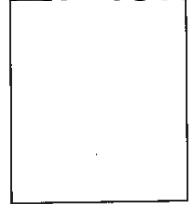




**SHEFFIELD CITY COUNCIL
Licensing Sub Committee
Report**



Report of: Chief Licensing Officer, Head of Licensing

Date: 20th August 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

The Sportsman Inn, 71 Harvey Clough Road, Sheffield, S8 8PE

Recommendations: That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

LICENSING ACT 2003

The Sportsman Inn, 71 Harvey Clough Road, Sheffield, S8 8PE

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Punch Taverns PLC.

2.2 The application, which was received on 25th June 2013 is attached to this report labelled Appendix 'A'.

2.3 Pages 2 & 3 of the application form details briefly the proposed variation.

2.4 The current premises licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application for variation have been received from the following :-

a) Sheffield City Council Environmental Protection Service Appendix 'C'

3.2 As the representations have not been resolved, the matter is referred to the Licensing Committee.

3.3 The applicant and representatives from 3.1 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 HEARINGS REGULATIONS

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

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

6.3 Also 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 Committee consider necessary 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 modified conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer,
Head of Licensing, 20th August 2013



Appendix A

The Application

Rec 27411 A1
 Chq 088736 £190.

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence 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.

I/We	Punch Taverns PLC
-------------	--------------------------

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
SY 1450PR

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Sportsman Inn 71 Harvey Clough Road			
OUR REFERENCE: DA/27844/**/700689/JGC			
Post town	SHEFFIELD	Post code	S 8 8PF
Telephone number at premises (if any)			
Non-domestic rateable value of premises	£15,750.00		

LICENSING GENERAL
 25 JUN 2013
 SECTION

Part 2 – Applicant details

Daytime contact telephone number		01283 501600	
E-mail address (optional)			
Current postal address if different from premises address		Jubilee House Second Avenue	
Post Town	BURTON UPON TRENT	Postcode	DE14 2WF
Daytime contact telephone number	01283 501600	Daytime contact telephone number	01283 501600
		Daytime contact telephone number	

Part 3 - Variation

Please tick as appropriate

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

If not, from what date do you want the variation to take effect?

Upon completion of structural alterations.

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Structural Alterations to the premises as per new plans submitted to the Licensing Authority, including;

Entrance from garden area amended from bar area

Structural wall from lounge to bar rooms cut back to give open space

Kitchen and ladies toilet positions swapped over, door arrangement changed

Removal of fixed seating to bar area, introduction of new booths in lieu.

Garden area extended to give larger seating area externally.

Cont.

Remove obsolete conditions at Annex 2, conditions 3 and 10.

Remove obsolete conditions at Annex 3, conditions 2, 7 and 8.

Amend Annex 3, condition 1 to now read ' With the exception of the designated smoking area, the beer garden shall be closed at 23.00 every night.

Amend Annex 3, condition 6 to now read 'Double glazing is installed in all ground floor windows in trade area'.

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

[Empty rectangular box for response]

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- 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)

Sale by retail 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 6)	Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
	As per current licence	Outdoors <input type="checkbox"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon			Please give further details here (please read guidance note 3)
-----	--	--	--

--	--	--

Tue		
-----	--	--

--	--	--

Wed			State any seasonal variations for performing plays (please read guidance note 4)
-----	--	--	--

--	--	--

As per current licence

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 5)
-----	--	--	---

Sat		
-----	--	--

As per current licence

--	--	--

Sun		
-----	--	--

--	--	--

B

Films Standard days and timings (please read guidance note 6)	Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2) As per current licence	Indoors <input type="checkbox"/>
		Outdoors <input type="checkbox"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon			Please give further details here (please read guidance note 3) As per current licence

Tue			

Wed			State any seasonal variations for the exhibition of films (please read guidance note 4) As per current licence

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 5)

Sat			As per current licence

Sun			

C

Indoor sporting events			Please give further details (please read guidance note 3) As per current licence
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4) As per current licence
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 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments	Standard days and timings (please read guidance note 6)	Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
		As per current licence	Outdoors <input type="checkbox"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon			Please give further details here (please read guidance note 3)
			As per current licence

Tue		

Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
			As per current licence

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 5)
-----	--	--	--

Sat		

Sun		

E

Live music Standard days and timings (please read guidance note 6)	Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
	As per current licence	Outdoors <input type="checkbox"/>

Day	Start	Finish	Both <input type="checkbox"/>
-----	-------	--------	-------------------------------

Mon	10.00	01.00	Please give further details here (please read guidance note 3) As per current licence
-----	-------	-------	--

Tue	10.00	01.00
-----	-------	-------

Wed	10.00	01.00	State any seasonal variations for the performance of live music (please read guidance note 4) As per current licence
-----	-------	-------	---

Thur	10.00	01.30
------	-------	-------

Fri	10.00	01.30	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 5)
-----	-------	-------	--

Sat	10.00	01.30
-----	-------	-------

Sun	10.00	01.00
-----	-------	-------

F

Recorded music Standard days and timings (please read guidance note 6)	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2) As per current licence	Indoors	<input checked="" type="checkbox"/>
		Outdoors	<input type="checkbox"/>
		Both	<input type="checkbox"/>

Mon	10.00	01.00	Please give further details here (please read guidance note 3) As per current licence

Tue	10.00	01.00	

Wed	10.00	01.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) As per current licence

Thur	10.00	01.30	

Fri	10.00	01.30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)

Sat	10.00	01.30	As per current licence

Sun	10.00	01.00	

All

G

Performances of dance Standard days and timings (please read guidance note 6)	Will the performance of dance take place indoors or outdoors or both - please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
	As per current licence		Outdoors <input type="checkbox"/>
			Both <input type="checkbox"/>

Mon			Please give further details here (please read guidance note 3)
			As per current licence

Tue		

Wed			State any seasonal variations for the performance of dance (please read guidance note 4)
			As per current licence

Thur		

Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)

Sat			As per current licence

Sun		

H

<p>Anything of a similar description to that falling within (e), (f) or (g)</p> <p>Standard days and timings (please read guidance note 6)</p>	<p>Please give a description of the type of entertainment you will be providing</p> <p>As per current licence</p>
---	---

Day	Start	Finish	Will this entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	01.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>

Tue	10.00	01.00	Please give further details here (please read guidance note 3)		
			As per current licence		

Wed	10.00	01.00	

Thur	10.00	01.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		

Fri	10.00	01.30	As per current licence

Sat	10.00	01.30	Non standard timings. Where you intend to use the premises for the entertainment of a 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 5)		

Sun	10.00	01.00	As per current licence

I

Late night refreshment Standard days and timings (please read guidance note 6)	<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
			Outdoors <input type="checkbox"/>
			Both <input type="checkbox"/>
Day	Start	Finish	
Mon			<u>Please give further details here</u> (please read guidance note 3) As per current licence
Tue			
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) As per current licence
Thur			
Fri			<u>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</u> (please read guidance note 5)
Sat			As per current licence
Sun			

J

Supply of alcohol Standard days and timings (please read guidance note 6)	Will the supply of alcohol be for consumption – please tick (please read guidance note 7) As per current licence	On the premises <input type="checkbox"/>
		Off the premises <input type="checkbox"/>

Day	Start	Finish	Both <input checked="" type="checkbox"/>
-----	-------	--------	--

Mon	10.00	01.00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) As per current licence
Tue	10.00	01.00	
Wed	10.00	01.00	

Thur	10.00	02.00	<u>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</u> (please read guidance note 5)
Fri	10.00	02.00	
Sat	10.00	02.00	
Sun	10.00	01.00	

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 8).

AWP machines

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) As per current licence
Day	Start	Finish	
Mon	10.00	01.30	
Tue	10.00	01.30	
Wed	10.00	01.30	
Thur	10.00	02.30	Non standard timings. Where you intend 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 5) As per current licence
Fri	10.00	02.30	
Sat	10.00	02.30	
Sun	10.00	01.30	

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 9)

As per existing premises licence

b) The prevention of crime and disorder

As per existing premises licence

c) Public safety

As per existing premises licence

d) The prevention of public nuisance

As per existing premises licence

e) The protection of children from harm

As per existing premises licence

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Remove obsolete conditions at Annex 2, conditions 3 and 10.

Remove obsolete conditions at Annex 3, conditions 2, and 8.

* Remove variation to remove CCTV condition as per email 23/7/13

Please tick as appropriate

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

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

I have enclosed a copy of the premises licence. The original is still with the licensing authority due to an earlier variation application.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Ford & Warren</i>
Date	24 June 2013
Capacity	Solicitors for the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

<p>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</p> <p style="text-align: center;">Ford & Warren Solicitors Westgate Point Westgate</p> <p style="text-align: center;">Our ref: DA/27844/700689/JGC</p>	
---	--

Post town	LEEDS	Post code	LS1 2AX
Telephone number (if any)	0113 243 6601		

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	clientmail@forwarn.com
---	------------------------

Appendix B

Current Premises Licence



THE LICENSING ACT 2003

Premises Licence No: SY 1450 PR

Issue No. 6

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

Sportsman Inn
71 Harvey Clough Road
Sheffield
S8 8PF

Telephone Number: 0114 255 3086

Where the licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:

1. Provision of regulated entertainment:

Indoors

- (a) live music
- (b) recorded music

Sunday	10:00 to 01:00 hours the following day
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 01:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve	10:00 to 24:00 hours
New Years Day	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday of every May Bank Holiday Weekend, Whitsun Bank Holiday Weekend and August Bank Holiday Weekend

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend

A further additional hour every Christmas Eve and Boxing Day

Music must finish at least 30 minutes before the end of the sale of alcohol.

2. Provision of entertainment facilities for:

Indoors

(a) entertainment of a similar description (karaoke)

Sunday	10:00 to 01:00 hours the following day
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 01:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve	10:00 to 24:00 hours
New Years Day	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday of every May Bank Holiday Weekend, Whitsun Bank Holiday Weekend and August Bank Holiday Weekend

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend

A further additional hour every Christmas Eve and Boxing Day

Music must finish at least 30 minutes before the end of the sale of alcohol.

3. Sale by retail of alcohol:

(a) for consumption on the premises

(b) for consumption off the premises

Sunday	10:00 to 01:00 hours the following day
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 02:00 hours the following day
Friday	10:00 to 02:00 hours the following day
Saturday	10:00 to 02:00 hours the following day
New Years Eve	10:00 to 24:00 hours
New Years Day	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday of every May Bank Holiday Weekend, Whitsun Bank Holiday Weekend and August Bank Holiday Weekend

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend

A further additional hour every Christmas Eve and Boxing Day

The opening hours of the premises are:

Sunday	10:00 to 01:30 hours the following day
Monday	10:00 to 01:30 hours the following day
Tuesday	10:00 to 01:30 hours the following day
Wednesday	10:00 to 01:30 hours the following day
Thursday	10:00 to 02:30 hours the following day
Friday	10:00 to 02:30 hours the following day
Saturday	10:00 to 02:30 hours the following day
New Years Eve	10:00 to 24:00 hours
New Years Day	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday of every May Bank Holiday Weekend, Whitsun Bank Holiday Weekend and August Bank Holiday Weekend

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday of Easter Bank Holiday Weekend

A further additional hour every Christmas Eve and Boxing Day

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

Sale by retail of alcohol for consumption both on and off the premises.

PART 2**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Punch Taverns PLC
 Jubilee House
 Second Avenue
 Burton Upon Trent
 Staffordshire DE14 2WF

Telephone Number: 01283 501 600

Registered number of holder, for example company number, charity number (where applicable):

03752645

B4

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Heather Fleming
40 Cobnar Avenue
Norton Lees
Sheffield
S8 8RL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: SY 3613 Per
Issuing Authority: Sheffield City Council

State whether access to the premises by children is restricted or prohibited:

Restricted.

This Premises Licence shall be in force from the Second Appointed Day.

Issued on: 6th February 2006

Francis Woodhead

.....
Director of Legal Services

On behalf of Sheffield City Council (Issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	Granted 12 th July 2007.
Variation of DPS	5	Granted 22 nd January 2010.
Transfer of Premises Licence		

Annex 1 – 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.

B6

Annex 2 – Conditions consistent with the operating schedule

1. During opening hours, external areas will be lit.
2. The DPS will be a member of the local 'Licence Watch' (as long as it exists).
3. An emergency lighting system must be in operation at the premises.
4. Except for access and egress, all windows and doors to remain closed when live music or karaoke is played.
5. Children under 16 must be accompanied by an adult and off the premises by 21:00 hours.
6. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of live music and other entertainment.
7. The Designated Premises Supervisor, or some other such person, will be assigned to act as lead safeguarder for children's issues at the premises.
8. When confirming the age of customers a recognised form of photographic identity document should be used (passport, photo driving licence, Portman Group, etc.).
9. New Floor surfaces in public areas and thoroughfares shall have a suitable non-slip finish.
10. A satisfactory electrical certificate shall be provided for the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. The beer garden shall be closed at latest 23:00 hours every day.
2. No nuisance is to be created by the customers of the pub.
3. Appropriate notices requesting customers to leave quietly are to be posted at all exits.
4. Within 6 months of the Second Appointed Day (24/11/05), CCTV and both internal and external lighting to be installed to the specification of South Yorkshire Police.
5. There is to be no external music provided in the beer garden.
6. Double glazing is to be installed throughout the premises to external windows.
7. A noise limiting device is to be fitted to the sound system used for the provision of regulated entertainment to ensure that noise is not an issue at the nearest noise sensitive building.
8. The varied premises licence shall not become effective until the Health Protection Service and the Environmental Protection Service have inspected the premises with regard to the electrical certificate, floor surfaces, the provision of double glazing and the noise limiter to ensure that these items have been appropriately addressed in respect of service requirements.

B8

Annex 4 – Plans

Plan Reference: 17/5/07 - 2

Appendix C

Representation -
SCC Environmental Protection Service

Proctor Matthew

C1

From: Round Jonathan
Sent: 23 July 2013 13:25
To: Licensing(General)
Cc: 'clientmail@forwarn.com'; 'david.adsetts@forwarn.com'
Subject: Application for Variation - Sportsman Inn, 71 Harvey Clough Road, S8 8PF - SY 1450 PR

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

I have the following representation to make with regards to Public Nuisance for the application for a variation of the Premises Licence for the above premises.

The premises are surrounded by residential property, it is overlooked by several residential properties and the outside area shares a boundary wall with residential premises. As such there is an enhanced potential for both licensed and unlicensed activity at the premises to give rise to complaints relating to public nuisance. In particular I am concerned that residents in close proximity will potentially be affected by excessive noise disturbance from loud amplified music breaking out of the building as a result of the fabric being severely compromised, and from the addition of amplified sound in external areas, in addition to increased noise from more customers in the outside area.

As the licence currently stands there should be double glazing to all the windows as a result of a committee decision several years ago. At the time of my visit (12/06/13) only one room/ side of the building had been upgraded to some form of secondary glazing, therefore it is my understanding that the premises should not host live music events after 23:00hrs. At the time of this visit it was also unclear if there was a noise limiter fitted to a sound system. It is my interpretation of condition 6 in Annex 3 that the varied licence should not have taken effect as at that time double glazing was not installed to all external windows and a noise limiting device did not appear to be present. I would welcome the applicant's comments on the current situation at the premises.

Under current arrangements access to the building is via lobbied entrances/ exits to both the car park at the rear and onto Harvey Clough Road. The current proposal is to introduce a huge opening in the side of the building with no lobby which will allow internal noise to escape, both regulated entertainment, deregulated entertainment and people noise. This situation is unacceptable and measures need to be taken to minimise the noise which will be allowed to escape if the 'French'/ bifold doors are installed and left open.

I have serious concerns about the addition of amplified sound into the external areas. It is the intention of the premises to screen live sporting events, and the noise from the commentary is one aspect that could cause annoyance to neighbouring residential properties. In addition to the broadcast noise the fact that customers in the outside area will need to raise their voices to be heard above any noise from the TV when they are, at times, likely to be emotionally affected by the events which could result in loud joyous celebration or noisy remonstrations at certain outcomes. I would also like to point out that during next summers Football World Cup some matches are not likely to finish by 23:00hrs.

I shall have to object to the application as it currently stands, but I have proposed a number of conditions below which could assist in minimising the potential for Public Nuisance:

- Music should only be played within the building such that:
 - (i) Noise breakout from the building to the street, or at the boundary of the outside area where it adjoins residential property should not exceed the ambient* noise levels by more than 3 dB(A) when measured as a 15 minute L_{Aeq} ;
 - (ii) Noise breakout from the building to the street, or at the boundary of the outside area where it adjoins residential property should not exceed the ambient* noise levels in any octave band centre frequency by more than 3dB when measured as a 15 minute L_{eq} ;
- **Where ambient noise level is the L_{Aeq} , 15 mins in the absence of the specific noise source (breakout from the premises)*
- No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, the settings of which shall be to the written satisfaction of the Environmental Protection Service.
- No speakers shall be located in external areas at any time.
- The new bi-folding glazed doors shall remain closed during the provision of regulated entertainment and after 23:00 hours each day of the week.
- A dedicated member of staff shall be responsible for the outside area and make regular check to ensure customers are not causing a noise nuisance to residents.

If you wish to discuss the matter further please reply to this email or call on the number below.

Regards,

Jon.

Jonathan Round
Environmental Health Officer
Environmental Protection Service
Business Strategy and Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

Tel +44 (0)114 273 4658

Fax +44 (0)114 273 6464

Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

The information in this email is confidential. The contents may not be disclosed or used by anyone other than the addressee. If you are not the addressee, please tell us by using the reply facility in your email software as soon as possible. Sheffield City Council cannot accept any responsibility for the accuracy or completeness of this message as it has been transmitted over a public network. If you suspect that the message may have been intercepted or amended please tell us as soon as possible.

Appendix D

Hearing Notices / Regulations / Procedure

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

Punch Taverns PLC
c/o Ford & Warren Solicitors
Westgate Point
Westgate
Leeds
LS1 2AX

The Sheffield City Council being the licensing authority, on the **25th June 2013** received your application in respect of the premises known as;

The Sportsman Inn, 71 Harvey Clough Road, Sheffield, S8 8PE

During the consultation period, the Council received representations from the following authorities/interested parties: Sheffield City Council Environmental Protection Services, on the likely effect of this application and 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 the **20th August 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 30th July 2013

Signed: **Matt Proctor**
The officer appointed for this purpose
Licensing Officer

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

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

Mr Jonathan Round
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on the **25th June 2013** received an application in respect of the premises known as;

The Sportsman Inn, 71 Harvey Clough Road, Sheffield, S8 8PE

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

- **Sheffield City Council Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **20th August 2013 at 10am**; 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 representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 30th July 2013

Signed: **Matt Proctor**
The officer appointed for this purpose
Licensing Officer

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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

D4

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.

This page is intentionally left blank