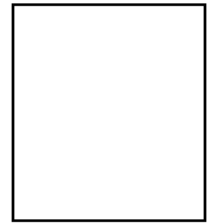




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Monday 19th June 2023 – 10:00am

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 for
The Herd, 5 Holmfirst Road, Sheffield, S8 0GU

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
[Sheffield City Councils Statement of Licensing Policy](#)

Category of Report: OPEN

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

Ref No 93/23

The Herd, 5 Holmfirst Road, Sheffield, S8 0GU

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 applicants are Andrew Bennet and Robert Woolhouse.

2.2 The application was received by the Licensing Service on the 14th April 2023 and is attached at Appendix 'A' of this report.

2.3 During the consultation period, the applicant has agreed conditions with South Yorkshire Police and the Environmental Protection Service, and these can be found in the report at Appendix 'B'.

3.0 REASONS FOR REFERRAL

3.1 Unresolved representations concerning the application have been received from the following and is attached at Appendix 'C':

- 2 x Individual Local Residents
- 1 x Small Petition from Local Residents

3.2 The applicant and objectors who made a written representation 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 POLICIES TO CONSIDER

4.1 Sheffield City Council Statement of 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.

Steve Lonnie

Stephen Lonnie
Chief Licensing Officer
Head of Licensing

Date: 19th June 2023

Appendix 'A'

Application

**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, Andrew Bennett and Robert Woolhouse, 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	
Herd (Woodseats), 5 Holmhirst Road, Woodseats	
Post town Sheffield	Post code S8 0GU

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- | | | |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|
| a) An individual or Individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an Individual* | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | 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

Bennett

First names

Andrew

Date of birth:

[REDACTED]

I am 18 years old or over

Please tick

Nationality:

British

Current postal address if different from premises address

[REDACTED]

Post Town

Sheffield

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

Second Individual Applicant (if applicable)

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

Surname

Woolhouse

First names

Robert

Date of birth:

[REDACTED]

I am 18 years old or over

Please tick

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

[REDACTED]

Post Town

Sheffield

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

(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 venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

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)

The application is made to license the premises known as Herd (Woodseats), 5 Holmhirst Road, Woodseats Sheffield, S8 0GU, which will trade under the name of The Herd.

It is intended that during the day the premises will operate as a café style premises but during the evenings it will offer a more bar like atmosphere celebrating local live music acts, craft beer and a small selection of spirits and wines.

The internal area is small and will only provide minimal seating but to create an ambient area for where customers can come and enjoy a selection of food and drink and listen to live and recorded music entertainment. The details as to the layout of the premises as described on the plans annexed to this application which are as follows:

Drawing titled "The Herd (Woodseats), 5 Holmhirst Road, Woodseats, Sheffield, S8 0GU"

The Applicant seeks to apply for licensable activities as follows:

- Sale of alcohol.
- Live and recorded music.
- Performance of dance.
- Anything of a similar description.

The hours for these activities are between 09:00 and 23:30 Monday to Sunday

- Late night refreshment.

The hours for this activity are between 23:00 to 23:00 Monday to Sunday.

The Premises will close 30mins after the expiration of licensable activities.

It is not anticipated that any issues will arise in relation to the four licensing objectives and the operating schedule has been completed on this basis, specifically in response to the low level of risk that this premises poses to these objectives.

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			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
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					
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)		
Wed					
Thur			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)		
Fri					
Sat					
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	
Mon			Please give further details here (please read guidance note 4)	Both	
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	✓
Day	Start	Finish		Outdoors	
Mon	09:00	23:30	Please give further details here (please read guidance note 4)	Both	
Tue	09:00	23:30			
Wed	09:00	23:30	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	09:00	23:30		N/A – save as below	
Fri	09:00	23:30	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	09:00	23:30			
Sun	09:00	23:30		When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)	

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	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	09:00	23:30	Please give further details here (please read guidance note 4)		
Tue	09:00	23:30			
Wed	09:00	23:30	Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.		
Thur	09:00	23:30	State any seasonal variations for playing recorded music (please read guidance note 5)		
Fri	09:00	23:30	N/A – save as below		
Sat	09:00	23:30	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)		
Sun	09:00	23:30			
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

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	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	09:00	23:30	Please give further details here (please read guidance note 4)		
Tue	09:00	23:30			
Wed	09:00	23:30	As stated in Part 3 above		
Thur	09:00	23:30	State any seasonal variations for the performance of dance (please read guidance note 5)		
Fri	09:00	23:30	N/A – save as below		
Sat	09:00	23:30	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)		
Sun	09:00	23:30			
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

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	09:00	23:30		Both
Tue	09:00	23:30	Please give further details here (please read guidance note 4)	
Wed	09:00	23:30		
Thur	09:00	23:30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri	09:00	23:30		
Sat	09:00	23:30	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	09:00	23:30		

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).	
Day	Start	Finish		Indoors ✓
				Outdoors
Mon	23:00	23:30	Please give further details here (please read guidance note 4) As stated in Part 3 above	Both
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	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)	

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	
				Off the premises	
Day	Start	Finish		Both	✓
Mon	09:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	09:00	23:30			
Wed	09:00	23:30			
Thur	09:00	23:30	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)		
Fri	09:00	23:30			
Sat	09:00	23:30	To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Year's Eve, New Years Day, All Saints Days and any event of national significance.		
Sun	09:00	23:30			
			New Years Eve until 01:00 on New Year's Day – terminal hour as proposed		

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

Name: Matthew Stout.....

Date of Birth: [REDACTED].....

Address: [REDACTED].....

.....

Postcode: [REDACTED].....

Personal Licence number (if known): Pers5318

Issuing licensing authority (if known): Lambeth Council Licencing Team

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) Please see box J above
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	09:00	00:00	
Tue	09:00	00:00	
Wed	09:00	00:00	
Thur	09:00	00:00	
Fri	09:00	00:00	
Sat	09:00	00:00	
Sun	09:00	00:00	

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)

The following will be offered in the operating schedule of the premises licence application as part of the measures to be taken to promote the four licensing objectives.

b) The prevention of crime and disorder

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. 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.
4. Where CCTV is 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 risks have been identified.

d) The prevention of public nuisance

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

a) The protection of children from harm

1. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
2. 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.

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed my the plan of the premises
- I have enclosed a 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 or my share code issued by the Home Office online right to work checking service (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 12). **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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
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Signature: John Gaunt & Partners 

Date: 14 April 2023

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:

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) LSchelvis@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:
 - 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.
- 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.
- 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 the right 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 in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

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, **Matthew Stout**

of

[REDACTED]
hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a premises licence by relating to a premises licence for **Herd (Woodseats), 5 Holmhirst Road, Woodseats, Sheffield, S8 0GU** and any premises licence to be granted or varied in respect of this application made by concerning the supply of alcohol at **Herd (Woodseats), 5 Holmhirst Road, Woodseats, , Sheffield, S8 0GU**.

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. **Pers5318**.....

Personal Licence issuing authority: **Lambeth Council Licencing Team, Third Floor, Civic Centre, 6 Brixton Hill, Brixton, London, SW2 1EG tel: 020 7926 5000**.....

Signed: .. **[REDACTED]**

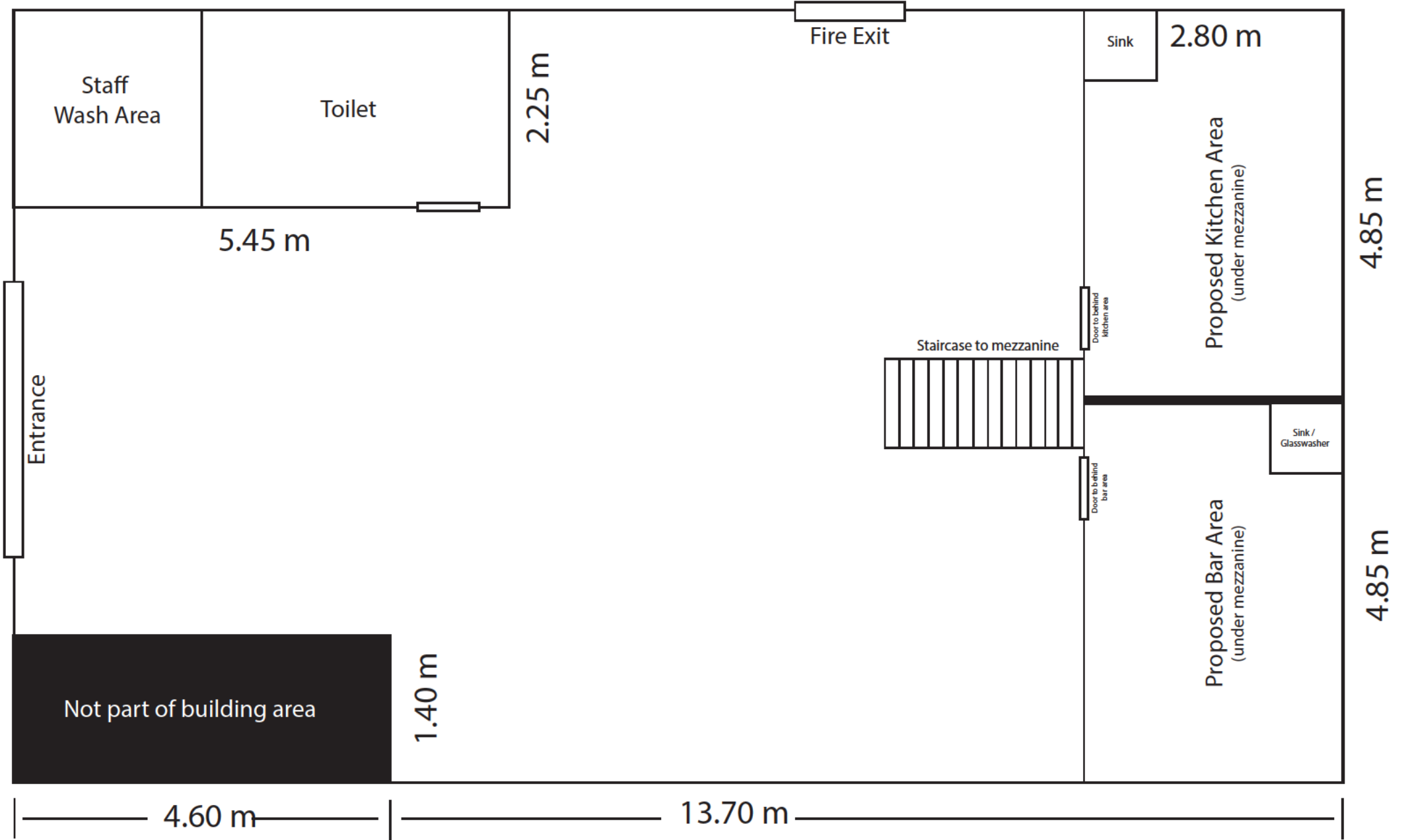
Name (please print): **Matthew Stout**

Dated: **31/3/2023**

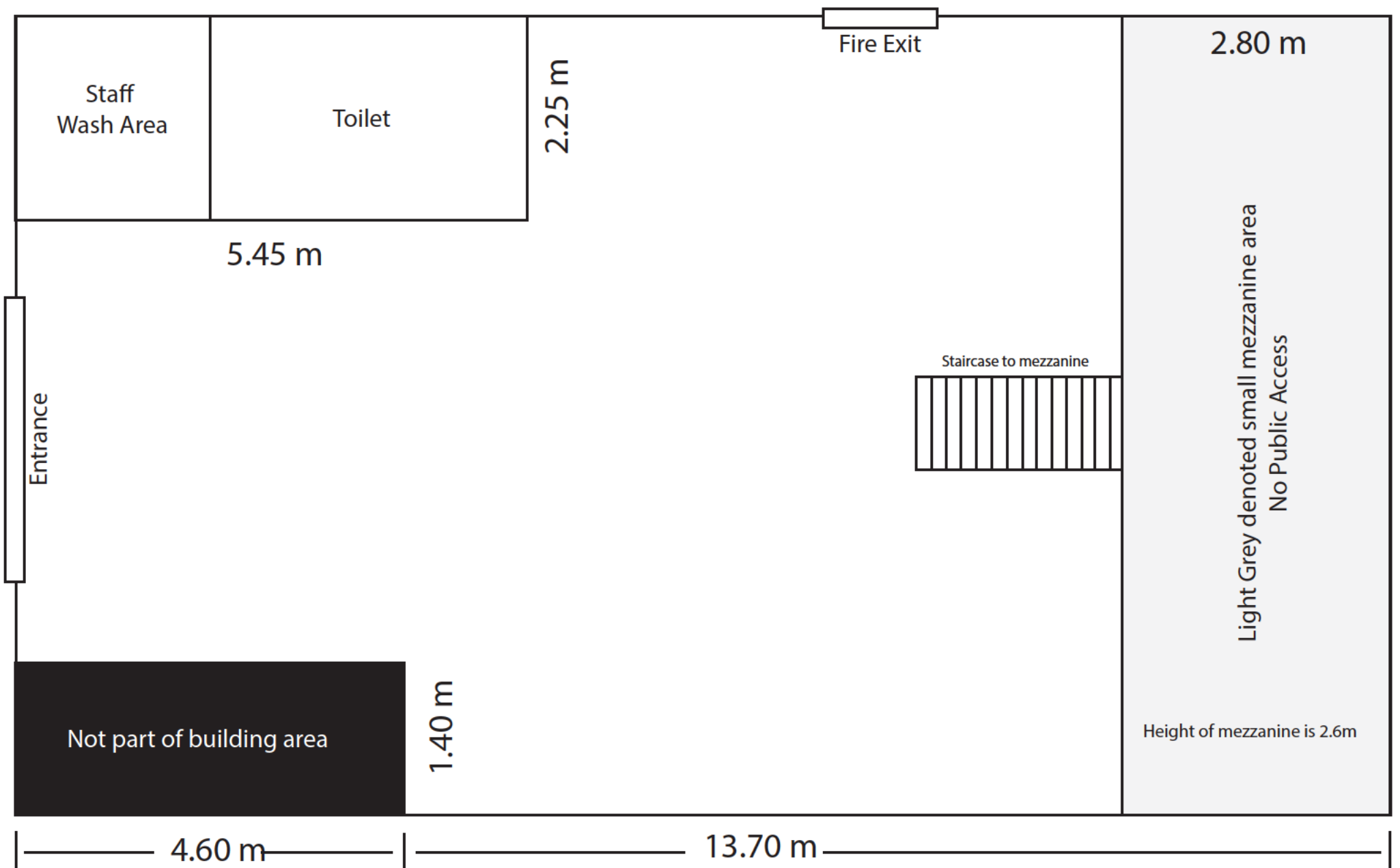
The Herd (Woodseats)
 5 Holmhirst Road
 Woodseats
 Sheffield
 S8 0GU

Holmhirst Road, Woodseats S8 0GU

18.3m total length of building



18.3m total length of building



Hi

Many thanks for your email.

Please accept my apologies here, this should state as follows:

Regulated Entertainment:

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

Supply of Alcohol:

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, All Saints Days and any event of national significance.

New Years Eve until 01:00 on New Year's Day - terminal hour as proposed

I hope this clarifies matters for you.

Kind Regards

Leigh Schelvis

Senior Solicitor

LSchelvis@john-gaunt.co.uk | www.john-gaunt.co.uk

T: 0114 266 8664 | **M:** 07703 730 836 | **F:** 0114 267 9613



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

From: On Behalf Of licensingservice **Sent:** Monday, April 17, 2023 1:10 PM

To: Leigh Schelvis <LSchelvis@john-gaunt.co.uk>

Subject: Clarification of Non-Standard Timing - The Herd - 5 Holmhirst Rd

Afternoon

Please can you clarify the non-standard timing and make it more clear , it is a little confusion

Regulated Entertainment:

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

Supply of Alcohol:

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Years Eve, New Years Day, All Saints Days and any event of national significance.

New Years Eve until 01:00 on New Year's Day - terminal hour as proposed

We await your response

Kind regards

Appendix 'B'

Agreed Conditions:
South Yorkshire Police
Environmental Protection Service

Morning all,

Following receipt of the above application we have now received agreement of the following conditions:

1. *The use of door staff will be risk assessed by the license holder, premises supervisor or member of the management team. Where engaged, door staff shall be licensed by the Security Industry Authority.*
2. *The use of glass alternative drinking vessels will be risk assessed by the license holder, premises supervisor or member of the management team.*
3. *A CCTV system will be fitted, maintained and in use at all times licensable activities are being undertaken. The CCTV images will be stored for 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available to police within a reasonable time upon a reasonable request made in connection with the prevention and detection of crime and disorder, in line with data protection legislation. Members of the management team will be trained in the use of the system.*
4. *Staff authorised to sell alcohol will receive training regarding vulnerability awareness. Staff authorised to sell alcohol will receive suitable training in crime scene preservation. Staff authorised to sell alcohol shall complete a suitable refresher training once per calendar year commencing the year after their date of their employment. A written record of the staff training outlined in this condition shall be maintained and shall be made available to the Police and/or Licensing Authority upon reasonable request.*
5. *A Challenge 25 scheme must operate including a refusals log and relevant signage.*

Please place on the licence should this be granted.

Thanks.

[Redacted]

[Redacted]

South Yorkshire Police

Licensing Department

Mossway Police Station

Mossway

Sheffield

S20 7XX

Telephone number

[Redacted]

Website address - southyorks.police.uk



Licensing Team

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

8

Hello Leigh,

Thanks for your time earlier, the conditions look ok to me,

1. *If deemed reasonably necessary by Sheffield EPS, upon receipt of written notification of not less than 28 days from Sheffield EPS, resulting from noise complaints to that service, the premises shall install a noise limiter to control noise breakout from the premises. Amplified sound shall then only be played within the building through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Environmental Protection Service. The limiter shall impose such limits on amplified sound or live music played within the building to ensure noise breakout does not exceed the prevailing ambient noise level by more than 2dB when measured at 1m from the facade of the nearest noise sensitive property;*
 - a. *as a 15 minute LAeq, and;*
 - b. *at any one third octave band centre frequency as a 15 minute LZeq.*
2. *The premises shall be restricted to no more the 4 performances of regulated live/recorded music per calendar month, unless written consent is received from the Sheffield EPS for additional performances, prior to said performance(s).*
3. *Any External seating area shall only be used for the consumption of food and drink between 09:00hrs and 21:00hrs on any day of the week.*

Also for the convenience of the licensing officer you had previously agreed to the below condition:

No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

Regards,

Environmental Health Officer

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

Appendix 'C'

Objections:

2 x Individual Local Residents

1 x Small Petition of Local Residents

Local Resident Objection 1

I am writing to express my concern regarding the proposed licensing request of these premises. As a local resident I feel that granting this license would bring many problems to an already problematic area.

- Noise is already an issue for us from The Big tree, The Herd will just add to the noise and it's even closer! Not just from music but also from people hanging around outside the premises to smoke/vape or drink their drinks. People from the big tree often bring drinks and wander along Holmhirst road to hang around near the green gas box and leave glasses etc in this area. The Herd will just add to this.

- Drug dealing is a continuing issue along Holmhirst road/ corner Fraser Road, with numerous drug deals going on very openly during the day and night. With cars pulling up people getting in car's speeding up the road doing the deal then getting back out of the car. Having another premises serving alcohol is only going to increase this problem as well.

- At closing time, the noise is already disturbing just from the big tree, with drunk people making levels of noise which is unacceptable in a residential area. The Herd will just escalate this noise and make it even more disturbing.

- Parking is a major issue along this stretch of Holmhirst road/Fraser Crescent with vehicles constantly parking on double yellow lines in front of The Herd premises, blocking garages and causing a bottle neck so traffic builds up. It is very dangerous with people often speeding out of the Fraser Road/Holmhirst Road junction without slowing, it's an accident waiting to happen with this area being a high populated area, with children and elderly people crossing.

These are some reasons why I feel these premises are best as a daytime venue, even as this I feel something needs to be done regarding the parking situation. Maybe more double yellow lines and regular parking attendants to monitor the parking problem.

Kind regards
Concerned Local Resident

Local Resident Objection 2

P [REDACTED] Jackson

[REDACTED] Fraser Road

Sheffield S80JL

FAO Representations / Objections

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

9th May 2023

Re: Representations / Objections to Open Application 210771 – New Application for Premises Licence under the Licensing Act 2003 – The Herd, 5 Holmfirst Road, Sheffield S8 0GU

Dear Sir / Madam

I write to make representations / objections to the Application(s) above on the grounds of the following:-

The Application is contrary to the duty of the Licensing Authority to *promote* the four core objectives (“the licensing objectives”). Those objectives as you are aware –The prevention of crime and disorder; Public safety; The prevention of public nuisance; & The protection of children from harm.

Further, on its individual merits the Application will risk damaging the local community and decrease its overall wellbeing by the additional supply of alcohol into the area as well as having a negative cumulative impact on the local population. The increase in young children under 5 to the Woodseats area is particularly marked in the daytime

In relation to the objectives I make the following comments:-

The prevention of crime and disorder and the prevention of public nuisance

1. In the latest crime survey, Feb 23 for Norton Woodseats 128/163 the top 3 crimes were for Violent Crime -53, Anti-Social Behaviour -52, and Public Order -23, which all have it is submitted an association with increased alcohol availability or consumption.
2. There are currently over 10 pubs or restaurants that serve alcohol on the ½ mile stretch of Woodseats top, this is more than sufficient and is verging on oversupply for the demand. Another alcohol licence will also add yet more financial pressure to the existing businesses cited, we are in a financial; crisis and more premises that feed alcohol and its addiction can only lead to more deprivation and relationship problems in the area.

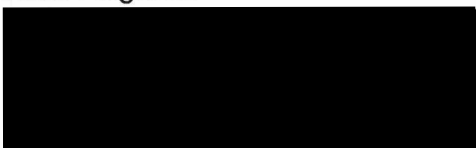
3. There are also 2 x Off Licences that cater for take outs as do Asda and Iceland. There are also currently no Cafes that serve alcohol, which shows that alcohol is not required as part of the Woodseats café culture. In fact it may be that The Herd would seek to be the first one, and on a residential street, having provided a bar at the Woodseats festival and had all along wanted a Premises licence to supply alcohol rather than just non-alcoholic refreshment. This is somewhat disingenuous and deceptive of intentions towards the residents in any event.
4. In addition, Holmhirst Road is a residential area and close to the Big Tree, which also gives rise to sufficient / existing drunken anti-social behaviour, with adults arguing and throwing up after excessive alcohol consumption that spreads onto Holmhirst Road, Fraser Road and Fraser Crescent - will only increase the already (sometimes intolerable) disturbance of neighbours at night who work most days through an exacerbation of existing noise, light and sound nuisance.

Other relevant comments

1. Further, the premises will give rise to a *negative cumulative impact* on one or more of the licensing objectives as there are sufficient premises in Woodseats for the supply of Alcohol *and* for live entertainment, including the Big Tree, The Boston Arms, The Chantrey and The Abbey. This application if granted will be the straw that breaks the camels back...
2. Also, the Applicants / DPS may have previously sold alcohol at the Herd without a valid Premises Licence and / or Temporary Event Notice (TEN) - A live music event all day as part of Woodseats Festival, and open to the public in July 2022 was held with alcohol served from a temporary 'bar', at £5 a pint. I would ask you to check if this was lawful at the time.
3. The granting of the Application would also be contrary to SHEFFIELD CITY COUNCIL'S, STATEMENT OF LICENSING POLICY Under the Licensing Act 2003, 2021 – 2025 – '*we will not tolerate any businesses or activities that place risk of damaging our communities or overall wellbeing as Sheffield residents, workers' or visitors*'. Pt1 Foreword. It is submitted that the further supply of alcohol into the area risks further damaging adult residents lives and wellbeing and risk harming children's lives directly or indirectly through an increase in alcohol availability and consumption and through the consequent anti-social behaviour that all day drinking provides.

I would in light of the above representations ask you to refuse the application for all Permitted activities sought by the Applicants. Thank you.

Kind Regards



P. Jackson

Small Petition of Local Residents

Fraser Rd
Sheffield

7th May 2023

10 MAY 2023

PERMITS
SERVICES

Dear Sr/Madam

There is an application for Premises License for the supply of Alcohol & live music made by Mr Andrew Bennett and Mr Robert Woolhouse for The Herd, currently a Café, at 5 Holmhirst Road, Woodseats, S8 0GU from 9am to Midnight on Friday Saturday and Sunday and Bank Holidays and until 11,30 Monday to Friday at The Herd, 5, Holmhirst Road, Sheffield S8 0GU and we make the following representations from a number of Residents oppose this being granted on the following grounds:

- There are more than enough pubs selling alcohol in our community / residential area - 7 in the close vicinity (The Abbey, The Big Tree, Guzzle, The Chantry, The Bulldog, Woodseats Palace, The Boston Arms). In addition to these there are several restaurants which also sell alcohol.
- This is a residential area and with 7 bars already here and we fear another one will bring noise, litter and disruption into the area,
- The live music license will mean late night music which will disturb local residents who may sleep earlier than this and may cause a public nuisance, such as antisocial behaviour, arguments, loud voices, vandalism and litter.
- Live music will attract people from outside the area which is of no benefit to local people, there are many families with small children in the area who need protecting from antisocial behaviour which could possibly follow loud music and alcohol.
- We want to live a quiet peaceful life and feel there are plenty of places for people to enjoy alcohol without the addition of this one which is much closer to where people actually live. Please help us by refusing this licence.

Thank you and please do not grant this licence
Your sincerely

Lynn Woods ■ Fraser Rd Sheffield S80JL

Lynn Woods.

■ HOLMHIRST ROAD.

■ " " Dayh

■ Marshall Rd

Woodseats

20 W...
W. P. ...
■ HOLMHIRST RD

■ HOLMHIRST RD

Elonora
Blair
K. O.

FRASER RD
D PEARCE
■

Name

Address

P. Peters

██████ Holmhurst Rd.

S. Mrs. Habersham

██████ Holmhurst Rd

STEPHEN CORKER

██████ TADCASTER RD

Kath Corker

██████ Tadcaster Rd.

Ruby Jackson

██████ Fraser RD

Holly Jackson

██████ Fraser RD

Appendix 'D'

Hearing Notices and Regulations



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

Andrew Bennett & Andrew Woolhouse
c/o Leigh Schelvis – John Gaunt and Partners

Sent via email: lschelvis@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmirst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 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** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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**

J [REDACTED] Hill
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmhurst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representation will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 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) 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 representation.

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: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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**

L [REDACTED] Woods
On behalf of a number of Local Residents

Sent via Post: [REDACTED]

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmhurst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representation will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 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) 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 representation.

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: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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.

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.