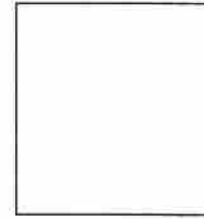




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Monday 9th September 2019

Subject: Licensing Act 2003
Application for the Review of a premises licence for the premises known as:
HEX 4 Queens Road Sheffield S2 4DG

Author of Report: Julia Triandafillithis

Summary: To consider an application for the review of a premises licence submitted by the Environmental Protection Service, Sheffield City Council

Recommendations: That members carefully consider the application for review along with any other representations made and take such steps that the Committee consider necessary for the promotion of the Licensing Objectives

Background Papers: Attached documents

Category of Report: Open

REPORT OF THE CHIEF LICENSING OFFICER,

Ref No 79/19

HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE

LICENSING ACT 2003

Review of Premises Licence

HEX 4 Queens Road Sheffield S2 4DG

1.0 PURPOSE OF REPORT

1.1 To consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to HEX 4 Queens Road Sheffield S2 4DG.

2.0 THE APPLICATION

2.1 The application was made by the Environmental Protection Service on 12th July 2019.

2.2 The grounds for the review are based on the following aspects of the 2003 Licensing Act objectives:-

- Public Safety

2.3 The application form and supporting evidence is attached at Appendix 'A' which details further the grounds for the review application.

2.4 A copy of the current premises licence is attached at Appendix 'B'

3.0 REASONS FOR REFERRAL

3.1 The Licensing Authority must under the Act refer any application for review to the Licensing Committee, unless it is withdrawn, or if representations are made by an interested party that the Licensing Authority are of the opinion that they are frivolous or vexatious.

3.2 During the representation period, the Licensing Authority has also received representations from the following:-

- a) Sheffield Children Safeguarding Partnership Appendix 'C'

3.3 The applicant, Premises Licence Holder and person who made representations have all been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

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 52(3) requires that the Licensing Authority must, having regard to the application and any relevant representations, take such steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

- 5.2 Section 52(4) states:

“The steps are –

- a) To modify the conditions of the licence;
- b) To exclude the licensable activity from the scope of the licence;
- c) To remove the designated premises supervisor;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted, or any new condition added.”

- 5.3 If members decide to take the steps referred to in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 5.4 The Licensing Act 2003 at section 52(11) states that:

“A determination under this section does not have effect –

- a) until the end of the period given for appealing against the decision, or
- b) if the decision is appealed against, until the appeal is disposed of.”

- 5.5 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.

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

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix '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; the holder of the premises licence and those making representations against decisions of the Licensing Authority to the Magistrates Court.

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the application for review along with any other representations made and take such steps as detailed in paragraph 5.2 above that the Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1
- a) modify the conditions of the licence;
 - b) exclude a licensable activity from the scope of the licence;
 - c) remove the designated premises supervisor;
 - d) suspend the licence for a period not exceeding three months;
 - e) revoke the licence; or
 - f) reject the application for review.



Steve Lonnia,
Chief Licensing Officer, Head of Licensing
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot
Sheffield
S9 3HD.

9th September 2019

Appendix A

The Application and supporting evidence

Application for the review of a premises licence or club premises certificate 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

(2) I Sean Gibbons

apply for the review of a [premises licence under section 51]

[club premises certificate under section 87] of the Licensing Act 2003 for the premises
described in Part 1 below

Part 1 - Premises details or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description HEX, 4 Queens Road	
Post town Sheffield	Post code S2 4DG
Telephone number (if any)	
Name of premises licence holder or club holding club premises certificate (if known) Fitzwilliam BC Ltd	
Number of premises licence or club premises certificate (if known) SY002598PR	

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

Please tick ✓ yes

2) a responsible authority (please complete section (C) below)

3) a member of the club to which this application relates (please complete section (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT (fill in if applicable)

Name and address

Post town

Post code

Telephone number (if any)

E-mail address
(optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in if applicable)

A3

Name and address Sean Gibbons, Environmental Health Officer Health and Safety Enforcement team Environmental Regulation Sheffield City Council 5 th Floor North, Howden House 1 Union Street	
Post town Sheffield	Post code S1 2SH

Telephone number (if any)

E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

The premises management show a blatant disregard to the risk to public due to Irresponsible planned events and promotions resulting in no confidence in the management to ensure public safety.

The premises are poorly maintained in such a way that is detrimental to public safety.

Breach of conditions relating to public safety.

Please provide as much information as possible to support the application

(please read guidance note 2)

Visit was made by responsible authority for public safety (Health & Safety Enforcing Authority) with other responsible authorities' on 20/2/2019 due to concerns reported about the use of Rodeo Bulls, Bouncy Castles, Bouncy Slides, Gadiator Duels and drinks promotions aimed at students. Management confirmed that no such events would take place in the future. The combination of drink promotions and these events is deemed detrimental to public safety. It was clear that Class 3b lasers were being used without prior assessment of approval of the H&S team.

Conditions under Annex 2 were discussed and copy of the electrical certificate requested in accordance with Condition 13. A certificate was produced that stated 25% of premises had been inspected. I requested that a certificate should be produced to show 100% testing.

Due to mounting concerns with respect to public safety, it was deemed appropriate to undertake a full inspection of the premises. A full inspection was carried out on 27/2/2019 and numerous concerns were noted with respect to electrical safety such as what appeared to be an amateur electrical installation in the DJ booth to the main event space, numerous damaged sockets and exposed cables. Other concerns noted with respect to use of special effects, management of asbestos, an abundance of glazing not of safety standard, damaged flooring and a very poor state of repairs to the toilets.

Due to concerns, South Yorkshire Fire Service were notified and revisited with the Health & Safety Enforcement Team on 26/3/2019. Some items had been addressed, but numerous items were still outstanding. I agreed to revisit on 30/4/2019 and stated that all items of concern must be completed by this time.

On 29/4/2019 a request from HEX Management was made to re-schedule our visit.

A visit was made with South Yorkshire Police Licensing on 25/6/2019. Again, some items had been completed but a 100% electrical certificate as previously requested had not been provided to demonstrate that the wiring, sockets and distribution board/s were safe. Management could not produce an asbestos survey and stated that both electrical certificate and asbestos survey would be provided.

On 27/6/2019 Licensing received a complaint with request to a wrestling event held at the premises.

Condition 15 of the Premise Licence states that:

“For boxing and wrestling events, a suitable event safety plan shall be provided with the minimum of 28 days’ notice to the Environmental Regulation, Health & Safety Department of local authority prior to events taking place.”

No such notification was received which is a clear breach of Condition 15.

Further evidence shall be disclosed prior to any hearing.

Please tick ✓ yes

A5

Have you made an application for review relating to these premises before?

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to these premises, please state what they were and when you made them.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

Ab

* insert amount IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [*,], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent. (please read guidance note 4) If signing on behalf of the applicant please state in what capacity.

Signature 

Date 12/7/19

Capacity Health & Safety Inspector

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) N/A	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. 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: 4

SY002598 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

HEX

4 Queens Road, Sheffield, S2 4DG.

Telephone 0114 2725544

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
A. Performance of a play (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
B. Exhibition of films (Indoors)			
	Sunday	11:00am	1:00am



B2

Licensing Act 2003 Premises Licence

Issue No: 4

SY002598 PR

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

Activity	Day	Time From	Time To
B. Exhibition of films (Indoors) continued ...			
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
C. Indoor sporting event			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
D. Boxing or wrestling entertainment (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
E. Performance of live music (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
F. Playing of recorded music (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am



Licensing Act 2003 Premises Licence

SY002598 PR

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

Activity	Day	Time From	Time To
F. Playing of recorded music (Indoors) continued ...			
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	6:00am
	Saturday	11:00am	6:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
	On any Sunday preceding a Bank Holiday if the supply of alcohol hours are increased on that day so shall the hours for recorded music		
G. Performance of dance (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
I. Late night refreshment (Indoors & Outdoors)			
	Sunday	11:00pm	1:00am
	Monday	11:00pm	1:00am
	Tuesday	11:00pm	1:00am
	Wednesday	11:00pm	1:00am
	Thursday	11:00pm	1:00am
	Friday	11:00pm	5:00am
	Saturday	11:00pm	5:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am

B4

Licensing Act 2003 Premises Licence

Issue No: 4

SY002598 PR

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

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises			continued ...
	Thursday	11:00am	1:00am
	Friday	11:00am	6:00am
	Saturday	11:00am	6:00am

Non Standard Timings:

To permit sale of alcohol and such regulated entertainment as authorised hereunder from the commencement hour on New Year's Eve until the Terminal Hour on the morning of the 2nd January (following on from trading on the 1st January).

On any Sunday preceding a Bank Holiday the supply of alcohol hours are to be extended until 06:00 with the premises closing to the public 30 minutes thereafter

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	11:00am	1:30am
Monday	11:00am	1:30am
Tuesday	11:00am	1:30am
Wednesday	11:00am	1:30am
Thursday	11:00am	1:30am
Friday	11:00am	6:30am
Saturday	11:00am	6:30am

Non Standard Timings:

On any Sunday preceding a Bank Holiday the premises will close to the public 30 minutes after the terminal hour for retail sale of alcohol

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

Fitzwilliam BC LTD
63 Bawtry Road, Bramley, Rotherham, S66 2TN.
charlie@albanv.co.uk

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

Fitzwilliam BC LTD

09155432

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

Alexander Joseph OWEN

93 Dykewood Drive, Sheffield, S6 4DD.



85

Licensing Act 2003 Premises Licence

Issue No: 4

SY002598 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: SY06668

Issued by: Sheffield

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

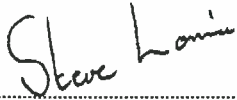
Restricted

LICENCE DATES

Licence first effective date: 2 May, 2018

This Premises Licence shall be in force from: 28 November, 2018

Issue date of this licence: 20 February, 2019



.....
Steve Lonnia
Head of Licensing Services
On behalf of Sheffield City Council (Issuing Licensing Authority)



156

**Licensing Act 2003
Premises Licence**

Issue No: 4

SY002598 PR



ANNEXES

Annex 1A - Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

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

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

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

where-

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

Licensing Act 2003

Premises Licence

SY002598 PR

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.

B9

Licensing Act 2003 Premises Licence

Issue No: 4

SY002598 PR

ANNEXES continued ...

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. A refusals register and incident report register will be kept. Such documents will record incidents of staff refusals of alcohol sales. A refusals register shall be kept for at least 1 year and will be made available immediately upon a reasonable request from any Responsible Authority.
2. The Licence Holder will adopt a Challenge 21 age verification policy.
3. The only acceptable proof of age identification shall be a current Passport, photo card driving licence, identification carrying the PASS logo or military I.D.
4. The management of the premises will liaise with the Police on issues of local concern or disorder.
5. A minimum of 2 security staff will be employed during all live music events. At all other times the use of door supervisors and plastic drinking vessels will be risk assessed on an event by event basis and a written record of the Risk Assessment be kept at site for 6 months and made available to the Police or an officer of the Licensing Authority on request.
6. Staff will receive training on matters concerning underage sales, drug policies, and operating procedures. Records of such training will be kept and made available for inspection by the Authorities.
7. There shall be no drinks promotions at the premises which remains consistent with the need to promote responsible drinking.
8. The use of door staff will be risk assessed on an ongoing basis by the Licence Holder or the Designated Premises Supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
9. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
10. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
11. Fire exits and means of escape shall be kept clear and in good operational condition.
12. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.
13. A satisfactory Electrical Certificate shall be provided for the premises.
14. A permanently fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment for live music.
15. For boxing and wrestling events, a suitable events safety plan shall be provided with the minimum of 28 days notice to the Environmental Regulation, Health and Safety Department of the Local Authority prior to these events taking place.
16. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or suitable staff member will monitor patrons leaving at closing time.
17. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
18. 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.
19. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
20. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
21. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

B10

Licensing Act 2003 Premises Licence

Issue No: 4

SY002598 PR

ANNEXES continued ...

22. Where a person appears to be under the age of 21, identification in the form of a Passport, photo driving licence or a proof of age card bearing the PASS hologram or appropriate military I.D. will be sought and if not provided the service of alcohol shall be refused.

23. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

24. The Designated Premises Supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

Conditions agreed with South Yorkshire Police 23/4/2018

1. A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2016) . The CCTV images will be stored for 28 days and police and authorised officers of the council will be given access following a GDPR (General Data Protection Regulation) compliant request by them to the GDPR Data Controller for the premises. Members of the management team will be trained in the use of the system.

2. Any drinks to be consumed in the external area to be provided in non-glass drinking vessels.

3. Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

4. The Designated Premises Supervisor, or other such responsible person, should be assigned to act as the Co-ordinator for safeguarding systems at the premises. This person must act in compliance with the guidance and training provided by the Sheffield Safeguarding Children Board.

5. Children under the age of 18 are prohibited after 21:00 hours unless accompanied by a responsible adult.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

None

ANNEX 4 - Plans

Plan Reference:Queens Social Club, Queens Road, Sheffield
Drawing No:A18-122/02 Revision A
Dated: 14th March 2018

Licensing Act 2003

Issue No: 4

Premises Licence Summary SY002598 PR

LOCAL AUTHORITY	
	<p>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</p>

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	
HEX	
4 Queens Road, Sheffield, S2 4DG.	Telephone 0114 2725544

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> - a performance of a play - an exhibition of a film - an indoor sporting event - a boxing or wrestling entertainment - a performance of live music - any playing of recorded music - a performance of dance - entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance - 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
A. Performance of a play (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
B. Exhibition of films (Indoors)			
	Sunday	11:00am	1:00am

Licensing Act 2003

Premises Licence Summary SY002598 PR

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

Activity	Day	Time From	Time To
B. Exhibition of films (Indoors) continued ...			
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
C. Indoor sporting event			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
D. Boxing or wrestling entertainment (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
E. Performance of live music (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		
F. Playing of recorded music (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am

Licensing Act 2003

Premises Licence Summary SY002598 PR

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

Activity	Day	Time From	Time To
F. Playing of recorded music (Indoors) continued ...			
	Friday	11:00am	6:00am
	Saturday	11:00am	6:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		

On any Sunday preceding a Bank Holiday if the supply of alcohol hours are increased on that day so shall the hours for recorded music

G. Performance of dance (Indoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		

H. Entertainment of a similar description to that falling within E, F, or G (Indoors & Outdoors)			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	3:00am
	Saturday	11:00am	3:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		

I. Late night refreshment (Indoors & Outdoors)			
	Sunday	11:00pm	1:00am
	Monday	11:00pm	1:00am
	Tuesday	11:00pm	1:00am
	Wednesday	11:00pm	1:00am
	Thursday	11:00pm	1:00am
	Friday	11:00pm	5:00am
	Saturday	11:00pm	5:00am
	Non Standard Timings:		
	When hours for sale of alcohol are extended hereunder these hours are also extended		

J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	11:00am	1:00am
	Monday	11:00am	1:00am
	Tuesday	11:00am	1:00am
	Wednesday	11:00am	1:00am
	Thursday	11:00am	1:00am
	Friday	11:00am	6:00am
	Saturday	11:00am	6:00am
	Non Standard Timings:		

Licensing Act 2003

Issue No: 4

Premises Licence Summary SY002598 PR

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

Activity	Day	Time From	Time To
----------	-----	-----------	---------

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

To permit sale of alcohol and such regulated entertainment as authorised hereunder from the commencement hour on New Year's Eve until the Terminal Hour on the morning of the 2nd January (following on from trading on the 1st January).

On any Sunday preceding a Bank Holiday the supply of alcohol hours are to be extended until 06:00 with the premises closing to the public 30 minutes thereafter

THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	11:00am	1:30am
Monday	11:00am	1:30am
Tuesday	11:00am	1:30am
Wednesday	11:00am	1:30am
Thursday	11:00am	1:30am
Friday	11:00am	6:30am
Saturday	11:00am	6:30am

Non Standard Timings:

On any Sunday preceding a Bank Holiday the premises will close to the public 30 minutes after the terminal hour for retail sale of alcohol

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

Fitzwilliam BC LTD
63 Bawtry Road, Bramley, Rotherham, S66 2TN.

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

Fitzwilliam BC LTD

09155432

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

Alexander Joseph OWEN




Licensing Act 2003 Premises Licence Summary SY002598 PR

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

Restricted

LICENCE DATES

Licence first effective date: 2 May, 2018
This premises licence shall be in force from 28 November, 2018
Issued date of this licence: 20 February, 2019



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

Appendix C

Representations;
Sheffield Children Safeguarding
Partnership



23.07.19

The Licensing Authority
Licensing Service
Business Strategy & Regulation
Block C, Staniforth Road Depot
Sheffield S9 3HD

Address correspondence to:

Julie Hague
Licensing Manager
Sheffield Children Safeguarding Partnership
Floor 3
Howden House
Union Street
Sheffield S1 2SH
Telephone: 0114 2736753
Mobile: 07854 219682
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

APPLICATION TO REVIEW THE PREMISES LICENCE: HEX, 4 QUEENS ROAD, SHEFFIELD S2 4DG

I am writing to make a representation on behalf of the Sheffield Children Safeguarding Partnership, as the Responsible Authority for the protection of children from harm under the Licensing Act 2003. The reason for the representation is that there is evidence of a breach of the premises licence (condition 15), resulting in an unlawful wrestling entertainment event taking place involving a child performer.

On 27th June 2019 I received a complaint alleging that, during a wrestling show at the premises on 26th June, a 14 year old boy had been harmed and was inadequately dressed in public. In order to investigate the complaint and to establish compliance, I consulted colleagues in the Council's Child Permits and Licensing Service and the Health Protection Service; both services confirmed that Sheffield City Council had no evidence of the show being an authorised performance or event.

I subsequently investigated the complaint with the premises management team: This involved an extensive telephone discussion with Mr Gurnitnekh Rai, Operations Manager on 15th July and a meeting on 19th July between myself, Mr Gareth Barrett of SCC Licensing and the entire premises management team at Hex (Mr Gurnitnekh Rai, Mr Peter Clifton, Property Owner, Mr Dominic Bowskioo, Maintenance Manager, Mr Jakob Plant, Manager, Mr Alexander Owen, DPS) and the managers of Breed Promotions (Mr Sam McKinstrie and Mr Mitch Smith). The management team was co-operative and they gave the following response to the issues raised:

1. Having attended the multi agency safeguarding training on 17th July, Mr Jakob Plant (Manager, Hex) and Mr Alexander Owen (Designated Premises Supervisor, Hex) agreed to develop the safeguarding policies at Hex.
2. Breed Promotions management requested places on the next multi agency safeguarding training and also agreed to develop their safeguarding policies.
3. The premises management stated that the event was a show and that the fight was enacted in line with pro-wrestling entertainment.

- 4. The premises management stated that the 14 year old child was not hurt, however an adult member of the stage crew was injured during the performance and lost blood due to a fault of his own, as this happened in close proximity to the child, it was felt this is the injury the complainant had seen.
- 5. The premises management stated that the child was chaperoned by his trainer and his mother; that he was appropriately dressed in accordance with pro wrestling attire and that he was dressed immediately after the performance.
- 6. The premises management stated that the 14 year old child was performing under a licence issued by Bradford Licensing Authority; as this was not evidenced at the meeting I advised this should be evidenced at the review hearing.

As a result of a general discussion about the management’s proposal to develop a ‘family friendly’ offer and the importance of developing the safeguarding policies to accommodate this, the following was stated:

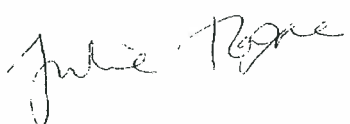
- 1. The safeguarding policies will be revised and developed by Mr Owen, DPS and Mr Plant, Manager and risk assessments will be undertaken for all styles of operation offered.
- 2. There are 4 personal licence holders at the venue who understand the core objectives of the Licensing Act 2003 and who can ensure responsible alcohol sales.
- 3. The Challenge 25 scheme will continue to operate; (posters and refusals logs were evidenced on 19.7.19).
- 4. Changes will be made to the Hex contractual arrangements with promoters to ensure compliance with the law and to ensure that adequate safeguarding procedures and lines of accountability are in place.

I can confirm that until the 27th June the Hex premises had not been a concern for safeguarding matters and that the response by the premises management has to date, been positive. However in my opinion the premises management would benefit from being more proactive and to consult earlier with the authorities to avoid risk and a lack of due diligence; consultation and early planning would assist the premises management in making safe, informed decisions about future events particularly in light of the diverse activities being planned as the business develops.

The Sheffield Children Safeguarding Partnership is concerned that there is evidence of non compliance with a licence condition and that in light of the premises management’s expressed intention to develop the business as a family friendly venue, providing ‘family fun days’ and a gaming offer, there is a currently a risk due to insufficient safeguarding conditions being placed on the licence to promote the core objective for the protection of children from harm.

The Sheffield Children Safeguarding Partnership would therefore request that the Licensing Sub Committee takes positive action to address the safeguarding concerns presenting at the premises.

Yours faithfully



JULIE HAGUE
Licensing Manager
Sheffield Children Safeguarding Partnership

Appendix D

Hearing Notices / Regulations / Procedures

Notice of hearing to consider an application for review of premises licence and any relevant representations

Fitzwillam BC Limited
63 Bawtry Road
Rotherham
S66 2TN

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

HEX 4 Queens Road Sheffield S2 4DG

During the consultation period the Council has received representations from the Environmental Protection Service and several members of the public.

The Council now GIVES YOU NOTICE that the review 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 the **Monday 9th September 2019 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) 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) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 13th August 2019

Signed: Julia Triandafillithis
The officer appointed for this purpose

Please address any communications to:
The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.
Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Sean Gibbons
Environmental Protection Service
Sent via email

Emailed: sean.gibbons@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

HEX, 4 Queens Road, Sheffield S2 4DG

During the consultation period the Council has received representations from Environmental Protection Service and several members of the public.

The Council now GIVES YOU NOTICE that the review 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 the **Monday 9th September 2019 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) 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) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 13th August 2019

Signed Julia Triandafillithis
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.
Email – licensing@sheffield.gov.uk

Notice of hearing to consider an application for review of premises licence and any relevant representations

Julie Hague
Sheffield Children Safeguarding Partnership
Sent via email

Emailed: Julie.hague@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on 12th June 2019 received an application for a review of a Premises Licence in respect of premises known as:

HEX, 4 Queens Road, Sheffield S2 4DG

During the consultation period the Council has received representations from Environmental Protection Service and several members of the public.

The Council now GIVES YOU NOTICE that the review 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 the **Monday 9th September 2019 at 10am**; following which the Council will issue a Notice of Determination of the Application for Review.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 52(7) 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) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

You should complete form LAR1 and return it to: The Licensing Service, Business Strategy and Regulation, Place Portfolio, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 13th August 2019

Signed Julia Triandafillithis
The officer appointed for this purpose

Please address any communications to:

The Licensing Service
Business Strategy and Regulation
Place Portfolio
Block C, Staniforth Road Depot,
Staniforth Road,
Sheffield,
S9 3HD.
Email – 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.

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 (REVIEW) – 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 and other parties 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 by Members the applicant and other parties.
 - (c) The Licensing Officer will introduce the applicant for review (or his/her nominated representative) who will be asked to detail the application.
 - (d) Members may ask questions.
 - (e) The Licensing Officer will in turn introduce representatives for the other Responsible Authorities and Interested parties who will be asked to detail their relevant representations
 - (f) Members may ask questions
 - (g) With the leave of the Chair the licensee or his representative may cross examine the representatives of the applicant for review and the other Responsible Authorities and Interested Parties.
 - (h) The licensee (or his/her nominated representative) will then be asked to respond to the application and to any other representations made.
 - (i) The 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.
 - (j) The applicant will then be given the opportunity to sum up the application.
 - (k) The representatives of the Responsible Authorities will be given the opportunity to sum up
 - (l) The licensee will be given the opportunity to sum up
 - (m) The Licensing Officer will then detail the options.
 - (n) 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 Board 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