

## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** Tuesday 21<sup>st</sup> February 2023 – 10:00am

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**Subject:** Licensing Act 2003

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**Author of Report:** Shimla Finch

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

**The Brass Monkey, 185 Middlewood Road, Sheffield, S6 4HD**

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**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.

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**Background Papers:** Attached documents  
[Sheffield City Councils Statement of Licensing Policy](#)

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**Category of Report:** OPEN

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**REPORT OF THE CHIEF LICENSING OFFICER  
(HEAD OF LICENSING) TO THE LICENSING SUB COMMITTEE  
LICENSING ACT 2003**

Ref No: 28/23

**The Brass Monkey, 185 Middlewood Road, Sheffield, S6 4HD**

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

2.1 The applicant is Mr Martin McGrail.

2.2 The application was received by the Licensing Service on the 2<sup>nd</sup> January 2023, and is attached to Appendix 'A' of this report.

2.3 The application requests to remove conditions 5 and 9 on Annex 3 of the premises licence which are conditions attached to the licence by the [Licensing Sub-Committee at a hearing held on the 13<sup>th</sup> August 2018](#).

2.4 Condition 5 reads as follows:

*5. No live or recorded music shall be played at the premises.*

This condition was placed to address issues of noise nuisance and a copy of the [minutes](#) of the Licensing Sub-Committee hearing is linked for further information.

The applicant requests condition 5 to be removed and to allow (with level of sound to be agreed and a sound pollution limiter installed) amplified music between the hours of:

Wednesday	2pm - 10pm
Thursday	2pm - 10pm
Friday	2pm - 10pm
Saturday	2pm - 10pm
Sunday	2pm - 8pm

With non-standard timings on Christmas Eve and New Year's Eve extended until 01:00 hours the following day

2.5 There is a further request to remove condition 9 in Annex 3 which the applicant suggests it contradicts condition 7 of the same Annex.

Conditions 9 is detailed as:

*9. The premises will not open 3 hours prior to Sheffield Wednesday FC match kick-off and no new entry to patrons will be permitted until 2 hours after match end.*

Condition 7 is detailed as:

*7. The use of SIA registered door supervisors will be risk assessed, with records kept and available for inspection by the Responsible Authorities and Sheffield City Council officers. Particular consideration to be paid to high profile Sheffield Wednesday matches where a member of door staff will be present 2 hours prior to the game starting until the end of trading.*

2.6 A full copy of the current Premises Licence is attached at Appendix 'B' which details current times and conditions imposed.

### **3.0 REASONS FOR REFERRAL**

3.1 The variation application has been referred to the Licensing Sub-Committee for determination as there are unresolved objections regarding the removal of condition 5 of the licence due to noise nuisance issues arising from the premises. Representations have been received from the following:

- **The Environment Protection Service**
- **2 x Local Residents in 1 representation**

3.2 Copies of both representations are attached at Appendix 'C' of this report

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 labelled Appendix 'D'.

### **4.0 FINANCIAL IMPLICATIONS**

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

### **5.0 THE LEGAL POSITION**

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

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

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

## **6.0 HEARING REGULATIONS**

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

## **7.0 APPEALS**

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

## **8.0 RECOMMENDATIONS**

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

## **9.0 OPTIONS OPEN TO THE COMMITTEE**

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

*Steve Lonnie*

Stephen Lonnie  
Chief Licensing Officer  
Head of Licensing

21<sup>st</sup> February 2023

# Appendix 'A'

## Variation Application



\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Is your business registered outside the UK?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

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

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

3,500

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

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.

Removal of Condition 5 in Annex 3 and replaced with the option to allow background amplified music between the hours of:  
Wednesday 2pm - 10pm  
Thursday 2pm - 10pm  
Friday 2pm - 10pm  
Saturday 2pm - 10pm  
Sunday 2pm - 8pm

Levels of background amplified music to be agreed and a sound pollution limiter installed to control agreed levels. The proposed equipment is a SL2000 Noise Pollution Limiter System. Suggested limit 60db.

Removal of Condition 9 in Annex 3 as this contradicts Condition 7 in Annex 3 which requires SIA door supervisors 2 hours before until the end of trade.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS



Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide 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.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors
- Outdoors
- Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Amplified music via speaker devices ie Alexa or TV, inside premises.

State any seasonal variations for playing recorded music.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Christmas Eve and New Years Eve..... 01:00 close.

*Continued from previous page...*

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes  No

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

NA

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

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

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

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

**Section 16 of 18**

**LICENSING OBJECTIVES**

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o 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.
  - o 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.
  - o 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.
  - o 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:
  - o 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.
  - o 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.
  - o 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.

*Continued from previous page...*

- 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:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o 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;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o 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.

## Section 18 of 18

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

100.00

### DECLARATION

I/WE UNDERSTAND THAT 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.

Ticking this box indicates you have read and understood the above declaration

*Continued from previous page...*

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Martin Mcgrail"/>
* Capacity	<input type="text" value="Owner Operator"/>
* Date	<input type="text" value="02"/> / <input type="text" value="01"/> / <input type="text" value="2023"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/sheffield/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**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.**

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Brass Monkey 02.01.23"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



# **Appendix 'B'**

## **Current Premises Licence**

# Licensing Act 2003 Premises Licence

Issue No: 7

## SY002631 PR

### LOCAL AUTHORITY



#### Licensing Service

#### Place Portfolio

Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD

Tel: 0114 2734264

Taxi Enquiries: [taxilicensing@sheffield.gov.uk](mailto:taxilicensing@sheffield.gov.uk)

General Licensing: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

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

### Brass Monkey

185 Middlewood Road, Sheffield, S6 4HD.

#### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

#### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

the supply of alcohol

#### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	Noon	10:00pm
	Monday	Noon	10:00pm
	Tuesday	Noon	10:00pm
	Wednesday	Noon	10:00pm
	Thursday	Noon	10:00pm
	Friday	11:00am	11:00pm
	Saturday	11:00am	11:00pm
	Christmas Eve (24/12)	11:00am	1:00am
	New Years Eve (31/12)	11:00am	1:00am
	Non Standard Timings:		

One additional hour when British Summertime begins



# Licensing Act 2003 Premises Licence

Issue No: 7

## SY002631 PR

### THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	Noon	10:00pm
Monday	Noon	10:00pm
Tuesday	Noon	10:00pm
Wednesday	Noon	10:00pm
Thursday	Noon	10:00pm
Friday	11:00am	11:00pm
Saturday	11:00am	11:00pm
Christmas Eve (24/12)	11:00am	1:00am
New Years Eve (31/12)	11:00am	1:00am
Non Standard Timings:		

One additional hour when British Summertime begins

#### 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

Martin Mcgrail  
[REDACTED]

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

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

Martin MCGRAIL  
[REDACTED]



# Licensing Act 2003 Premises Licence

Issue No: 7

# SY002631 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: **SY07961**

Issued by: **Sheffield**

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

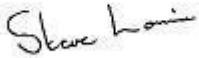
Restricted

## LICENCE DATES

Licence first effective date: **9 August, 2018**

This Premises Licence shall be in force from: **4 September, 2022**

Issue date of this licence: **11 November, 2022**



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





### ANNEXES

#### Annex 1A - Mandatory Conditions

##### **Mandatory Condition 1 (Section 19 ss 2)**

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

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

##### **Mandatory Condition 2 (Section 19 ss 3)**

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

##### **Mandatory Condition 3 (Section 20)**

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

##### **Mandatory Condition 4 (Section 21)**

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

#### Annex 1B - Mandatory Condition effective from 28<sup>th</sup> May 2014:

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

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

where-

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

**ANNEXES continued ...**

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

**Annex 1C - Mandatory Conditions effective from 1<sup>st</sup> 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.

## ANNEXES continued ...

**Annex 2 - Conditions consistent with the operating schedule**

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Outdoor consumption of alcohol by customers in the immediate vicinity of the premises shall be actively discouraged at all times.
3. Any person selling or supplying alcoholic drink under the authority of a personal licence holder will ask for a photographic proof of age when they suspect the individual may be under 18 years of age.
4. A CCTV system will be installed and maintained in working order whilst the premises are open, cameras will be placed both inside and outside the premises. Any cameras covering the exterior of the premises will be left to record at all times (24 hours a day). Recordings will be kept for at least 28 days and will be produced to an Authorised Officer upon request. Notices will be clearly displayed advising members of the public that CCTV is recording on the premises.
5. The Use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk.
6. Escape routes and exits including external exits, shall be maintained to ensure they are not obstructed, in good order with non-slip and even surfaces, free of trip hazards and clearly identified. Where tables and chairs are provided, internal gangways shall be kept unobstructed. All exit doors shall be easily opened and will not require the use of a key, card, code or similar means. Regular checks will be made and a written log kept.
7. The edge of any steps and stairways will be highlighted and maintained so that any changes to levels can be easily seen.
8. Children under the age of 16 shall be accompanied by a responsible adult at all times and must be off the premises by 19:00 hours.

**Annex 3 - Conditions attached after a hearing by the licensing authority - Held 13th August 2018**

1. Prior to the commencement of any licensable activities on the premises, a scheme of attenuation works (as approved by EPS) designed to insulate adjoining noise sensitive uses in the building from trading noise shall have been installed and shall be thereafter retained. Before the scheme of works is installed, full details shall first have been submitted to and approved in writing by EPS.
2. The DPS or other delegated member of staff shall take a pro-active approach to noise control, checking to ensure that any patrons outside and in the immediate vicinity of the premises do not cause a nuisance to occupiers of nearby residential properties.
3. The Premises Licence Holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs.
4. Save for access, egress, and in case of emergency, all doors and windows shall remain closed from 22:00 hours on all days.
5. No live or recorded music shall be played at the premises.
6. No drinking within the immediate vicinity outside the premises shall be permitted.
7. The use of SIA registered door supervisors will be risk assessed, with records kept and available for inspection by the Responsible Authorities and Sheffield City Council officers. Particular consideration to be paid to high profile Sheffield Wednesday matches where a member of door staff will be present 2 hours prior to the game starting until the end of trading.



**ANNEXES continued ...**

8. There will be no off sales of alcohol 3 hours before Sheffield Wednesday FC match kick-off and 2 hours after match end.
9. The premises will not open 3 hours prior to Sheffield Wednesday FC match kick-off and no new entry to patrons will be permitted until 2 hours after match end.
10. The use of the external area to cease at 2100 hours each day, whosoever the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) Regulations 2020 (as amended) are in force, and permit the continuance of Temporary Pavement Café Licences for Covid-19 related purposes.
11. Once the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) Regulations 2020 (as amended) are no longer in force, such that the continuance of Temporary Pavement Café Licences for Covid-19 related purposes has ceased, the use of any outdoor seating shall cease at 1900 hours on all days. The outdoor seating shall then be promptly secured or removed so as to prevent any continued unauthorised use. Under normal post-Covid trading, outdoor seating shall be limited to a maximum of 12 seated covers. Unseated outdoor consumption of alcohol by customers in the immediate vicinity of the premises shall be actively discouraged at all times.

**ANNEX 4 - Plans**

Plan Reference: 185 Middlewood Road, S6 4HD  
Drawing No:1030-102  
Dated: May 18

**LOCAL AUTHORITY**



**Licensing Service**

**Place Portfolio**

Block C Staniforth Road Depot  
 Staniforth Road  
 Sheffield  
 S9 3HD

Tel: 0114 2734264

Taxi Enquiries: [taxilicensing@sheffield.gov.uk](mailto:taxilicensing@sheffield.gov.uk)

General Licensing: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

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**

**Brass Monkey**

185 Middlewood Road, Sheffield, S6 4HD.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity	Day	Time From	Time To
J. Supply of alcohol for consumption ON and OFF the premises			
	Sunday	Noon	10:00pm
	Monday	Noon	10:00pm
	Tuesday	Noon	10:00pm
	Wednesday	Noon	10:00pm
	Thursday	Noon	10:00pm
	Friday	11:00am	11:00pm
	Saturday	11:00am	11:00pm
	Christmas Eve (24/12)	11:00am	1:00am
	New Years Eve (31/12)	11:00am	1:00am
	Non Standard Timings:		

One additional hour when British Summertime begins



# Premises Licence Summary SY002631 PR

## THE OPENING HOURS OF THE PREMISES

Day	Time From	Time To
Sunday	Noon	10:00pm
Monday	Noon	10:00pm
Tuesday	Noon	10:00pm
Wednesday	Noon	10:00pm
Thursday	Noon	10:00pm
Friday	11:00am	11:00pm
Saturday	11:00am	11:00pm
Christmas Eve (24/12)	11:00am	1:00am
New Years Eve (31/12)	11:00am	1:00am

Non Standard Timings:

One additional hour when British Summertime begins

### 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

Martin Mcgrail

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

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

Martin MCGRAIL

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

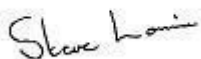
Restricted

## LICENCE DATES

Licence first effective date: 9 August, 2018

This premises licence shall be in force from: 4 September, 2022

Issued date of this licence: 11 November, 2022



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



# Appendix 'C'

## **Objections:**

The Environmental Protection Service  
2 x Local Residents in 1 representation

# The Environmental Protection Service

From: [REDACTED]

Date: 16/01/2023 15:17 (GMT+00:00)

To: [REDACTED]

Subject: FW: LAC2003 Variation: Brass Monkey, 185 Middlewood Rd Sheffield S6 4HD

LAC2003 Variation: Brass Monkey, 185 Middlewood Rd Sheffield S6 4HD

Our Ref: EPS/NEP/715579

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

Dear Mr McGrail,

## NOTIFICATION OF FORMAL OBJECTION

I write to you in your capacity of Premises Licence Holder, Designated Premises Supervisor, and the applicant for the above premises licence variation application. I represent Sheffield City Council's Environmental Protection Service; Commercial Team (EPS), in their capacity of Responsible Authority for the Prevention of Public Nuisance; one of the four core objectives of the Licensing Act 2003 (as amended). In this capacity, EPS comments relate only to the part of the application which requests the removal of condition 5; Annex 3 (no live or recorded music).

I must inform you that EPS object to the removal of condition 5, on the basis of likely public nuisance from the playing of amplified sound being audible in the residential accommodation adjoining the premises. This issue is currently the subject of an open nuisance investigation by EPS and SCC Licensing Service. EPS are also of the opinion that the proposed method of managing amplified sound at background level (a sound limiter) is impractical in the circumstances proposed.

The premises has had a significant and repeated history of noise nuisance complaints, primarily from the occupiers of the dwelling above the premises. The complaints to EPS started immediately upon the premises opening in late 2018 and only ceased when the tenant concerned moved out mid-2019. These initial complaints focused on customer noise and other non-music related noise. Complaints to EPS ceased during Covid, but have since resumed, with allegations of regular noise nuisance caused by amplified music played on the premises. Officers attending both complaints have witnessed intrusive levels of noise from the premises affecting adjoining accommodation.

The premises has some history of non-compliance with regulatory requirements, aggravating noise nuisance issues. The premises commenced trading without having satisfied pre-commencement planning requirements to implement an approved scheme of sound insulation works. This requirement was later resolved retrospectively, with the approval of a noise validation test report in March 2019. However, the validation report was not required to include any testing with amplified sound being played on the premises, as the premises licence required that no live or recorded music be played at the premises.

Despite this requirement, recent complaints received by EPS and by SCC Licensing Service have centred on noise nuisance allegedly caused by amplified sound played on the premises, including the alleged use of an 'Alexa' device. This variation application seeks to authorise use of such a device (see section 9 of the application form).

On 21/10/22 the SCC Night Time Enforcement Team witnessed audible music noise inside the

complainant's flat, emanating from the premises downstairs. On 12/10/2022 a visit by SCC Licensing Service evidenced the use of the TV for broadcast of amplified music in the premises. During this visit an Alexa device was seen on the bar of the premises. Whilst not in use at that point, the bar manager commented that 'other members of staff may use it'.

The above evidence supports that both the use of both the TV and the 'Alexa' device have been recently associated with noise from the premises, allegedly causing nuisance to occupiers of adjoining residential accommodation. This has apparently taken place in breach of condition no.5, annex 3. The current application to remove condition no.5 has been received whilst these allegations of nuisance remain under investigation.

The application references the use of an SL2000 sound limiter. This device is of a type which monitors the sound level in a room using a microphone, and which may then interrupt the power supply to the sound source if a pre-set threshold sound level is exceeded. However, such devices are not designed for this type of use. They are only suited to premises where music may be played at a higher level, where amplified sound is the dominant noise source received by the limiter's microphone. The application suggests a limiter setting of 60dB. Such a device cannot be practicably used to limit amplified sound to background levels of this order, as the ambient sound level in the premises (due to customer voices and other general bar noise) is likely to exceed this level, causing the device to cut power erratically. Setting the trigger threshold higher would mean that the music sound level was no longer limited to the background, and would therefore be more intrusive. Assessment of the premises' existing sound insulation, submitted for planning purposes, has already established that the sound reduction is not sufficient to allow music to be played at higher levels without the music noise becoming audible and intrusive in the flat above.

The EPS view remains that the poor sound insulation performance between the premises and the dwelling above means that amplified sound cannot be played on the premises at a level which is clearly audible above ambient trading noise without significant likelihood of public nuisance resulting. The easiest way to address nuisance from amplified sound on the premises, both in terms of operator compliance, and in terms of regulatory monitoring and enforcement, is to maintain the current condition's requirement that amplified music is prohibited outright.

EPS therefore maintain that condition 5 of annex 3, as imposed by the Licensing Authority at a hearing on 13<sup>th</sup> August 2018, remains necessary for the purpose of prevention of public nuisance, and should be retained on that basis.

Kind regards,

Environmental Protection Officer

## 2 x Local Residents in 1 representation

24 JAN 2023



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

Sunday 22<sup>nd</sup> January 2023

Dear Licensing Service at Sheffield City Council,

I am writing to express my opposition to the application by Brass Monkey, Hillsborough, under Section 34 of the licensing Act 2003 to remove condition 5 in annex 3 and allow background amplified music on the premises. As residents [REDACTED] my partner and I have already experienced significant disturbance caused by the noise levels from the establishment.

On two occasions, we politely informed the establishment that the music was a disturbance. However, they were unwilling to compromise or speak to us as residents. When asked if they were aware that they shouldn't be playing music (while music was on in the bar), they replied "yes" and continued to play that music for the rest of the evening. After the second instance we realised there would be no negotiation and decided to speak to the council. [REDACTED] from Licensing and [REDACTED] from Environmental Protection Officer were contacts to help with the issue. We have kept noise logs and Mr Mcgrail was spoken to on numerous occasions by the council, but our situation did not change until more recently when the music has thankfully stopped.

They have displayed a complete disregard for council rules regarding the playing of amplified music up until that point. For at least 4 months last year (June - September) they were playing music, against their license conditions, and whilst an open complaint was underway. Through our conversations with the Sheffield council licensing officials, we know that the owners lied and denied they were playing music at all on more than one occasion. Furthermore, it is a clear indicator of the establishment's lack of interest in working with local residents that they chose not to inform us of this recent application.

Therefore, I have zero confidence that the premises will adhere to the regulated 60db, or the time constraints. I also believe that despite this being a low volume, it may still be a

disturbance, due to the acoustics of the building. Even when music is played quietly in the bar, we could still hear it above our television or radio in [REDACTED]. The noise was incredibly disruptive, both in the evening and in the daytime, as I work from home. The complete lack of disregard for our living situation also began to take a toll on our mental health, ruining our evenings and weekends as music was played for 12 hours constantly on some occasions. We were unable to relax in our own home. If the license change is granted will you be carrying out noise level tests from our lounge which is directly above the bar area?

In addition to this, we feel that we put up with enough disturbance from the noise levels on match days, when the patrons are very noisy. Throughout the summer, patrons outside on the street caused noise and disruption well after 10pm, and the smell of smoke inside our flat from the street below is a constant problem.

In light of these issues, we hope that you will consider the fact that the venue have never approached us about music/ noise, and we contended with disturbances for 6 months, leading us to open a complaint with both licensing (ref:2453) and environmental protection services (ref: 709433) at Sheffield City Council. The bar played music against the conditions of their current license agreement (which were put in place to protect local residents from disturbances), which we contend should negate their ability to apply for loosening of restrictions. Finally, our attention was drawn to this proposed application by neighbours that are equally concerned about disturbance, some of which have lived here for over a decade, much before this bar was opened. I strongly urge the Sheffield City Council to deny the application by Brass Monkey to remove condition 5 in annex 3 and allow background amplified music on the premises.

Thank you for taking the time to read our representation on this matter. Please do not hesitate to get in touch for any further information.

Sincerely,

[REDACTED]



# **Appendix 'D'**

**Hearing Notices / Regulations / Procedures**



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

Mr Martin McGrail

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 2<sup>nd</sup> of January 2023 received your application in respect of the premises known as:

**The Brass Monkey, 185 Middlewood Road, Sheffield, S6 4HD**

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

**The Environmental Protection Service  
2 x Local Residents in 1 representation**

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 21<sup>st</sup> February 2023 at 10:00am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 9<sup>th</sup> February 2023

Signed: Shimla Finch  
The officer appointed for this purpose



---

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

**[REDACTED]**  
Environmental Protection Service

Sent via email: **[REDACTED]**

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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 representation 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.

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

Dated: 9<sup>th</sup> February 2023

Signed: Shimla Finch  
The officer appointed for this purpose

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



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

**[Redacted]** - Local Residents

Sent via email: **[Redacted]**

The Sheffield City Council being the licensing authority, on the 2<sup>nd</sup> of January 2023 received an application in respect of the premises known as;

**The Brass Monkey, 185 Middlewood Road, Sheffield, S6 4HD**

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2 x Local Residents in 1 representation**

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Dated: 9<sup>th</sup> February 2023

Signed: Shimla Finch  
The officer appointed for this purpose

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

**LICENSING ACT 2003**

**Form LAR 1**  
Regulation 8

Premises: **The Brass Monkey, 185 Middlewood Road, Sheffield, S6 4HD**  
Type of App: LA03 Variation of a Premises Licence Application  
Hearing Date: **21<sup>st</sup> February 2022 – 10:00am. Sheffield Town Hall**

**Notice of actions following receipt of notice of hearing**

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

I 

hereby confirm that I have received the Notice of Hearing dated 9<sup>th</sup> February 2023 and notify you as follows **(please complete)**:

I intend to attend the hearing at 10:00am on Tuesday 21<sup>st</sup> February 2023 in Sheffield Town Hall.

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 that .....should 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](mailto: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.