

**Crawshaw Michael (CEX)**

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**From:** Gough Jayne (CEX) on behalf of licensingservice  
**Sent:** 02 December 2019 21:08  
**To:** Crawshaw Michael (CEX)  
**Subject:** FW: New premise licence-Miller & Carter, 55 Surrey Street, Sheffield

**From:** Angie Gardner [mailto:[A.Gardner@popall.co.uk](mailto:A.Gardner@popall.co.uk)]  
**Sent:** 02 December 2019 15:14  
**To:** SHEFFIELD\_Licensing  
**Cc:** licensingservice  
**Subject:** RE: New premise licence-Miller & Carter, 55 Surrey Street, Sheffield

Hi Lucy

We have discussed the below with our clients and they have confirmed they are happy to agree to the three conditions below, namely:-

- Drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose
- Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and area quietly.
- Children under the age of 16 are prohibited after 21:00 hours unless accompanied by a responsible adult and attending a private family type function or dining.

I have copied this email to the Licensing Department at the Council to keep them in the loop.

I trust the above is satisfactory and you are now happy for this application to proceed?

Many thanks

Angie Gardner |Paralegal|


Poppleston Allen

E:A.Gardner@popall.co.uk | T:0115 9349 157 | M:07967 642 424 | W:www.popall.co.uk

Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS




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# Appendix D

Notice of hearing/regulations & procedure



**Notice of hearing of representations  
in respect of the following application: Miller & Carter, 55 Surrey  
Street, Sheffield, S1 1XX  
LA03 Application to Grant a Premises Licence**

Poppleston Allen Solicitors  
37 Stoney Street  
The Lace Market  
NG1 1LS

The Sheffield City Council being the licensing authority, on 19<sup>th</sup> November 2019 received an application in respect of the premises known as;

**55 Surrey Street, Sheffield, S1 1XX**

During the consultation period, the Council received representations from the following;

- **1 Public Objection**

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 **7<sup>th</sup> January 2020 at 11:30am**; 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) The application 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 application.

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 (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 23<sup>rd</sup> December 2019

Signed: \_\_\_\_\_ Gareth Barrett \_\_\_\_\_  
The officer appointed for this purpose  
Licensing Officer

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



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

**[REDACTED]  
[REDACTED]  
Sheffield  
[REDACTED]**

The Sheffield City Council being the licensing authority, on 19<sup>th</sup> November 2019 received an application in respect of the premises known as;

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Dated: **23<sup>rd</sup> December 2019**

Signed:           Gareth Barrett            
The officer appointed for this purpose  
Licensing Officer

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## **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.



## 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.



## 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.

