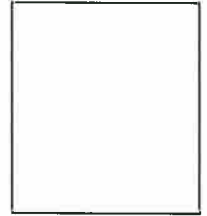




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 15th October 2019 11.00 am

Subject: Licensing Act 2003

Author of Report: Jayne Gough

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

The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ

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 100/19

The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Aye Up Pub Company Limited.

2.2 The application was received by the Licensing Service on the 22nd August 2019, and is attached with the relevant supporting documentation to this report at Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 A representation concerning the application has been received from the following Responsible Authority and is attached at Appendix 'B':-

- Environmental Protection Service

3.2 The Health Protection Service has not submitted a formal representation to the application due to an amended plan being submitted by one of the company directors as part of the consultation process and subsequently being agreed by the Responsible Authority. Since the consultation period has ended, we have been advised by the applicant's solicitor that this plan may not be agreed with the applicants any more, and they are awaiting further instruction as to this outstanding issue. The agreement to the amended plan has therefore not been confirmed, and this now remains an outstanding issue for the Health Protection Service. The previously agreed amended plan and email correspondence is also attached in Appendix 'B' as an outstanding issue.

3.3 South Yorkshire Police have agreed conditions with the applicant and these are attached to this report at Appendix 'C'.

3.4 The applicant and objectors who made written representations have been invited to attend the hearing. Copies of the front page of the notices are attached to this report at Appendix 'D'

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

5.0 FINANCIAL IMPLICATIONS

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

6.0 THE LEGAL POSITION

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

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

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

7.0 HEARINGS REGULATIONS

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

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

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

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

8.0 APPEALS

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

9.0 RECOMMENDATIONS

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

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Date: 15th October 2019

Appendix 'A'

Application and Supporting Documentation

**Application for a premises licence to be granted
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 Aye Up Pub Company Limited apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description The Teller, 440 - 442 Abbeydale Road	
Post town Sheffield	Post code S7 1FQ

Telephone number of premises (if any)

Non-domestic rateable value of premises

£16,000 (band B)

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname First names

Date of Birth: I am 18 years old or over Please tick
Nationality:

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

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

Surname First names

Date of Birth: I am 18 years old or over Please tick
Nationality:

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS

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

Name Aye Up Pub Company Limited
Address Unit 8 Acorn Business Park, Woodseats Close, Sheffield, S8 0TB
Registered number (where applicable) 11796836
Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

As soon as possible.

A	S	A	P						
---	---	---	---	--	--	--	--	--	--

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

Day Month Year

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

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

N/A

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

These premises are located at 440 - 442 Abbeydale Road and are currently vacant. The applicant is seeking to operate the premises as a bar/restaurant selling a diverse range of small plates of international food.

Accordingly, this application seeks to license the premises as follows:

Sale of alcohol

- Monday to Sunday: 10.30 – 23.00

Late night refreshment

- Monday to Sunday: 23.00 – 23.30

Hours open to the public

- Monday to Sunday: 10.30 – 23.30

Regulated entertainment comprising live and recorded music will be limited to those non-standard timings identified in Boxes E and F.

The appropriate plan deposited with this application is drawing 100B. This shows two ground floor layouts with the correct proposed internal ground floor layout being the one edged red and labelled 'proposed ground floor plan'. The ground floor layout labelled 'proposed outside and boundary area' shows the correct outdoor seating area only and not the proposed internal layout.

Please note that the licensed area edged red on the licensing drawing is intended to be used for all requested licensable activities.

In light of the proposed operation, it is not anticipated that the application will adversely affect the four licensing objectives and the Operating Schedule has been completed on that basis.

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

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

Please tick yes

Provision of regulated entertainment (please read guidance note 2)

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 4)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri					
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
Mon				Please give further details here (please read guidance note 4)	Both
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Thur			
Fri			
Sat			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	X	
Day	Start	Finish		Outdoors		
				Both		
Mon			Please give further details here (please read guidance note 4)			
Tue				Regulated entertainment comprising amplified and unamplified live music on an occasional basis.		
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					n/a – save as below	
Fri				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 6)		
Sat						
Sun					<ul style="list-style-type: none"> • To permit live music from 23.00 until 01.00 the following mornings on: <ul style="list-style-type: none"> ○ Friday, Saturday, Sunday and Monday at bank holiday weekends; ○ Christmas Eve; ○ Boxing Day; and ○ New Year's Eve. 	

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4) Regulated entertainment comprising recorded music on an occasional basis.		
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 5) n/a – save as below		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) <ul style="list-style-type: none"> • To permit recorded music from 23.00 until 01.00 the following mornings on: <ul style="list-style-type: none"> ○ Friday, Saturday, Sunday and Monday at bank holiday weekends; ○ Christmas Eve; ○ Boxing Day; and ○ New Year’s Eve. 		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors
				Outdoors
Mon				Both
Tue			Please give further details here (please read guidance note 4)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	23.00	23.30	Please give further details here (please read guidance note 4)		
Tue	23.00	23.30			
Wed	23.00	23.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23.00	23.30	n/a – save as below		
Fri	23.00	23.30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23.00	23.30			
Sun	23.00	23.30			
			<ul style="list-style-type: none"> • To permit licensable activities as requested in this application until 01.00 the following mornings on: <ul style="list-style-type: none"> ○ Friday, Saturday, Sunday and Monday at bank holiday weekends ○ Christmas Eve ○ Boxing Day ○ New Year's Eve • To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown. 		

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	10.30	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 5) n/a – save as below	Both	X
Tue	10.30	23:00			
Wed	10.30	23:00			
Thur	10.30	23:00			
Fri	10.30	23:00			
Sat	10.30	23:00			
Sun	10.30	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 6)		
			<ul style="list-style-type: none"> To permit licensable activities as requested in this application until 01.00 the following mornings on: <ul style="list-style-type: none"> Friday, Saturday, Sunday and Monday at bank holiday weekends; Christmas Eve; Boxing Day; and New Year's Eve. To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown. 		

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

Name: Andrew James Mastin
Date of Birth: 1st November 1977
Address: [REDACTED]
Postcode: [REDACTED]
Personal Licence number (if known): TBC in due course
Issuing licensing authority (if known): TBC in due course

K

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

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5) n/a – save as below
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	10.30	23:30	
Tue	10.30	23:30	
Wed	10.30	23:30	
Thur	10.30	23:30	
Fri	10.30	23:30	
Sat	10.30	23:30	
Sun	10.30	23:30	

M

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

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

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

b) The prevention of crime and disorder

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

1. Alcoholic drinks may not be removed from the premises in open containers except for consumption in external areas provided for that purpose.
2. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
3. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
4. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
5. A refusals book (or equivalent) will be maintained and audited by management.
6. CCTV shall be installed with recording facilities such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available within a reasonable time upon request by the police as long as the request is in accordance with data protection principles.

c) Public safety

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

7. To comply with the reasonable requirements of the fire officer from time to time
8. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
9. Fire Exits and means of escape shall be kept clear and in good operational condition.

d) The prevention of public nuisance

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

10. 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
11. Noise shall not emanate from the premises so as to cause a nuisance to nearby noise sensitive properties.

e) The protection of children from harm

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

12. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years
13. Children under the age of 16 shall not be permitted to remain on the premises after 22:00 hours unless dining with an adult or attending a pre-booked family type function.
14. The 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.
15. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

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

Date: 21st August 2019.....

Capacity: Solicitors.....

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

Signature: John Gaunt & Partners

Date:.....

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

**John Gaunt & Partners
Omega Court
372 Cemetery Road**

Post town
Sheffield

Post code
S11 8FT

Telephone number (if any) **0114 2668664**

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
probson@john-gaunt.co.uk

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the

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.
3. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK {please see note below about which sections of the passport to copy}.
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Schedule 11
Consent of individual to being specified as premises supervisor

I, Andrew James Master
<insert full name of proposed DPS>

of [REDACTED]
[REDACTED]
<insert residential address>

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a new premises licence by Aye Up Pub Company Limited relating to a premises licence for The Teller, 440 - 442 Abbeydale Road, Sheffield, S7 1FQ and any premises licence to be granted or varied in respect of this application made by Aye Up Pub Company Limited concerning the supply of alcohol at The Teller, 440 - 442 Abbeydale Road, Sheffield, S7 1FQ.

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence number:
<insert personal licence number, if any>

Personal Licence issuing authority:
<insert personal licence issuing Council, if any>

Date of birth: [REDACTED]

Place of birth: sheffield.

Nationality: British

Signed: [REDACTED]

Name: Andrew Master

Dated: 31/7/19.

APPENDIX 'B'

**Representations:
Environmental Protection Service
Health Protection Service**



From: Hollis Georgina (CEX) on behalf of licensingservice
Sent: 18 September 2019 17:22
To: Rhodes-Evans Emma (CEX); Crawshaw Michael (CEX)
Subject: FW: 654446: New Licence Application - The Teller 440-442 Abbeydale Road - 654446

Importance: High

From: Round Jonathan
Sent: 18 September 2019 16:36
To: probson@john-gaunt.co.uk
Cc: licensingservice
Subject: RE: 654446: New Licence Application - The Teller 440-442 Abbeydale Road - 654446

This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.

I have the following representation to make with regards to Public Nuisance for the application for a premises licence for the above premises.

The premises are located below residential accommodation and in close proximity to others, I am therefore concerned that nearby residents could potentially be affected by excessive noise disturbance from noise breaking out of the premises, noise transferring through the building and noise from people outside the venue.

To protect the nearby residential accommodation both above the premises and in the vicinity, the applicant will need to carry out a noise survey prior to the bar operating, so that the buildings ability to restrict the noise breaking out of the premises and also transferring through the building is quantified. There also needs to be a validation report produced to ensure the effectiveness of any works that have been carried out. The noise report will highlight any issues with the buildings ability to retain sound, suggest suitable solutions and also ensure that acceptable internal noise levels are maintained within nearby residential accommodation. Without the assurance an approved noise survey and validation report would give it is not easy to quantify the impact of the proposed licensable activity on the nearby residents.

To protect nearby residents from being unacceptably affected by noise I would propose the below conditions are attached to the premises licence:

- Before the premises open a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall be:
 - a) Based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
 - b) Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
 - (i) as a 15 minute LAeq, and;
 - (ii) at any one third octave band centre frequency as a 15 minute LZeq.

- c) Be capable of restricting noise breakout and transmission from the commercial use(s) to all adjoining residential accommodation to levels complying with the following:
- (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
 - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
 - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);
 - (iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of works is installed full details thereof shall first have been submitted to and approved in writing by the Environmental Protection Service (EPS).

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

- Before the use of the premises is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the EPS. Such Validation Testing shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the EPS before the use is commenced and shall thereafter be retained.
- No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of the EPS.
- No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.
- The outside seating area to the front of the premises shall not be used from 21:00-10:30hrs.

If you are happy to accept the above conditions then please reply back with your agreement and copy in all parties. Alternatively if you wish to discuss the matter further, or wish to recommend alternative wording to achieve the same please reply or if you would prefer to talk my mobile is below.

Regards,

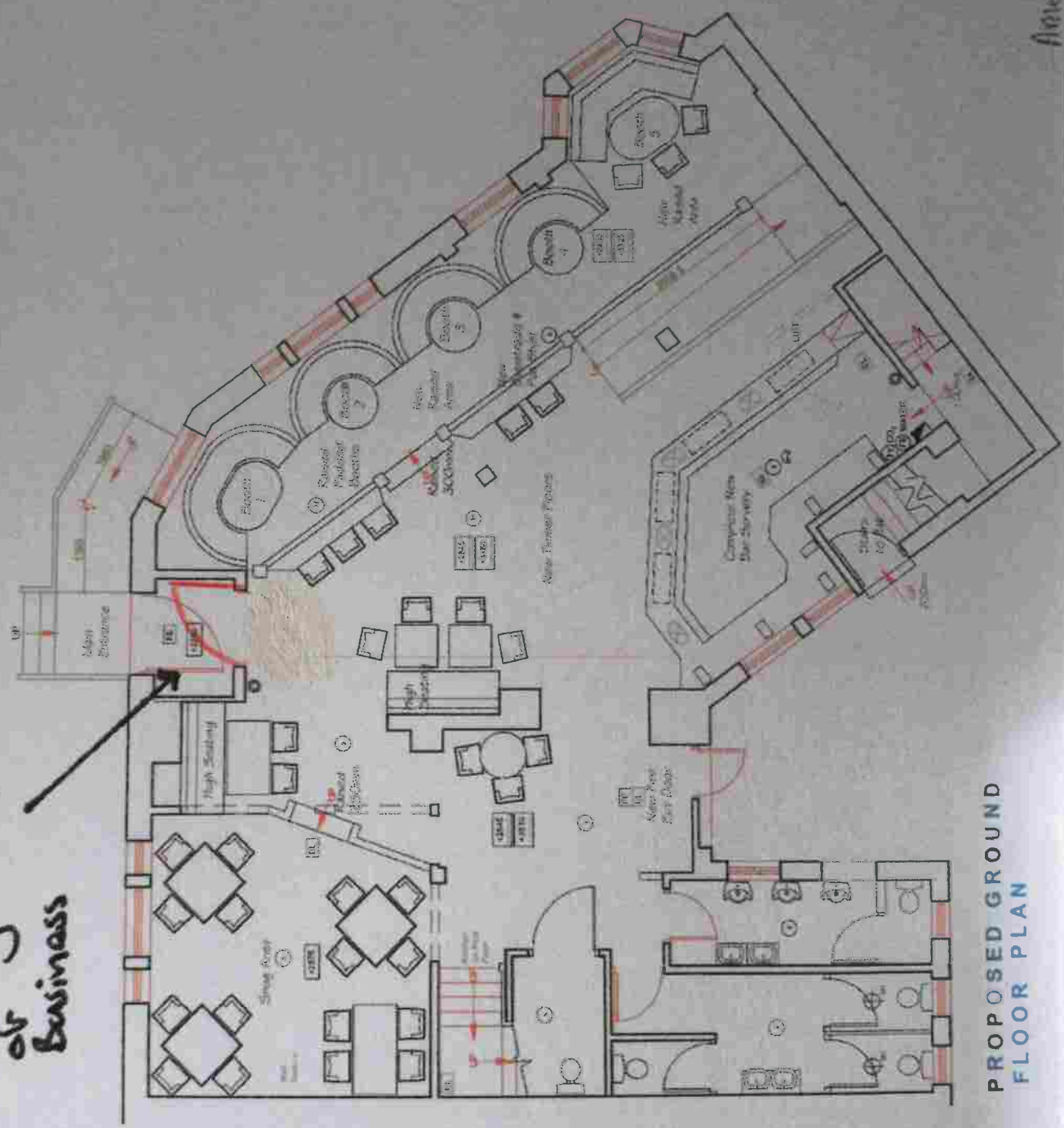
Jon.

Jonathan Round
Environmental Health Officer

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

Tel +44 (0)114 273 4658/ 07887 641 266
Fax +44 (0)114 273 6464

Door pinned open during hours of business



PROPOSED GROUND FLOOR PLAN

Amended Plan

Rhodes-Evans Emma (CEX)

From: Elaine Ibbotson <Eibbotson@john-gaunt.co.uk> on behalf of Patrick Robson <PRobson@john-gaunt.co.uk>
Sent: 20 September 2019 17:08
To: Gibbons Sean (DEL)
Cc: licensingservice
Subject: Ramp drawings

Categories: Emma Rhodes, GENERAL TEAM

Sean/Licensing

I am just still waiting for formal instructions from my client whether the new layout is agreed, I am aware that my client was meeting Sean (and may have done so already).

Accordingly, can we just take it that the new layout and condition is not yet agreed at this moment in time although I hope to provide clarification next week.

Licensing – As your records will indicate, the consultation period closes today and there is only one other outstanding representation of which I am aware, if you could kindly confirm Monday morning whether there are any other outstanding representations.

Many thanks in anticipation.

Kind Regards

Patrick Robson
Associate
Sent by Elaine Ibbotson

PRobson@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | M: 07841 451 440 | F:



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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For more details on our services please click on the links above.

From: Gibbons Sean (DEL) [<mailto:Sean.Gibbons@sheffield.gov.uk>]
Sent: 16 September 2019 12:42
To: licensingservice <licensingservice@sheffield.gov.uk>
Cc: Patrick Robson <PRobson@john-gaunt.co.uk>
Subject: FW: Ramp drawings

Dear Colleagues,

Please find attached an amended plan that Andy Mastin has provided with respect to The Teller, 440-442 Abbeydale Rd, which shows access ramps to main entrance and also to the internal

raised seated section. The plan also shows the outer door to be pinned open when business is open and inner door to open out.

I'm not sure if you can view this as when I forward Andy's e-mail it seems to blow the image up? Maybe Andy would have to send direct?


The following condition has also been offered and should be attached to the premises licence;

'a building regulation completion certificate shall be submitted within a reasonable time period after the premises is opened for business' .

Thanks
Sean

*Sean Gibbons BSc (Hons)
Environmental Health Officer
Health & Safety Inspector
Environmental Regulation
Sheffield City Council
5th Floor North
Howden House
1 Union Street
Sheffield
S1 2SH*

*Tel: 0114 273 4616
Fax: 0114 273 6464
Email: sean.gibbons@sheffield.gov.uk
www.sheffield.gov.uk*

From: Andy Mastin [mailto:
Sent: 16 September 2019 11:52
To: Gibbons Sean (DEL)
Subject: Re: Ramp drawings

Revised door way .
Cheers

On Mon, 16 Sep 2019 at 09:37, Andy Mastin [redacted] wrote:
07581410279

On Mon, 16 Sep 2019 at 09:32, Gibbons Sean (DEL) <Sean.Gibbons@sheffield.gov.uk> wrote:

Hi Andy, what's your number?

Ta

Sean

Sean Gibbons BSc (Hons)

Environmental Health Officer

Health & Safety Inspector

Environmental Regulation

Sheffield City Council

5th Floor North

Howden House

1 Union Street

Sheffield

S1 2SH

Tel: 0114 273 4616

Fax: 0114 273 6464

Email: sean.gibbons@sheffield.gov.uk

www.sheffield.gov.uk

From: Andy Mastin [mailto:[redacted]]
Sent: 16 September 2019 09:30
To: Gibbons Sean (DEL)
Subject: Re: Ramp drawings

Hey up

Didn't we say the external door pinned open and the internal hung on left with a with a both way hinge on ?

On Mon, 16 Sep 2019 at 09:03, Gibbons Sean (DEL) <Sean.Gibbons@sheffield.gov.uk> wrote:

Cheers Andy & no probs,

Sean

Sean Gibbons BSc (Hons)

Environmental Health Officer

Health & Safety Inspector

Environmental Regulation

Sheffield City Council

5th Floor North

Howden House

1 Union Street

Sheffield


S1 2SH

Tel: 0114 273 4616

Fax: 0114 273 6464

Email: sean.gibbons@sheffield.gov.uk

www.sheffield.gov.uk

From: Andy Mastin [mailto:
Sent: 16 September 2019 09:01
To: Gibbons Sean (DEL)
Subject: Re: Ramp drawings

Hi

Yes we discussed the doors when you. And sorry I forgot to change the plan ! I'll get on with it now and send straight away ! I'm waiting for building control to get back to me in that . The regs I've looked up say a minimum of 750 . Outs is 850 . I'll see what they come back with

Cheers

On Mon, 16 Sep 2019 at 08:52, Gibbons Sean (DEL) <Sean.Gibbons@sheffield.gov.uk> wrote:

Morning Andy,

Thanks for the amended plan, and for agreeing the condition re building Regs.

Also thanks for taking on board comments regarding accessibility.

However, I did want to discuss the orientation of the main doors. Both still shown on the plan to open in, which if built this way would restrict capacity. If outer door to be pinned open I suggest that you show this on the plan to read something like (*door pinned open whilst open*). Also if inner door to open out it should be shown to do so on the plan.

Regarding capacity, did you get an answer with respect to rear exit door??

Hope this makes sense,

Thanks

Sean

Sean Gibbons BSc (Hons)

Environmental Health Officer

Health & Safety Inspector

Environmental Regulation

Sheffield City Council

5th Floor North

Howden House

1 Union Street

Sheffield


S1 2SH

Tel: 0114 273 4616

Fax: 0114 273 6464

Email: sean.gibbons@sheffield.gov.uk

www.sheffield.gov.uk

From: Andy Mastin [mailto:
Sent: 16 September 2019 07:28
To: Gibbons Sean (DEL)
Subject: Ramp drawings

Morning

Pls find attached ramp drawings . Also a building regulation completion certificate shall be submitted with in a reasonable time period after the premises is opened for business .

Many thanks

Andy

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Partners: Tim Shield (569713) | Michelle Hazlewood (569714) | Christopher Grunert | Jon Wallsgrove
Associates: Paul Henocq | Patrick Robson
Consultants: John Gaunt | Katharine Redford
Practice Manager: Jonathan Pupius

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Appendix 'C'

**Agreed conditions:
South Yorkshire Police**

Agreed Conditions SUP.

Crawshaw Michael (CEX)

From: Crawshaw Michael (CEX) on behalf of licensingservice
Sent: 06 September 2019 09:38
To: Crawshaw Michael (CEX); Rhodes-Evans Emma (CEX)
Subject: FW: Premise licence application-The Teller, 440-442 Abbeydale Road

From: SHEFFIELD_Licensing [mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk]
Sent: 06 September 2019 09:00
To: licensingservice
Subject: FW: Premise licence application-The Teller, 440-442 Abbeydale Road

Dear all,

Following receipt of the application for a New Premise Licence at The Teller, 440-442 Abbeydale Road, Sheffield, we have now received agreement (as per the email below), of the following conditions:

- It is considered that for the nature of the operation door supervisors will not be required however, a risk assessment will be undertaken should unusual events take place and if they consider it appropriate will deploy the same.
- It is considered that for the nature of the operation, plastic/polycarbonate drinking vessels will not be required however, a risk assessment will be undertaken should unusual events take place and management deem it necessary.

Given the proximity to residential properties I would also require a restriction on the external area:

- Customers shall not be permitted to consume drinks in the external area after 21:00hrs. Customers smoking will be permitted in that area at all times.

Please place on the licence should it be granted.

Kind regards,
Catherine

South Yorkshire Police Licensing Department
Moss Way Police Station
Moss Way
Sheffield
S20 7XX.

Licensing Team
Tracey Klein 0114 2523948 internal 718948
Lucy Adams (Monday/Tuesday) 0114 2523617 internal 718617
Catherine Jarvis (Wednesday, Friday and Thursday morning) 0114 2523617 internal 718617
Ian Armitage 0114 2523618 internal 718618
Cheryl Topham 0114 2523163 internal 718163

Appendix 'D'

Hearing Notices and Regulations



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

Jon Round
Environmental Protection Service
Sheffield City Council

Sent via email to: jonathan.round@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 22nd August 2019 received an application in respect of the premises known as;

The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ

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

- **1 - Environmental Protection Service**
- **1 - Health Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on Tuesday **15th October at 11.00am hours**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 30th September 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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



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

Sean Gibbons
Health Protection Service
Sheffield City Council

Sent via email to: sean.gibbons@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 22nd August 2019 received an application in respect of the premises known as;

The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ

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

- **1 - Environmental Protection Service**
- **1 - Health Protection Service**

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Dated: 30th September 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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



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

Aye Up Pub Company Limited
Unit 8 Acorn Business Park,
Woodseats Close,
Sheffield,
S8 0TB

Sent via email to applicant's solicitor: probson@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 22nd August 2019 received an application in respect of the premises known as;

The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ

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

- **1 - Environmental Protection Service**
- **1 - Health Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on Tuesday **15th October at 11.00am hours**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 30th September 2019

Signed: **Jayne Gough**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

We **Aye Up Pub Company Limited**

Of **The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ**

hereby confirm that I have received the Notice of Hearing dated 30th September 2019 and notify you as follows **(please complete)**:

I intend to attend the hearing at Town Hall Sheffield on 15th October 2019 at 11.00am

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I consider the hearing to be unnecessary because:
.....

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: **Signed**.....

Please see Regulation 8 overleaf

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

licensing@sheffield.gov.uk

Regulation 8

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

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

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

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

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

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

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

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