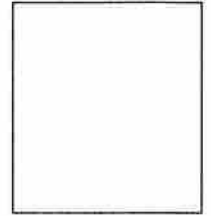




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 25th April 2019

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Brocco on the Park 92 Brocco Bank Sheffield S11 8RS

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: 42/19

Brocco on the Park 92 Brocco Bank Sheffield S11 8RS

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 TCC Carr LLP.

2.2 The application, which was received on 1st March 2019, 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. A copy of the full plan will be available at the hearing as it is too large and deteriorates on reduction.

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':

3 Public Objections 1 x Support (email)

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

3.3 There has been one representation in support of the application this is attached at Appendix 'C';

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 'D'.

6.3 Attached at Appendix 'D' is the following:

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

25th April 2019

Appendix A

The Application

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 TCC Carr LLP being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

SY 2246 PR

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Brocco on the Park, 92 Brocco Bank,	
Post town Sheffield	Post code S11 8RS

Telephone number of premises (if any)

01142 661233

Non-domestic rateable value of premises

£19,000

Part 2 – Applicant Details

Daytime contact telephone number

c/o 01142 668664

Email address
(optional)

Current postal
address if
different from
premises address

Unit 4, 12 O'Clock Court, Attercliffe Road,

Post Town

Sheffield

Postcode

S4 7WW

Part 3 – Variation

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

If not do you want the variation to take effect from Day Month Year

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1) yes no

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

Application is made to vary the Premises Licence. The premises has operated for a period of four years since its refurbishment and in that time has won numerous awards. The premises now sits within the community and operates without issue and has become the location of choice for friends and family of local residents to stay and for small scale celebratory events such as christenings, wedding breakfasts and anniversary parties.

In recent times the premises has made application for multiple Temporary Event Notices and during the course of 2018 utilised virtually all of that entitlement without any concerns or complaints arising.

Application is therefore made to vary the Premises Licence as follows:

- ✓ 1. To amend the hours of operation in respect of Friday and Saturday so as to allow the premises when necessary to remain open until 12 midnight for licensable activities with closure for non residents 30 minutes thereafter at 00:30 hours.
- ✓ 2. To amend the hours of operation in respect of Sunday to Thursday to extend hours of operation for licensable activities until 23:00 hours with closure 30 minutes thereafter 23:30 hours.
- ✓ 3. An additional licensable activity of late night refreshment is requested to permit on Friday and Saturday the provision of late night refreshment between 23:00 hours and 12 midnight particularly in relation to the provision of hot drinks – coffee and tea, to accompany the meals of those persons dining at the premises or attending events.
- ✓ 4. The premises currently is only permitted to undertake retail sale of alcohol for consumption on the premises. The premises is often asked by those persons staying there to be allowed to purchase bottles of wine and the premises would seek to offer ready made picnic hampers and gift hampers principally for guests to purchase. Such sales are anticipated to be limited and be wholly ancillary to the current operation of the premises.
- ✓ 5. External Layout. It is sought to licence a small area so as to facilitate sales of alcohol externally particularly in connection with events and private bookings.

✓ It is not anticipated that the external area will be used on a daily or regular basis and in any event will be restricted until 21:00 hours as per the condition. tendered in this regard.

✓ The proposed location for the point of sale is annotated on the plan annexed hereto numbered 2029/04D.

✓ Should the application to extend hours identified above be successful the non standard timing in respect of Bank Holiday Sundays and other public Bank Holidays shall be removed.

✓ No application is made to vary the conditions endorsed upon the Licence.

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 ✓ 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				Both	
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	23:00		Both	
Mon	09:00	23:00	Please give further details here (please read guidance note 5)		
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	09:00	00:00			
Sun	09:00	23:00		No change to non standard timings	

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	09:00	23:00		
Tue	09:00	23:00		State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed	09:00	23:00		
Thur	09:00	23:00		
Fri	09:00	00:00		Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7) No change to non standard timings
Sat	09:00	00:00		
Sun	09:00	23:00		

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors									
Outdoors									
Both									
Day	Start	Finish							
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	09:00	23:00		Both	
				Please give further details here (please read guidance note 5)	
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	09:00	00:00			
Sun	09:00	23:00	No change to non standard timings		

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	09:00	23:00		Both	
				Please give further details here (please read guidance note 5)	
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for playing recorded music (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	09:00	00:00			
Sun	09:00	23:00	No change to non standard timings		

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	09:00	23:00		Please give further details here (please read guidance note 5)	Both
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	09:00	23:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7) No change to non standard timings		
Sat	09:00	00:00			
Sun	09:00	23:00			

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	23:00	Please give further details here (please read guidance note 5) As stated in Part 3 above and to include the provision of hot food and drinks for consumption on and off the premises at the Manager’s discretion and in the areas identified.		
Tue	23:00	23:00			
Wed	23:00	23:00			
Thur	23:00	23:00			
Fri	23:00	00:00			
Sat	23:00	00:00			
Sun	23:00	23:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
			N/A – save as below		
			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)		
			No change to non standard timings		

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	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Mon	09:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	23:00			
Fri	09:00	00:00			
Sat	09:00	00:00			
Sun	09:00	23:00			
			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)		
			No change to non standard timings.		
			For external areas cessation of retail sale of alcohol will be at 21:00 hours		

K

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

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) Please see box J above
Day	Start	Finish	
Mon	07:00	23:30	<p>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)</p> <p>The premises will be open 24 hours per day to residents.</p> <p>The premises will close 30 minutes after the end of the non-standard timings identified in box J above.</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	00:30	
Sat	07:00	00:30	
Sun	07:00	23:30	

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)

The premises has operated and has had numerous Temporary Event Notices without issues arising. The extension of hours is not anticipated to cause any material problems to arise with regard to the four licensing objectives. The extended hours are not expected to be used on a daily basis.

An inclusion of a small area within the patio for retail sale of alcohol will have limited impact in view of the fact that it will not be used after 21:00 hours.

The above is provided by way of information only and is not intended to be converted to conditions.

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

The external licensed area will not be used after 21:00 hours daily.

e) The protection of children from harm

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

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

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: 27th February 2019 

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) mhazlewood@john-gaunt.co.uk	

Notes for Guidance

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

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

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

LICENSING ACT 2003

Application has been made by TCC Carr LLP to the Licensing Authority of Sheffield City Council to vary the Premises Licence for the Brocco on the Park at 92 Brocco Bank, Sheffield, S11 8RS. The application includes the following terms:-

- 1.To approve changes to the external area as per the plan deposited with the Licensing Authority.
- 2.To permit licensable activities Sunday to Thursday until 23:00 hours and Friday and Saturday until 12 midnight.
- 3.To permit Late Night Refreshment Friday to Saturday from 23:00 until 00:00 hours.

Full details of the Application can be viewed at the offices of the Licensing Authority at Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD

A responsible authority or any other person can make written representations to the Licensing Authority at any time up to and including 29th March 2019(www.sheffield.gov.uk)

It is an offence for anyone knowingly or recklessly to make a false statement in connection with a Licence Application. The maximum fine on summary conviction is unlimited.

Dated this: 27th February 2019

John Gaunt & Partners, Solicitors

Appendix B

Current Premises Licence

THE LICENSING ACT 2003

Premises Licence No: SY 2246 PR

ISSUE NO: 4.

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

Brocco on the Park
92 Brocco Bank
Hunters Bar
Sheffield
S11 8RS

Telephone Number: 07710 040153

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

1. Provision of regulated entertainment:

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

Indoors

Sunday to Thursday	09:00 to 22:00 hours
Friday & Saturday	09:00 to 22:30 hours
New Years Eve (31.12)	10:00 to 01:00 hours the following day
Bank Holiday Sundays & any other public bank holidays	09:00 to 22:30 hours

Hours to be extended in respect of usage for residents pursuant to residents exemption under alcohol hours.

2. Sale by retail of alcohol:

a) for consumption on the premises

Sunday to Thursday	09:00 to 22:00 hours
Friday & Saturday	09:00 to 22:30 hours
New Years Eve (31.12)	10:00 to 01:00 hours the following day
Bank Holiday Sundays & any other public bank holidays	09:00 to 22:30 hours

To permit the sale of alcohol to residents and supply to their bona fide guests 24 hours per day.

B2

The opening hours of the premises are:

Sunday to Thursday	07:00 to 22:30 hours
Friday & Saturday	07:00 to 23:00 hours
Bank Holiday Sundays & any other public bank holidays	07:00 to 23:00 hours

The premises will be open 24 hours per day to residents.

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

Sale by retail of alcohol for consumption on the premises.

PART 2

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

TCC Carr LLP
Unit 4, 12 O'Clock Court
Attercliffe Road
Sheffield
S4 7WW

Telephone Number: 07710 040153

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

OC375600

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

[Redacted information]

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

Personal Licence Number: SY 6230 PER
Issuing Authority: Sheffield City Council

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

Restricted

This Premises Licence shall be in force from the 27th December 2013.

Issued on: 2nd January 2014.



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

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: 1 Issue Date: 19/06/2015
Variation of DPS	No: 2 Issue Date: 15/09/2016
Transfer of Premises Licence	No: Issue Date:
Minor Variation	No: Issue Date:
Change of Name/Address	No: Issue Date:
Amendment to Premises Licence	No: Issue Date:
Review	No: Issue Date:

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

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

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

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

- 1.—(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.—(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions consistent with the operating schedule

1. 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. Alcoholic drinks may not be removed from the premises in open containers saved for consumption in external areas provided for that purpose.
3. No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to the premises at any time the premises are open to the public.
4. The DPS will undertake a risk assessment for unusual events and if considered appropriate, door supervisors will be operated.
5. Any persons exercising security (as defined by paragraph 21a of schedule 2 of the Private Security Act 2001) shall be licensed by the Security Industry Authority, and shall be employed at the discretion of the DPS/Premises Licence Holder.
6. CCTV will be installed.
7. Where appropriate prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly.

B7

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

B8

Annex 4 – Plans

Basement

Project No: 2029

Dwg No: 05 Rev: B

Date: Sept 2013

Ground Floor

Project No: 2029

Dwg No: 04 Rev: C

Date: Sept 2013

First & Second Floor

Project No: 2029

Dwg No: 06 Rev: A

Date: Sept 2013

39

Appendix 1

**LICENSING ACT 2003****Premises Licence Summary**

ISSUE NO: 4.

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number **SY 2246 PR**

Brocco on the Park
92 Brocco Bank
Hunters Bar
Sheffield
S11 8RS

Telephone Number: 07710 040153

Licensable activities authorised by the licence:**1. Provision of regulated entertainment:****Indoor Sporting Events****Live Music****Recorded Music****Performances of Dance**

Indoors

Sunday to Thursday	09:00 to 22:00 hours
Friday & Saturday	09:00 to 22:30 hours
New Years Eve (31.12)	10:00 to 01:00 hours the following day
Bank Holiday Sundays & any other public bank holidays	09:00 to 22:30 hours

Hours to be extended in respect of usage for residents pursuant to residents exemption under alcohol hours.

2. Sale by retail of alcohol:

a) for consumption on the premises

Sunday to Thursday	09:00 to 22:00 hours
Friday & Saturday	09:00 to 22:30 hours
New Years Eve (31.12)	10:00 to 01:00 hours the following day
Bank Holiday Sundays & any other public bank holidays	09:00 to 22:30 hours

To permit the sale of alcohol to residents and supply to their bona fide guests 24 hours per day.

The opening hours of the premises are:

Sunday to Thursday	07:00 to 22:30 hours
Friday & Saturday	07:00 to 23:00 hours
Bank Holiday Sundays & any other public bank holidays	07:00 to 23:00 hours

The premises will be open 24 hours per day to residents.

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:

Sale by retail of alcohol for consumption on the premises.

Name, (registered) address of holder of premises licence:

TCC Carr LLP
Unit 4, 12 O'Clock Court
Attercliffe Road
Sheffield
S4 7WW

Telephone Number: 07710 040153

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

OC375600

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Tiina Christel Carr

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

Restricted

B12

The Premises Licence shall be in force from 27th December 2013.

Issued on: 2nd January 2014.



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

Appendix C

Objections & Letter of
Support

C1

Christopher Allewell

[REDACTED]
Sheffield
[REDACTED]

28 March 2019

Gareth Barrett
Licencing Enforcement Officer
Service Block C
Stainforth Road
Sheffield
S9 3HD

Dear Mr Barrett

Licensing Act 2003. Full Variation, Applicant: TCC Carr LLP, Premises Address: Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS

I live approximately 30 metres from Brocco on the Park and wish to oppose the application in full.

Brocco on the Park is a very active boutique hotel situated in a residential area. The manager has worked hard to ingratiate herself in the local community and the impact of late night activities at the venue and whilst customers leave has so far been generally limited to the occasional nuisance. The frequent nuisance of large volumes of visitors, delivery vehicles and waste removal vehicles in a small residential street is already excessive and should be noted, but I accept not covered under this application.

The hotel markets itself in Westside magazine as "Boutique wedding celebrations at Brocco... for up to 60 guests" It is clear the intent of the application is to allow revelry to continue longer into the evening and maximise the consumption of alcohol on a regular rather than occasional basis. I do not think that either aspect is conducive to residents remaining undisturbed and in good health given the exceptionally close proximity of the venue and its outside area to other residences.

The extension in timings and application to licence an outside area is highly likely to turn what is an occasional nuisance that currently disturbs children, the frail /elderly and others earlier to bed in the immediate vicinity to a perpetual nuisance in the immediate vicinity that impacts everyone. This will also become a regular nuisance in the wider area. In a residential area this is unacceptable.

A restaurant does not require a licence beyond the existing times, and I am in support of the licencing remaining as it is.

The detrimental impact to the wellness of the local community if this application is approved is utterly foreseeable. This can and should be avoided by refusing the application.

Yours sincerely

C Allewell

C2

Dr David Black

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Sheffield

25th March 2019

Gareth Barrett
Licensing Enforcement & Technical Officer
Licensing
Service Block C
Staniforth Road
Sheffield
S9 3HD

Dear Mr Barrett

Re: Licensing Act 2003. Full Variation. Applicant: TCC Carr LLP. Premises: Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS

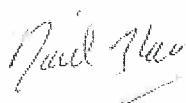
I live close to Brocco on the Park and have an interest in the licensed activities at Brocco on the Park and their potential to detrimentally affect my wellbeing and those of other neighbours.

I would like to make representations regarding the application to permit licensable activities Sun – Thurs until 23:00, Fri & Sat until midnight. (I believe the license is currently until 22:00 Sun -Thurs and 22.30 Fri & Sat). My view is that the application seeks to extend licensed hours excessively late into the evening for a residential area. Restaurant operation does not require such a late license in my view. I am a resident of Rossington Road, close to Brocco on the Park. There are a many people living in close proximity to Brocco on the Park, including young children. Cars using Brocco on the Park, park on Rossington Road, and the additional late-night activity, noise, moving of cars etc would not be appropriate for a residential area. I would not oppose a license extension to 23:00 on Friday and Saturday but oppose any extension to licensed hours Sunday to Thursday.

I would like to make representations regarding the application to licence a small outside area 'so as to facilitate sales of alcohol externally particularly in connection with events and private bookings. It is not anticipated that the external area will be used on a daily or regular basis and in any event, will be restricted until 21:00 hours as per the condition tendered in this regard.' The external area license conditions will not preclude the outside area being used to sell alcohol on any night. Once a precedent has been set any new owners could apply for the same licence and then use the new times and outside area any number of nights they see fit. The outside sales may change the purpose of that area and this is not appropriate in residential surroundings. The area is currently used as an outside eating area where people sit and eat and drink. An outside bar could mean it may become a predominantly drinking area which is not appropriate so close to houses.

I am most grateful for your help

Yours sincerely



David Black

C3

Mr J Garcia

Sheffield

27th March 2019

Gareth Barrett
Licensing Enforcement & Technical Officer
Licensing
Service Block C
Staniforth Road
Sheffield
S9 3HD

Dear Mr Barrett

Re: Licensing Act 2003. Full Variation. Applicant: TCC Carr LLP. Premises: Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS

I would like to formally notify you of my objection to the licence extension and application to extend the licence so that drinks can be served outside. I am a local resident and live just a few doors away from Brocco on the Park. I feel that it is important to put my circumstances in context; I am a father of two young children and regularly have my elderly parents stay over extended periods of time with me at my house. I therefore believe that I have an interest in the licensed activities at Brocco on the Park and their potential to cause further nuisance to my children, my wife, myself, my parents and other local residents if the application to extend their licence is granted.

I believe the application to seek an extension to the original license hours is excessive and will transform the restaurant and hotel into a late night venue which is a substantial change to the original 'neighbourhood kitchen' it continues to be marketed as. The problem is compounded by the fact that you cannot escape the fact that Brocco on the Park is located in a predominately residential area. I am of the opinion that granting the current application will have a detrimental effect to the quality of life of myself and my family as well as other residents in the area. I am particularly concerned by not just the extension of the original licence but also the application to serve drinks and refreshments outside. As a local residents, I have already been supportive of Brocco on the Park in relation and increase is the number of 'large luxury cars' using Brocco on the Park which due to the inadequate parking at Brocco on the Park routinely park on Rossington Road, many of which do so with clear disregard to the permit system in place. The additional late-night activity, noise, moving of cars etc would clearly have an adverse affect and cause a nuisance by disturbing the sleep of my two young children who sleep at the front and back of the house. In addition, my elderly parents who sleep at the back of the house in the spare room for extended periods of time each month and who due to their age retire to bed like my children early. The noise from the external bar and increased licence time alone would constitute an unacceptable disturbance with obvious negative impacts of my children's health due to the increased disturbance to their sleep.

Furthermore, as you may be aware a lot of the houses on Rossington Road still have their original sash windows still in place which like my windows are single pain glass and would only add to the high probability of further disturbance to my family.

In conclusion, I would like to make representations regarding the application to licence a small outside area 'so as to facilitate sales of alcohol externally particularly in connection with events

C4
and private bookings. It is not anticipated that the external area will be used on a daily or regular basis and in any event, will be restricted until 21:00 hours as per the condition tendered in this regard.' The external area license conditions will not preclude the outside area being used to sell alcohol on any night. Once a precedent has been set any new owners could apply for the same licence and then use the new times and outside area any number of nights they see fit. The outside sales may change the purpose of that area and this is not appropriate in residential surroundings. The area is currently used as an outside eating area where people sit and eat and drink. An outside bar could mean it may become a predominantly drinking area which is not appropriate so close to mine and other residential housing.

Yours sincerely

Mr J Garcia

Support

Barrett Gareth

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 29 March 2019 07:38
To: Barrett Gareth
Subject: FW: FAO Gareth Barrett re Brocco on the Park

C5

From: Scott Royal [REDACTED]
Sent: 29 March 2019 07:21
To: licensingservice
Subject: FAO Gareth Barrett re Brocco on the Park

Hello

I write as a neighbour of Brocco on the Park (I live at [REDACTED], S11[REDACTED]).

I would like to offer my full support for the license extension application by T Carr.

Brocco on the Park has been nothing but positive for this area and I see absolutely no reason why the license shouldn't be amended as requested. The place is extremely well run.

I believe that we should be supporting local businesses in order to ensure that this area remains a desirable and attractive place to visit.

Please consider this letter in support of the application.

Many thanks

Scott Royal ([REDACTED] Sheffield [REDACTED])

Sent from [Mail](#) for Windows 10

Appendix D

Hearing Notices / Regulations / Procedures



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

Brocco on the park
92 Brocco Bank
Sheffield
S11 8RS

Emailed to: [REDACTED]

The Sheffield City Council being the licensing authority, on the 1st March 2019 received your application in respect of the premises known as;

Brocco on the park 92 Brocco Bank Sheffield S11 8RS

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

3 Public Objections, 1 public support

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 25th April 2019 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 LicensingService@sheffield.gov.uk** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 12th April 2019

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

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



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

Christopher Allewell
[REDACTED]

Sheffield
[REDACTED]

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 1st March 2019 received an application in respect of the premises known as;

Brocco on the park 92 Brocco Bank, Sheffield S11 8RS

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

3 Public Objections 1 Public Support

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

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Dated: 12th April 2019

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

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



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

Dr David Black
[REDACTED]

Sheffield
[REDACTED]

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 1st March 2019 received an application in respect of the premises known as;

Brocco on the park 92 Brocco Bank, Sheffield S11 8RS

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Dated: 12th April 2019

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

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



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

Mr J Garcia
[REDACTED]

Sheffield
[REDACTED]

Sent by e-mail to [REDACTED]

The Sheffield City Council being the licensing authority, on the 1st March 2019 received an application in respect of the premises known as;

Brocco on the park 92 Brocco Bank, Sheffield S11 8RS

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

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- 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.

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Dated: 12th April 2019

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

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



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

DS

Scott Royal
[REDACTED]

Sheffield
[REDACTED]

Sent by e-mail to

The Sheffield City Council being the licensing authority, on the 1st March 2019 received an application in respect of the premises known as;

Brocco on the park 92 Brocco Bank, Sheffield S11 8RS

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

3 Public Objections 1 Public Support

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 **Thursday 25th April 2019 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD** 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: 12th April 2019

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

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Regulation 8

D7

- (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.

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