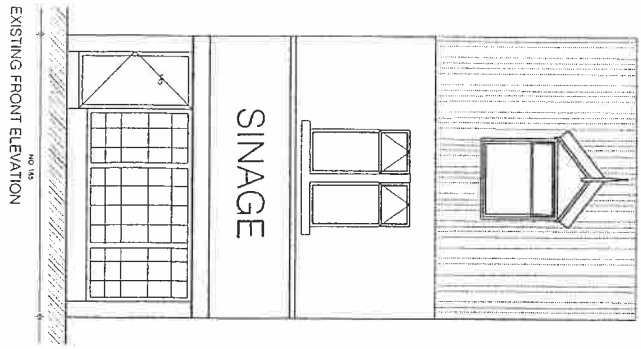
EXISTING GROUND FLOOR LAYOUT



33.11 x 23.39 in

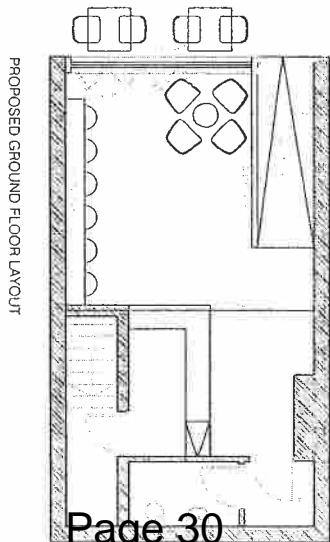
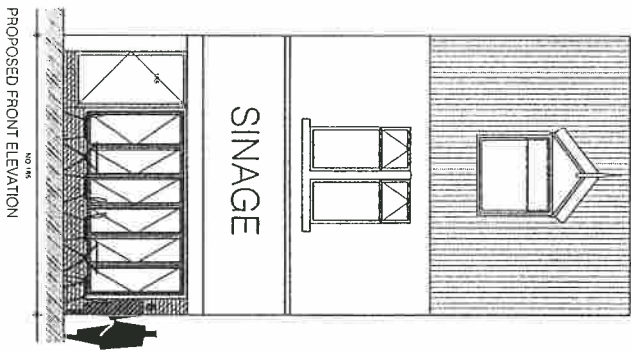
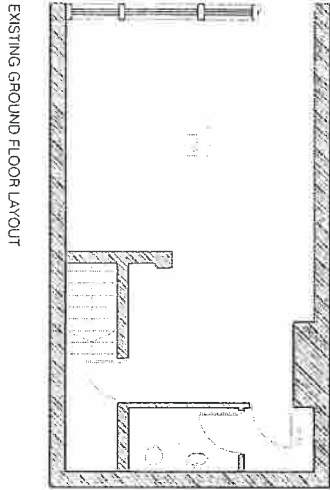
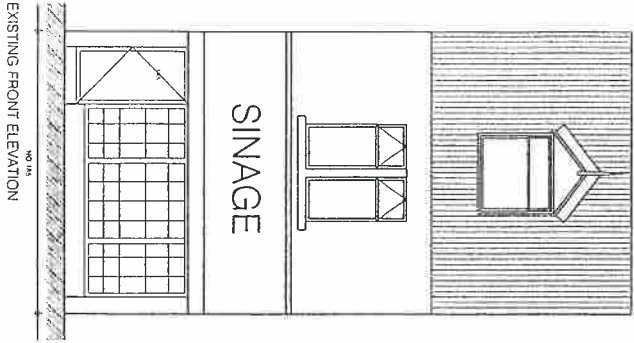


A21



Client		1030 - 105 Middlewood Road	Job
Title		EXISTING PLANS & ELEVATIONS	EXISTING PLANS & ELEVATIONS
DATE	SCALE	DATE	SCALE
14	1/4" = 1'-0"	14	1/4" = 1'-0"
DESIGNED BY	DRAWN BY	CHECKED BY	DATE
PLANNING	1030-102		

A22



Client	1030 - 185 Middlewood Road
Job	306
EXISTING PLANS & ELEVATIONS	Title
PROPOSED PLANS & ELEVATIONS	
DATE	SCALE
NO.	DATE
REVISION	DRAWN BY
PLANNING	1030-102

Appendix B

Objections
2 x Public

>
>
> -----Original Message-----
> From: Julie Pullen [redacted]
> Sent: 10 July 2018 09:52
> To: licensingservice
> Subject: Grant application 185 Middlewood road ,Sheffield,S64hd
>
> I am objecting to the above premises becoming a licensed premises .I
> am concerned that this proposed Brewery/micro pub will be a public
> nuisance with noise ,outside smoking within close proximity of my shop
> and under the influence of alcohol trouble amongst the drinkers in the
> pub . I feel that as we already have a lot of football violence in the
> area a pub in such close proximity will only encourage more , coursing
> intimidation to my regulars customers of nearly 30 years .Julie Pullen
> [redacted]
> [redacted]
> Hillsborough
> Sheffield
> [redacted]
> I trust my comments will be fully taken into account .
> Sent from my iPhone
> This Email, and any attachments, may contain non-public information
> and is intended solely for the individual(s) to whom it is addressed.
> It may contain sensitive or protectively marked material and should be
> handled accordingly. If this Email has been misdirected, please notify
> the author immediately. If you are not the intended recipient you must
> not disclose, distribute, copy, print or rely on any of the
> information contained in it or attached, and all copies must be
> deleted immediately. Whilst we take reasonable steps to try to
> identify any software viruses, any attachments to this Email may
> nevertheless contain viruses which our anti-virus software has failed
> to identify. You should therefore carry out your own anti-virus checks
> before opening any documents. Sheffield City Council will not accept
> any liability for damage caused by computer viruses emanating from any
> attachment or other document supplied with this e-mail

LICENSING SERVICES
 BLOCK C.
 STANFORTH ROAD DEPOT.
 STANFORTH ROAD,
 SHEFFIELD S9 3HD

[REDACTED]
 [REDACTED]
 SHEFFIELD,
 [REDACTED]

10th July 2018

Dear Sirs,

RE: GRANT APPLICATION 185, MIDDLEWOOD ROAD
 PROPOSED MICRO PUB S6 4HD.

I am making a Relevant Representation and objecting on the basis of Noise and Public Nuisance. My Reasons are:

1. Me and my wife live on the first floor of the adjacent property. Our lounge window is approx 12 feet from the opening windows planned for the Micro Pub. Noise will easily be heard from both inside and outside of the Pub. It is inevitable that people will gather outside to smoke and also to drink. We will be unable to open our lounge window in peace.
2. There will be raised voices when people leave the premises, particularly late at night, and as happens outside pubs, rowdiness will occur. Any notices placed inside the pub will be ignored.
3. On Sheffield Wednesday match days the noise will be intense and public order will be very hard to contain. This also applies to Music Festivals.
4. Two N.H.S. Workers live directly above the proposed pub, one is a nurse who works shifts

continued

(2)
5. Car parking and the banging of cardoors late at night will also be a problem.

Both myself and my wife are in our seventies and have lived here for 9 1/2 years. We both have health problems and can well do without a pub on our doorstep. Would the applicants enjoy being presented with a pub as their next door neighbour?

Yours faithfully,

R. Hollingsworth (R. HOLLINGSWORTH)

Part or all of the information contained in this document may be subject to legal professional privilege and must not be disclosed without the prior consent of Legal & Governance Services. It may be exempt from disclosure by virtue of Section 42 of the Freedom of Information Act 2000 and Para 10, Sch 7 of the Data Protection Act 1998 P

P Please don't print this e-mail unless you really need to

-----Original Message-----

From: MARIE FREW [REDACTED]
Sent: 15 July 2018 21:45
To: licensing@sheffield.gov.uk
Subject: Grant application 185 Middlewood Road, Sheffield, S6 4HD

My name is Marie Frew

I live at [REDACTED]

I am objecting to any alcohol license being granted to 185 Middlewood Road

I am objecting on the grounds of noise, public nuisance and hazard to health.

The premises of 185 has always been a retail outlet. The opening hours have always been akin to business hours (9-5) and occasionally at weekends.

The hours of this potential drinking establishment are totally unsocial in this residential area. The hours in the licensing application are totally different to the hours applied for in the planning permission.

The residents of this area all have windows which open outward towards Middlewood Road. Any kind of unsocial noise would directly impact upon our right to live in peace. Any cigarette smoke would directly permeate our homes. This may exacerbate medical conditions, as well as being very unpleasant.

185 is on a direct route to Sheffield Wednesday football ground. The current level of noise, antisocial behaviour and littering is already bad enough on match days. This would be greatly exacerbated if a drinking establishment was allowed. There are so many purpose built pubs and bars less than 7 minutes walk in either direction. This area is not suitable for another one.

I am also a nurse and a shift worker. I would not be able to rest or sleep with the sound of drinkers underneath my home.

Myself and my neighbours have already submitted objections to the council planning department. People living outside this postcode and whose lives would not be directly affected by a pub on their doorstep, were the only ones who support this idea.

I have lived here for 17 years. The granting of this license would likely force me out of my home.

M.E Frew

Sent from my iPad

Appendix C

Agreed Conditions

- C
- i. The potential for noise inside, and in the immediate vicinity of the building to impact on adjoining sensitive uses in the building, including the dwelling above.
 - ii. The potential for noise from the use of the outside seating area to impact immediate neighbours, including the dwelling above the premises and its neighbours.

With this in mind, I'd like to recommend some conditions for your consideration. A couple of them reflect those you've volunteered on the form; others are new and relate to the concerns identified above. Please let me know if you are happy to agree to volunteer these conditions, to be applied to any licence granted.

- Prior to the commencement of any Licensable Activities on the premises, a scheme of sound attenuation works designed to insulate adjoining noise sensitive uses in the building from trading noise shall have been installed and shall be thereafter retained. Before the scheme of works is installed, full details shall first have been submitted to and approved in writing by the Sheffield City Council's Environmental Protection Service. Happy to undertake sound proofing for the upper adjoining properties, within reason for the maximum number allowed in an environment of this size.
- Use of any outdoor seating shall cease at 1900 hours on all days, after which time the seating shall be secured or removed so as to prevent unauthorised use. Outdoor seating is limited to a maximum of 6 covers at all permitted times. Unseated outdoor consumption of alcohol by customers in the immediate vicinity of the premises shall be actively discouraged at all times. No outside seating required.
- The Designated Premises Supervisor or a delegated member of staff shall take a pro-active approach to noise control, checking to ensure that any patrons outside and in the immediate vicinity of the premises do not cause a nuisance to occupiers of nearby residential properties. Agreed.
- The premises licence holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs. Agreed.
- Save for access, egress, and in case of emergency all doors and windows shall remain closed from 2200 hours on all days. Agreed

If you wish to discuss these recommendations further, or have any other concerns, please do contact me directly and in good time

Kind regards,

Neal Pates

Neal Pates
Environmental Protection Officer

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

Tel: +44 (0)114 273 4651
Mob: +44 (0)7795 528 038
Int: x 53588
Web: <http://www.sheffield.gov.uk/environmentalhealth>

Did you know?

Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.
- specialist cleaning services involving the removal of bodily fluids, used needles and other noxious materials.
- pest control including individual treatments and annual contracts.
- bird proofing involving the installation of nets or spikes.

Our rates are competitive. Call 0114 2930356 now for a personalised service.
<http://www.sheffield.gov.uk/pestcontrol>

-----Original Message-----

From: Lobo Rose
Sent: 15 June 2018 10:45

Hollis Georgina (CEX)

AGREED CONDS C2

From: martin@mycontaineruk.com
Sent: 21 June 2018 15:19
To: Pates Neal
Cc: Pitts Steven; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; licensingservice; Hinchliff Megan; planningdc.north@sheffield.gov.uk; Hollis Georgina (CEX); Hartley Abby; stacy@mycontaineruk.com; wendywillis50@gmail.com
Subject: RE: NEW GRANT APPLICATION: MY CONTAINER 185 Middlewood Road S6 SRs 629559/60
Attachments: Untitled attachment 00015.pdf

Hi Neal, thanks for the comments. There seems to be confusion about the outdoor seating which were removed following consultation with Planning during the Validation stage. We have no desire to have outside seating at 185 Middlewood Road and the text on our License Application was updated to reflect this.

Our Proposal

Micro Pub (small intimate premises)

**Local beers*

**CAMRA Real Trail*

**No music*

**No gambling*

**Premises refurbishment*

-New shop front etc.

**Reduced hours of opening*

- Sunday - Thursday 12pm- 10pm

- Friday - Saturday 11am - 11pm

Onsite Personal License Holder

Manager

2 staff

*Sealed beers will also be sold for consumption offsite and away from the premises.
No on street drinking will be acceptable.*

Ive attached the correct drawing which are currently with Planning for consideration. These may need to be recirculated to all parties concerned.

As for the recommendations below, we have responded in red.

Please let me know if you require any further information or have any questions.

Thanks.

M

Martin Mcgrail
Managing Director
(t) 0114 453 5402
(m) 07894 858852
Martin@mycontainer.com
www.mycontaineruk.com



Appendix D

Hearing notices and Regulations



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

DI

Wendy Douglas
[REDACTED]

Sheffield
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 11th June 2018 received an application in respect of the premises known as;

185 Middlewood Road Sheffield S6 4HD

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

- **2 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 **9th August 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: 20th July 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



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

Julie Pullen

[REDACTED]
Sheffield
[REDACTED]

Emailed [REDACTED]

The Sheffield City Council being the licensing authority, on the 11th June 2018 2018 received an application in respect of the premises known as;

185 Middlewood Road Sheffield S6 4HD

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

- **2 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 **9th August 2018 at 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: 20th July 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

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

DB

Mr R Hollingsworth
Flat 1

████████████████████
Sheffield
████████████████████

The Sheffield City Council being the licensing authority, on the 11th June 2018 2018 received an application in respect of the premises known as;

185 Middlewood Road Sheffield S6 4HD

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

- **2 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 **9th August 2018 at 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: 20th July 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

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

DS

- (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)

D6

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.