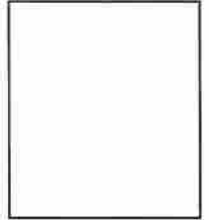




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 18th September 2018

Subject: Licensing Act 2003

Author of Report: Craig Harper

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

Devonshire Cat, 49 Wellington Street, Sheffield, S1 4HG

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: 89/18

Devonshire Cat, 49 Wellington Street, Sheffield, S1 4HG

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Abbeydale Brewery Limited.

2.2 The application, which was received on 2nd August 2018, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

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

1 Public Objection

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

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

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

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

6.0 HEARING REGULATIONS

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

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



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

18th September 2018

Appendix A

The Application

Licensing Solicitors

Our Ref: PJR/ABL/21216/30
Contact: Patrick Robson

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

1st August 2018

Dear Sir/Madam

**Devonshire Cat, 49 Wellington Street, Devonshire Quarter, Sheffield, S1
4HG
Premises Licence variation**

We act for Abbeydale Brewery Limited.

On our client's behalf, we enclose by way of service on you Notice of Application for the variation of the Premises Licence for Devonshire Cat. Kindly acknowledge safe receipt.

Payment of the relevant fee (£315) will be made online shortly.

We confirm that we have served copies of the enclosed application and supporting documents on the relevant authorities being the Police, Fire Authority, Local Enforcement of Health & Safety at Work, Environmental Health Authority, Planning Authority, the relevant authority for Protection of Children from Harm, Weights and Measures, Immigration Enforcement and the Health Authority.

Please take this letter and enclosures as service on you as Licensing Authority and as a Responsible Authority. If you require a further copy of the documentation, please advise by return.

The variation comprises:

- extending the terminal hour for sale of alcohol and late night refreshment to 03.00 daily with the premises closing to the public 30 minutes thereafter; and
- creating an additional non-standard timing to extend sale of alcohol and late night refreshment by 1 hour on the commencement of British Summertime to replace the hour lost.

It is not anticipated that the proposed variation will adversely affect the four licensing objectives and the proposed operating schedule has been prepared on that basis.

Tel: 0114 266 8664
Helpline: 0114 266 3400
Fax: 0114 267 9613
Email: info@john-gaunt.co.uk
www.john-gaunt.co.uk

Partners:

John Gaunt
Katharine Redford
Tim Shield (569713)
Michael Hazlewood (569714)
Christopher Grunert
Jonathan Pupius

Practice Manager:

John Gaunt & Partners
Omega Court
372 - 374 Cemetery Road
Sheffield
S11 8FT

No amendment is proposed to the layout of the premises and the plan endorsed on the licence remains unchanged.

For completeness, we enclose a copy of our notice being displayed on site. According to our calculations, the consultation period is due to expire on 31st August 2018. If you have any queries regarding this, please contact us upon receipt.

We should be grateful if you would forward to us any representations as soon as they are received to enable early consultation and discussion to take place.

Should you have any queries, please do not hesitate to telephone us. Please forward all correspondence to this office and quote our reference. In due course, please ensure that any licence issued is forwarded to us.

Thank you for your assistance.

Yours faithfully

A handwritten signature in black ink, consisting of several loops and a final upward stroke.

John Gaunt & Partners
Email: probson@john-gaunt.co.uk

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Abbeydale Brewery Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

SY001039PR

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Devonshire Cat, 49 Wellington Street	
Post town Sheffield	Post code S1 4HG

Telephone number of premises (if any)

0114 2796700

Non-domestic rateable value of premises

£71,000 (band C)

Part 2 – Applicant Details

Daytime contact telephone number

0114 2796700

Email address
(optional)

Current postal
address if
different from
premises address

8 Aizlewood Road

Post Town

Sheffield

Postcode

S8 0YX

Part 4 Operating Schedule

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

Please tick π yes

Provision of regulated entertainment (Please see guidance note 3)

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
State any seasonal variations for indoor sporting events (please read guidance note 6)			
Wed			
Thur			
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 7)			
Fri			
Sat			
Sun			

D

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

E

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

F

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

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	π
Day	Start	Finish		Outdoors	
Mon	23:00	03:00	Please give further details here (please read guidance note 5) As per the existing licence	Both	
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6) N/A – save as below		
Thur	23:00	03:00			
Fri	23:00	03:00	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 7) Non-standard timings to continue as per the existing Premises Licence except: 1. addition of a non-standard timing to extend sale of alcohol and late night refreshment by 1 hour on the commencement of British Summertime to replace the hour lost; and 2. current non-standard timings for sale of alcohol and late night refreshment relating to Sunday and Monday at bank holiday weekends, Christmas Eve and Boxing Day are to be deleted as they were superseded by previous applications.		
Sat	23:00	03:00			
Sun	23:00	03:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 6) N/A – save as below	Both	π
Tue	10:00	03:00			
Wed	10:00	03:00	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 7) Non-standard timings to continue as per the existing Premises Licence except: 1. addition of a non-standard timing to extend sale of alcohol and late night refreshment by 1 hour on the commencement of British Summertime to replace the hour lost; and 2. current non-standard timings for sale of alcohol and late night refreshment relating to Sunday and Monday at bank holiday weekends, Christmas Eve and Boxing Day are to be deleted as they were superseded by previous applications.		
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	10:00	03:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) The premises will close to the public 30 minutes after the termination of licensable activities referred to in Box J above.
Mon	10:00	03:30	
Tue	10:00	03:30	
Wed	10:00	03:30	
Thur	10:00	03:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	10:00	03:30	

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

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

M

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

I have undertaken my own risk assessment to take the following proposed steps.

The variation is not anticipated to adversely affect the four licensing objectives and the remaining conditions on the licence are assessed to be sufficient for the proposals.

No new steps have been identified in relation to the four licensing objectives save as below.

b) The prevention of crime and disorder

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

c) Public safety

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

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

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature: John Gaunt & Partners

Date:.....

Capacity: Solicitors.....

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:.....

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional) probson@john-gaunt.co.uk	

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by the classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

Appendix B

Current Premises Licence

Licensing Act 2003 Premises Licence

Issue No: 13

SY001039 PR

LOCAL AUTHORITY



Licensing Service

Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

Email: licensing@sheffield.gov.uk

Website: www.sheffield.gov.uk/licensing

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

Part 1 - Premises Details

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

Devonshire Cat

49 Wellington Street, Sheffield, South Yorkshire, S1 4HG.

Telephone 0114 2796700

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
C. Indoor sporting event			
	Sunday	Noon	11:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday	10:00am	Midnight
	Saturday	10:00am	Midnight
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm
00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day			
E. Performance of live music (Indoors)			
	Sunday	Noon	10:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm

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

Activity	Day	Time From	Time To
E. Performance of live music (Indoors) continued ...			
	Friday	10:00am	11:00pm
	Saturday	10:00am	11:00pm
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm
	Christmas Day (25/12)	Noon	3:00pm
	Christmas Day (25/12)	7:00pm	10:30pm
F. Playing of recorded music (Indoors)			
	Sunday	Noon	10:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm
	Friday	10:00am	11:00pm
	Saturday	10:00am	11:00pm
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm
	Christmas Day (25/12)	Noon	3:00pm
	Christmas Day (25/12)	7:00pm	10:30pm
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	2:00am
	Monday	11:00pm	2:00am
	Tuesday	11:00pm	2:00am
	Wednesday	11:00pm	2:00am
	Thursday	11:00pm	2:00am
	Friday	11:00pm	2:00am
	Saturday	11:00pm	2:00am
	New Years Eve (31/12)	11:00pm	Midnight
	New Years Day (01/01)	Midnight	5:00am
23:00 to 00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day.			
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	10:00am	2:00am
	Monday	10:00am	2:00am
	Tuesday	10:00am	2:00am
	Wednesday	10:00am	2:00am
	Thursday	10:00am	2:00am
	Friday	10:00am	2:00am
	Saturday	10:00am	2:00am
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	2:00am

00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day.

Licensing Act 2003 Premises Licence

Issue No: 13

SY001039 PR

THE OPENING HOURS OF THE PREMISES

	Time From	Time To
Sunday	10:00am	2:30am
Monday	10:00am	2:30am
Tuesday	10:00am	2:30am
Wednesday	10:00am	2:30am
Thursday	10:00am	2:30am
Friday	10:00am	2:30am
Saturday	10:00am	2:30am
New Years Eve (31/12)	10:00am	Midnight
New Years Day (01/01)	Midnight	11:00pm

The premises will close to the public 30 minutes after the termination of licensable activities.

PLEASE NOTE:

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

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

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

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

Part 2

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

Abbeydale Brewery Ltd
8 Aizlewood Road, Sheffield, South Yorkshire, S8 0YX.

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

Abbeydale Brewery Ltd

04586313

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

Toby David GRATTIDGE

Licensing Act 2003 Premises Licence

Issue No: 13

SY001039 PR

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

Licence No: PERL/00430/05

Issued by: Leeds

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

Restricted

LICENCE DATES

Licence first effective date: 24 November, 2005

This Premises Licence shall be in force from: 15 October, 2017

Issue date of this licence: 12 April, 2018



.....
Steve Lonnia

Head of Licensing Services

On behalf of Sheffield City Council (Issuing Licensing Authority)

ANNEXES

Annex 1A - Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

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

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

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

ANNEXES continued ...

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 - Conditions consistent with the operating schedule

ANNEXES continued ...

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 customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
3. To comply with the reasonable requirements of the fire officer from time to time.
4. To comply with the reasonable requirements of the building control officer.
5. 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.
6. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
7. Children under the age of 16 shall not be permitted to enter the premises after 21:00.

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

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

None

Annex 4 - Plans

Drawing No: 220/013/ Revision X
Date: 23/08/2016

Licensing Act 2003

Issue No: 13

Premises Licence Summary SY001039 PR

LOCAL AUTHORITY



Licensing Service

Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

Email: licensing@sheffield.gov.uk

Website: www.sheffield.gov.uk/licensing

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

Premises Details

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

Devonshire Cat

49 Wellington Street, Sheffield, South Yorkshire, S1 4HG.

Telephone 0114 2796700

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- an indoor sporting event
- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
C. Indoor sporting event	Sunday	Noon	11:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	Midnight
	Friday	10:00am	Midnight
	Saturday	10:00am	Midnight
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm

00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day

E. Performance of live music (Indoors)	Sunday	Noon	10:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm

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

Activity	Day	Time From	Time To
E. Performance of live music (Indoors) continued ...			
	Friday	10:00am	11:00pm
	Saturday	10:00am	11:00pm
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm
	Christmas Day (25/12)	Noon	3:00pm
	Christmas Day (25/12)	7:00pm	10:30pm
F. Playing of recorded music (Indoors)			
	Sunday	Noon	10:30pm
	Monday	10:00am	11:00pm
	Tuesday	10:00am	11:00pm
	Wednesday	10:00am	11:00pm
	Thursday	10:00am	11:00pm
	Friday	10:00am	11:00pm
	Saturday	10:00am	11:00pm
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	11:00pm
	Christmas Day (25/12)	Noon	3:00pm
	Christmas Day (25/12)	7:00pm	10:30pm
I. Late night refreshment (Indoors)			
	Sunday	11:00pm	2:00am
	Monday	11:00pm	2:00am
	Tuesday	11:00pm	2:00am
	Wednesday	11:00pm	2:00am
	Thursday	11:00pm	2:00am
	Friday	11:00pm	2:00am
	Saturday	11:00pm	2:00am
	New Years Eve (31/12)	11:00pm	Midnight
	New Years Day (01/01)	Midnight	5:00am
23:00 to 00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day.			
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	10:00am	2:00am
	Monday	10:00am	2:00am
	Tuesday	10:00am	2:00am
	Wednesday	10:00am	2:00am
	Thursday	10:00am	2:00am
	Friday	10:00am	2:00am
	Saturday	10:00am	2:00am
	New Years Eve (31/12)	10:00am	Midnight
	New Years Day (01/01)	Midnight	2:00am

00:00 on Sunday and Monday at Bank Holiday weekends, Christmas Eve and Boxing Day.

Licensing Act 2003

Issue No: 13

Premises Licence Summary SY001039 PR

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	10:00am	2:30am
Monday	10:00am	2:30am
Tuesday	10:00am	2:30am
Wednesday	10:00am	2:30am
Thursday	10:00am	2:30am
Friday	10:00am	2:30am
Saturday	10:00am	2:30am
New Years Eve (31/12)	10:00am	Midnight
New Years Day (01/01)	Midnight	11:00pm

The premises will close to the public 30 minutes after the termination of licensable activities.

PLEASE NOTE:

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

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

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Abbeydale Brewery Ltd
8 Aizlewood Road, Sheffield, South Yorkshire, S8 0YX.

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

Abbeydale Brewery Ltd

04586313

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

Toby David GRATTIDGE

Licensing Act 2003

Issue No: 13

Premises Licence Summary SY001039 PR

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

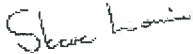
Restricted

LICENCE DATES

Licence first effective date: 24 November, 2005

This premises licence shall be in force from 15 October, 2017

Issued date of this licence: 12 April, 2018



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

Appendix C

Objection
1 Public

Harper Craig

From: Kate Driver
Sent: 28 August 2018 15:37
To: licensingservice
Subject: Comment on Devonshire Cat application

Categories: Mick Crawshaw, Nina Hollis

FAO Licensing, Sheffield City Council re application for Devonshire Cat to extend opening hours....

Am I mistaken in assuming that the brewery are mocking the licensing system and/or mocking the local residents when they state they want to extend their opening hours to 3am to "replace the lost hour"? There are still 24 hrs in every day (barring the obvious quirks of 2 days each year).

As a general comment and objection to their request, this has always been a residential area and I have never understood how so many bars have been allowed to gradually push the closing times further and further past 11am. Local residents have been forced to tolerate a lot of noise and light pollution over the years. Being woken or disturbed from late evening to midnight can be annoying and from midnight to 2.30am can be very disruptive and unsettling. But disturbance from 2.30am to 5am can be unbearable as those are the hours in which you hope to be in the deepest part of sleep (for people not in employment or for people employed who do not do waking night shifts).

My comment to this specific request is that it is nonsense and should be rejected! Please can licensing ensure that no extensions to opening hours are allowed? Whilst I would understand consideration being given where valid requests with rational explanations are given, businesses giving what I can only assume they see as comedic reasons for their requests should be advised that they are time wasting, wasting council funds and put their licence at risk.

Many thanks
kate driver

Applicant:	Abbeydale Brewery Limited
Premises:	Devonshire Cat
Address:	49 Wellington Road, Sheffield, S1 4HG
Type of Premises:	Late Bar
Ward:	City
Legislation & Type of app:	Licensing Act 2003 Variation of Premises Licence
Activities:	Late Night Refreshment Mon-Sun 23:00-03:00 Sale of Alcohol Mon to Sun 10:00-03:00 Opening Hours Mon to Sun 10:00-03:30 Addition of non-standard timing to extend sale of alcohol and late night refreshment by 1 hour on the commencement of British

Summertime to replace the lost hour

Date Received **02/08/2018**

**Any representations
must be made
in writing by:** **30/08/2018**

Appendix D

Hearing Notices / Regulations / Procedures



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

Abbeydale Brewery Limited
8 Aizlewood Road
Sheffield
S8 0YX

Emailed to: info@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 2nd August 2018 received your application in respect of the premises known as;

Devonshire Cat, 49 Wellington Street, Sheffield, S1 4HG

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

1 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 **Tuesday 18th September 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 7th September 2018

Signed: Craig Harper
The officer appointed for this purpose
Licensing Officer

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



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

Kate Driver

Sent by e-mail to [redacted]

The Sheffield City Council being the licensing authority, on the 2nd August 2018 received an application in respect of the premises known as;

Devonshire Cat, 49 Wellington Street, Sheffield, S1 4HG

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

1 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 the representation will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 18th September 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 7th September 2018

Signed: Craig Harper
The officer appointed for this purpose
Licensing Officer

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

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

I
of
hereby confirm that I have received the Notice of Hearing dated 18th September 2018 and
notify you as follows (please complete):

- I intend to attend the hearing at 10am on Tuesday 18th September 2018.
- I do not intend to attend the hearing
- I intend to be represented at the hearing by:
- I consider the hearing to be unnecessary because:
.....
- I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

licensing@sheffield.gov.uk

Regulation 8

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

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

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

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

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

Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

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

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

This page is intentionally left blank