

Licensing Sub-Committee

Tuesday 22 January 2013 at 10.00 am

**To be held at the Town Hall, Pinstone
Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

**Councillors John Robson (Chair), George Lindars-Hammond and Ian Saunders
Geoff Smith (Reserve)**

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
22 JANUARY 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Psalter Tavern, 180 Psalter Lane, Sheffield S11 8US**
Report of the Chief Licensing Officer
- 6. Licensing Act 2003 - Unit 1, 77 Sidney Street, Sheffield S1 4RG**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life.

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

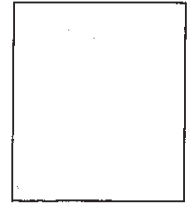
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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SHEFFIELD CITY COUNCIL Committee Report



Report of:	Chief Licensing Officer, Head of Licensing
Date:	22 January 2013
Subject:	Licensing Act 2003
Author of Report:	Andy Ruston
Summary:	To consider an Application to Vary a Premises Licence made under the Licensing Act 2003.
Recommendations:	That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the Licensing Objectives.
Background Papers:	Attached documents
Category of Report:	OPEN



**REPORT OF THE CHIEF LICENSING OFFICER,
HEAD OF LICENSING, TO THE LICENSING SUB COMMITTEE**

Ref No: 3/13

LICENSING ACT 2003

Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.

1.0 PURPOSE OF REPORT

1.1 To consider an Application to Vary a Premises Licence made under the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is Bramwell Pubs and Bars Limited.

2.2 The application, which was received on 23 November 2012 is attached to this report labelled Appendix 'A'.

2.3 Page 2 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 :-

- Environmental Protection Services Attached at Appendix 'C'
- Local Resident Attached at Appendix 'D'

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 'E'.

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 'F'.

6.3 Attached at Appendix 'F' 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
**Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road,
Sheffield, S9 3HD.**

Appendix 'A'

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.

We Bramwell Pubs and Bars Limited 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 1399 PR

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Psalter Tavern, Psalter Lane	
Post town Sheffield	Post code S11 8US

Telephone number of premises (if any)

0114 266 6188

Non-domestic rateable value of premises

£65,000

Part 2 – Applicant Details

Daytime contact telephone number

0114 266 6188

Email address (optional)

Current postal address if different from premises address

1st Floor Lunar House
Globe Park
Fieldhouse Lane

Post Town

Marlow

Postcode

SL7 1LW

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not do you want the variation to take effect from

Day Month Year

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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.

N/A

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

These premises are presently licensed for licensable activities and hours as follows:

- Sale of alcohol
 - Monday to Thursday: 10.00 – 23.00
 - Friday to Saturday: 10.00 – 00.00
 - Sunday: 10.00 – 22.30
- Late night refreshment
 - Friday to Saturday: 23.00 – 00.00
- Opening hours
 - Monday to Thursday: 10.00 – 23.30
 - Friday to Saturday: 10.00 – 00.30
 - Sunday: 10.00 – 23.00

The variation seeks to amend several elements of the premises licence as detailed below.

1) Regulated Entertainment

The application seeks to authorise the provision of regulated entertainment comprising indoor sports, exhibition of films, live music, recorded music and performance of dance for those hours currently permitted for the sale by retail of alcohol, namely:

- Monday to Thursday: 10.00 – 23.00
- Friday to Saturday: 10.00 – 00.00
- Sunday: 10.00 – 22.30

Further, the above identified forms of regulated entertainment are to have the benefit of all non standard timings authorised by the premises licence for the sale alcohol.

For the avoidance of doubt, regulated entertainment will be permitted within all currently licensed areas of the premises.

2) Annexure 2 condition 11

This condition is to be amended so that it reads as follows:

"Persons under the age of 16 shall not be permitted on the premises after 21:00 unless attending a private function".

3) Annexure 3 condition 5

The application seeks to delete this condition as it does not relate to licensable activities and is not required on the licence.

4) Non standard timing – New Year's Eve / Day

The non standard timing for sale of alcohol by retail requires amendment to the terminal hour endorsed for New Year's day to reflect the standard timing terminal hour of midnight permitted on Fridays and Saturdays.

The proposed wording is in accordance with the original premises licence application, namely:

"New Years Eve: 10:00 to New Years Day – terminal hour as proposed"

This clarifies the correct position in that the premises may trade as late as it wishes on New Year's Eve, as existing, with the ability to trade until the normal standard timing terminal hour for New Year's Day, which is dependant on which day of the week New Year's Day falls.

5) Non standard timings

The provision of regulated entertainment and late night refreshment are to have the benefit of all non standard timings currently permitted by this licence and those requested pursuant to this variation.

6) Residential accommodation / sale of alcohol / opening hours

These premises have the benefit of letting bedrooms. This was confirmed on the original premises licence application which requested that residents in the accommodation should be entitled to be sold alcohol 24 hours a day as was permitted at the premises prior to the commencement of the Licensing Act 2003.

This is not endorsed on the current premises licence which may be simply be a clerical error. If not, the application seeks to reinstate this provision.

Further, the opening hours are to be amended to reflect that the premises shall remain open 24 hours a day for hotel residents whereas for members of the public the premises will close 30 minutes after the end of permitted hours for licensable activities or 30 minutes after the end of non-standard timings.

Regulated entertainment provided under the licence will principally be for functions to be held on the premises and numerous Temporary Event Notices have previously been obtained in order to provide regulated entertainment at relevant functions. The management of the premises is not aware of any issues with local residents arising from these Temporary Event Notices. Further, local residents were invited to a meeting at the premises to discuss the application to vary the premises licence to add regulated entertainment and no concerns were raised by those local residents who attended the meeting.

Accordingly, it is not considered that the variation will adversely affect the licensing objectives and the operating schedule has been completed on that basis.

Please note there is no intention to change the layout of these premises and therefore no plans are included with this application.

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.

Please tick ✓ yes

Provision of regulated entertainment

- 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 {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
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					
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 {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	23:00	Please give further details here (please read guidance note 3) To include but not limited to the exhibition of films for video entertainment on screens and TV screens	Both	
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10:00	23:00		N/A – save as below	
Fri	10:00	00:00	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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	10:00	00:00			
Sun	10:00	22:30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) To include but not limited to occasional sporting events in the presence of an audience
Day	Start	Finish	
Mon	10:00	23:00	State any seasonal variations for indoor sporting events (please read guidance note 4) N/A – save as below
Tue	10:00	23:00	
Wed	10:00	23:00	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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Thur	10:00	23:00	
Fri	10:00	00:00	
Sat	10:00	00:00	
Sun	10:00	22:30	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	
Day	Start	Finish	Indoors	Outdoors
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

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

State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)

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)

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 {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon	10:00	23:00		Please give further details here (please read guidance note 3) To include but not limited to live music and amplified voice.	
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10:00	23:00	N/A – save as below		
Fri	10:00	00:00	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) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	10:00	00:00			
Sun	10:00	22:30			

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 {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon	10:00	23:00		Please give further details here (please read guidance note 3) To include but not limited recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation.	
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	10:00	23:00	N/A – save as below		
Fri	10:00	00:00	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 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	10:00	00:00			
Sun	10:00	22:30			

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 {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	23:00	Please give further details here (please read guidance note 3) To include but not limited to the performance of dance or a similar activity in the presence of an audience	Both	
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 4) N/A – save as below		
Thur	10:00	23:00			
Fri	10:00	00:00	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 5) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sat	10:00	00:00			
Sun	10:00	22:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			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 2).	Indoors	
Mon				Please give further details here (please read guidance note 3)	Outdoors
Tue			Both		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			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 5)		
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur				N/A – save as below	
Fri			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 5)		
Sat				Standard timings are unaffected by this application.	
Sun				In respect of non standard timings, 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 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue				N/A – save as below	
Wed			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 5)		
Thur				Standard timings are unaffected by this application.	
Fri				Current non standard timings are to continue as per the existing premises licence except adjustment to description of non standard timing for New Year's Eve / Day, as follows: "New Years Eve: 10:00 to New Years Day – terminal hour as proposed" Further, residents should be entitled to be supplied with alcohol 24 hours a day.	
Sat					
Sun					

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)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	23:30	
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	00:30	
Sat	10:00	00:30	
Sun	10:00	23:00	
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 5)			
The premises shall remain open 24 hours a day for hotel residents. The premises will close to members of the public 30 minutes after the end of permitted hours for licensable activities or 30 minutes after the end of non-standard timings identified in box J above.			

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

See Part 3 above

Please tick ✓ yes

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 failed to enclose the premises licence or relevant part of premises licence

N

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,e) (please read guidance note 9)

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

The variation is not anticipated to adversely affect the four licensing objectives and the existing conditions on the Licence are to remain unamended, except where identified, and are assessed to be sufficient.

No new steps have been identified in relation to the four licensing objectives save as below.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed.

c) Public safety

Sale of alcohol by retail in the pavement café area will be limited to Monday to Sunday 10:00-20:00.

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed.

e) The protection of children from harm

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

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



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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:  JOHN GAUNT & PARTNERS

Date: 21st November 2012.....

Capacity: Solicitors.....

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: John Gaunt & Partners.....

Date:

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any) 0114 266 8664	
If you would prefer us to correspond with you by email your email address (optional)	

Notes for Guidance

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

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. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 'B'

THE LICENSING ACT 2003

Premises Licence No: SY 1399 Per

ISSUE NO: 12

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

Psalter Tavern
180 Psalter Lane
Sheffield
S11 8US

Telephone Number:

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

1. Late Night Refreshment:

Indoors

Friday	23:00 to 24:00 hours
Saturday	23:00 to 24:00 hours

2. Sale by retail of alcohol

- a) for consumption on the premises
- b) for consumption off the premises

Sunday	10:00 to 22:30 hours
Monday	10:00 to 23:00 hours
Tuesday	10:00 to 23:00 hours
Wednesday	10:00 to 23:00 hours
Thursday	10:00 to 23:00 hours
Friday	10:00 to 24:00 hours
Saturday	10:00 to 24:00 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:00 hours

For the following dates the above licensable activities are permitted from 10:00am until Midnight on the following days:

Saturday prior to Bank Holiday Monday including Easter, May Day, Spring Bank and August Bank Holiday and Boxing Day.

The opening hours of the premises are

Sunday	10:00 to 23:00 hours
Monday	10:00 to 23:30 hours
Tuesday	10:00 to 23:30 hours
Wednesday	10:00 to 23:30 hours
Thursday	10:00 to 23:30 hours
Friday	10:00 to 00:30 hours the following day
Saturday	10:00 to 00:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:30 hours

For the following dates the above licensable activities are permitted from 10:00am until 00:30 hours the following days:

Saturday prior to Bank Holiday Monday including Easter, May Day, Spring Bank and August Bank Holiday and Boxing Day.

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.

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.

PART 2

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

Bramwell Pubs & Bars Ltd
1st Floor Lunar House, Globe Park
Fieldhouse Lane
Marlow, Buckinghamshire
SL7 2ER

Telephone Number: N/A

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

3997571

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

Mr Thomas William O'Reilly
The Psalter
Psalter Lane
Sheffield
S11 8US

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: 05/00942/BEXLEY/LI
Issuing Authority: London Borough of Bexley

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: 31st January 2006



.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	12 June 2008
Variation of DPS	7	11 August 2011
Transfer of Premises Licence	0	
Minor Variation	1	6 October 2009
Change of Name	1	8 th October 2012

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:

(a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).

(b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Conditions effective from 6th April 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. Any person exercising a security activity (as defined by paragraph 2 (1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.
2. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the Premises Licence.
3. Any such person referred to in condition (1) shall be linked by means of text or radio pager to the Police enabling the Police to be alerted to instances of crime and/or disorder (where required).
4. Any person as defined in condition (1) will clearly display his name badge at all times whilst on duty.
5. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public.
6. Toughened glasses shall be used for draft beer and lagers at all times the premises are open to the public.
7. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police.
8. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
9. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
10. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
11. Persons under the age of 16 years shall not be permitted on the premises after 19:00 hours.
12. The beer garden will be closed at or before 23:00 hours.
13. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises.

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

1. All external seating, tables and parasols to be removed at 22.00 each night, with the exception of one table and one parasol.
2. CCTV to be installed to cover the external seating area to a standard acceptable to South Yorkshire Police, images to be retained for a minimum of 30 days and made available to the South Yorkshire Police or an Authorised Officer of the Council on demand, with relevant notices to be erected in the area indicating the presence of CCTV cameras.
3. The DPS or designated member of staff takes a proactive approach to noise control, checking outside the premises to ensure that noise is kept to a reasonable level from patrons using the external area, so as not to cause a nuisance to the nearest noise sensitive properties.
4. The Premises License holder shall prominently display A4 notices in the external drinking area reminding patrons that they are in a residential area and to be quiet whilst using the facilities provided.
5. The DPS or designated member of staff conducts a litter pick and general glass sweep during opening hours up to a 50 yard radius from the premises, including the frontage of the premises, but excluding any private dwellings.

Annex 4 – Plans

05/03/033/1031_LP1

Date: 30/05/05

Appendix 1



LICENSING ACT 2003

Premises Licence Summary ISSUE NO: 12

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

Premises licence number SY 1399 Per

Psalter Tavern
180 Psalter Lane
Sheffield
S11 8US

Telephone Number:

Licensable activities authorised by the licence:

1. Late Night Refreshment:

Indoors

Friday	23:00 to 24:00 hours
Saturday	23:00 to 24:00 hours

2. Sale by retail of alcohol

- a) for consumption on the premises
- b) for consumption off the premises

Sunday	10:00 to 22:30 hours
Monday	10:00 to 23:00 hours
Tuesday	10:00 to 23:00 hours
Wednesday	10:00 to 23:00 hours
Thursday	10:00 to 23:00 hours
Friday	10:00 to 24:00 hours
Saturday	10:00 to 24:00 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:00 hours

For the following dates the above licensable activities are permitted from 10:00am until Midnight on the following days:

Saturday prior to Bank Holiday Monday including Easter, May Day, Spring Bank and August Bank Holiday and Boxing Day.

The opening hours of the premises are

Sunday	10:00 to 23:00 hours
Monday	10:00 to 23:30 hours
Tuesday	10:00 to 23:30 hours
Wednesday	10:00 to 23:30 hours
Thursday	10:00 to 23:30 hours
Friday	10:00 to 00:30 hours the following day
Saturday	10:00 to 00:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 23:30 hours

For the following dates the above licensable activities are permitted from 10:00am until 00:30 hours the following days:

Saturday prior to Bank Holiday Monday including Easter, May Day, Spring Bank and August Bank Holiday and Boxing Day.

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.

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.

PART 2

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

Bramwell Pubs & Bars Ltd
1st Floor Lunar House, Globe Park
Fieldhouse Lane
Marlow, Buckinghamshire
SL7 2ER

Telephone Number: N/A

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

3997571

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

Mr Thomas William O'Reilly

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

Restricted

The Premises Licence shall be in force from 31 January 2006

Issued on: Second Appointed Day.



.....
Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Appendix 'C'

Hollis Georgina (CEX)

From: Licensing(General)
Sent: 19 December 2012 15:44
To: Hollis Georgina (CEX)
Subject: FW: Application to Vary Premises Licence - Psalter Tavern

From: Round Jonathan
Sent: 19 December 2012 15:34
To: Licensing(General)
Cc: probson@john-gaunt.co.uk
Subject: Application to Vary Premises Licence - Psalter Tavern

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 to vary the Premises Licence for the above premises.

The premises are in close proximity to residential property. The proposed alterations to the Regulated Entertainment therefore have an enhanced potential 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 noise breakout from regulated entertainment and patrons outside the premises. I shall have to object to the application as it currently stands, but I have visited the site and spoke to the manager, the conditions proposed below hopefully reflect what was discussed:

- When Regulated entertainment takes place windows and doors shall remain closed save for access and egress, and shall not be left propped open.
- 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.

If you wish to discuss the matter further then please reply to this email or call 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

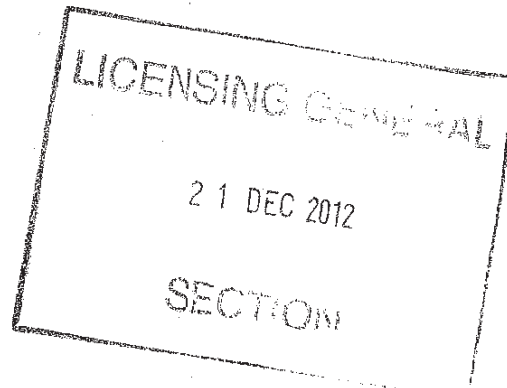
Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

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'

176, Psalter Court,
176, Psalter Lane,
Sheffield, S11 8UR
19th December 2012

Licensing Authority,
Sheffield City Council.



Dear Sir/Madam,

I wish to object to the variations to the Premises Licence for the Psalter Tavern, 178-180, Psalter Lane, and particularly to the provision of live and recorded music and dance beyond 11.30 p.m.; and any audible entertainment at other times.

The 2003 Licensing Act states that it does not override the nuisance laws. These latter allow essential activities between 7 a.m and 11.30 p.m and none between 11.30 p.m and 7 a.m. There is near certainty that an Entertainment Licence will breach residents' rights because, even without that, over 40 people objected to extended hours in 2008 because of noise from the terrace and from customer dispersal; and in 2004 over 30 residents wrote similar objections to the Magistrates Court.

Psalter Lane is part of the Brincliffe area - a determinedly quiet residential / conservation area

11
/contd.

/contd.

(2)

and quite different in character from the Sharrowvale district. Turning this once-traditional pub into a rambly nightspot will damage Brincliffe property prices, many of which are c/£400k and some £600k+. It will deter the higher disposable incomes which support our local traders, whereas this Licence will only benefit a non-local company.

This year's dismal weather afforded some respite from the terrace noise, but earlier warm weather generated the familiar cacophony. Psalter Court continues to suffer frequent trespass from pub customers, and their noisy dispersal at late hours disturbs us. This variation will increase both noise and footfall.

There are well-known health hazards caused by loss of nocturnal sleep, including diabetes, cancer, heart disease, stress + poor concentration: we did not evolve as nocturnal creatures.

When the pub closes all doors and windows, I can still hear a thudding noise sometimes; but when they ventilate, I can hear customers' shouting from within; in previous years pub quizzes have cut across my TV viewing; and once, at half-past midnight, I was woken by a loud band and raucous singing. They have sometimes flouted their conditions by holding live events without a special licence (eg. the Licensing Dept. prevented one in May 2010), and a "live music" advert remained outside for many weeks. They've remained impervious to complaints about the factory-like noise of their

contd/

3

Kitchen ventilator.

If this variation is allowed I believe it would cause both private and public nuisance.

Yours faithfully,

amcGloin

Ann McGloin.

Appendix 'E'



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

John Gaunt and Partners
Omega Court
372-374 Cemetery Road
Sheffield
S11 8FT.

The Sheffield City Council being the licensing authority, on the **23 November 2012** received an application in respect of the premises known as **Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.**

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

- Environmental Protection Services
- Local Resident

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 **22nd January 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: 28/12/12. Signed: 

The officer appointed for this purpose
Licensing Officer, Place Portfolio

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**

Jonathan Round, Environmental Protection Services.

The Sheffield City Council being the licensing authority, on the **23 November 2012** received an application in respect of the premises known as **Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.**

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

- Environmental Protection Services
- Local Resident

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

Dated: 28/12/12

Signed: 

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**

Mrs Ann McGloin
[Redacted] Psalter Court
176 Psalter Lane
Sheffield
S11 8UR

The Sheffield City Council being the licensing authority, on the **23 November 2012** received an application in respect of the premises known as **Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.**

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

- Environmental Protection Services
- Local Resident

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 **22 January 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: 28/12/12

Signed:

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.

Appendix 'F'



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

John Gaunt and Partners
Omega Court
372-374 Cemetery Road
Sheffield
S11 8FT.

The Sheffield City Council being the licensing authority, on the **23 November 2012** received an application in respect of the premises known as **Psalter Tavern, 180 Psalter Lane, Sheffield, S11 8US.**

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

- Environmental Protection Services
- Local Resident

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 **22nd January 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: 28/12/12. Signed: 

The officer appointed for this purpose
Licensing Officer, Place Portfolio

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

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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

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

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

LICENSING ACT 2003

Premises: Psalter Tavern
Type of App: LA03 Application to Vary a Premises Licence
Hearing Date: 22nd January 2013

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

Of John Gaunt and Partners
Omega Court
372-374 Cemetery Road
Sheffield
S11 8FT.

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

- I intend to attend the hearing
- I do not intend to attend the hearing
- I intend to be represented at the hearing by:
- I do not intend to be represented at the hearing by:
- I consider the hearing to be unnecessary because:
- I request that should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed:

Please complete this form and return it to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.
Please see Regulation 8 overleaf

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 –

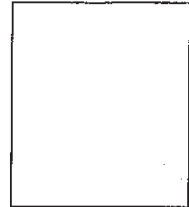
- (a) section 167(5)(a) (review of premises licence following closure order),
- (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- (c) paragraph 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.



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer (Head of Licensing)

Date: 22nd January 2013

Subject: Licensing Act 2003

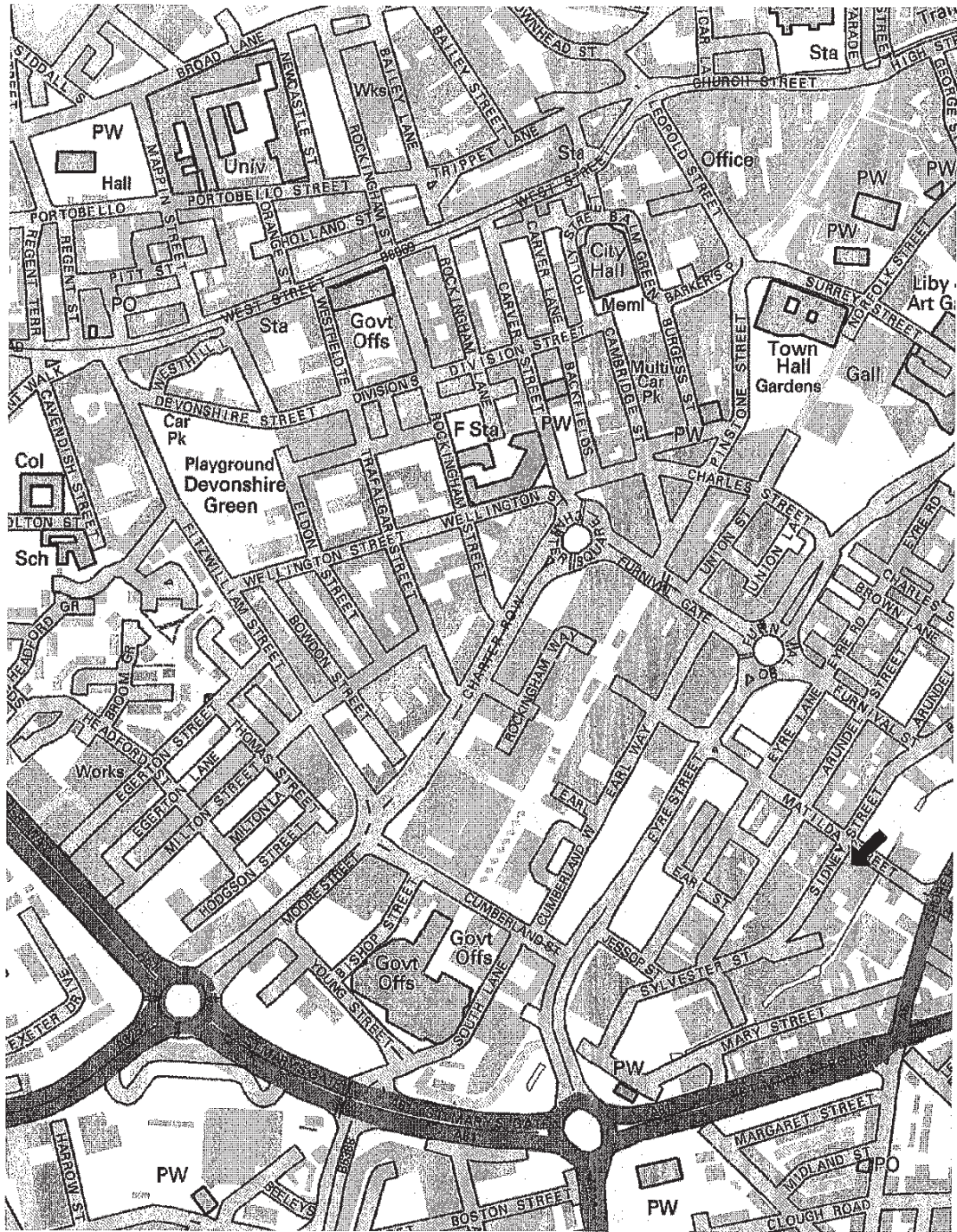
Author of Report: Andy Ruston – 203 7751

Summary: To consider an objection to a temporary event notice under section 105 of the Licensing Act 2003.

Recommendations: That members note the content of the report and any further information supplied.

Background Papers:

Category of Report: OPEN



REPORT OF THE CHIEF LICENSING OFFICER
HEAD OF LICENSING
TO THE LICENSING SUB COMMITTEE

Ref No: 4/13

LICENSING ACT 2003

Hearing to consider a notice of objection to a Temporary Event Notice.

Unit 1, 77 Sidney Street, Sheffield, S1 4RG.

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Environmental Protection Services relating to a temporary event notice for the premises known as Unit 1, 77 Sidney Street, Sheffield, S1 4RG.

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Francis Rushe.
- 2.2 The temporary event notice, which was received on 8 January 2013, is attached to this report labelled Appendix 'A'.
- 2.3 The event is from 24 January 2013 until 25 January 2013 for the following times 19:00 hours to 04:00 hours the following day.
- 2.4 The nature of the event is described in the notice as "Staff Party for Redbull Energy".
- 2.5 The licensable activities intended to be carried on at the premises are:
- Sale by retail of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted on 9th January 2013, objecting to the temporary event notice on the following grounds of public nuisance.
- 3.2 The notice of objection is attached at Appendix 'B'.
- 3.3 The applicant and the objecting officers 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 'C'.

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 Section 104 (2) of the Licensing Act states:
"Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an "objection notice") –
(a) to the relevant licensing authority,
(b) to the premises user, and
(c) to every other relevant person."
- 5.2 Section 105 (2) states:
"The relevant licensing authority must –
(a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and
(b) having regard to the objection notice, give the premises user and each other relevant person a counter notice under this section if it considers it necessary for the promotion of a licensing objective to do so."
- 5.3 Section 106A (2) states:
"The relevant licensing authority may impose one or more conditions on the standard temporary event notice if –
(a) the authority considers it appropriate for the promotion of the licensing objectives to do so,
(b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
(c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice."

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 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 premises user and every other relevant person 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 objective.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date in the terms requested.
- 9.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date in the terms requested with the addition of a statement of conditions.
- 9.3 To give the premises user a counter notice if it considers it necessary for the promotion of a licensing objective.

Stephen Lonnia
Chief Licensing Officer
Licensing Service,
Sheffield City Council
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

APPENDIX A

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

Tel: 0114 273 4264 Fax: 0114 273 5410
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 8 January 2013

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sent by e-mail



Mr Francis Rushe
Unit 1 Beehive Works
Milton Street
Sheffield
S3 7WL

Dear Sir

Licensing Act 2003 – Temporary Event Notice
Re: Unit 1, 77 Sidney Street, Sheffield, S1 4RG

Dates of event - 24 January 2013 to 25 January 2013
Times of event - 19:00 hours to 04:00 hours the following day
Parts of premises to be used - Whole of the Premises
Type of Event - "Staff Party for Redbull Energy"

Approved licensable activities:

The sale by retail of alcohol	Yes - On the premises only
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No
Regulated Entertainment	Yes
Late Night Refreshment	Yes

PLEASE NOTE: It is YOUR responsibility as the premises user to ensure the safety of the public that attend the event.

It should be noted that giving a temporary event notice does not relieve the premises user from any requirements under planning law. E.g., a TEN given to allow alcohol, music and dancing to take place at a premises until 1am will not override a planning restriction that prevents the premises from being open after 11pm.

If you require any further information regarding this matter, please contact the Licensing Service on the number shown above.

Yours faithfully

E Rhodes

Miss Emma Rhodes
Licensing Officer

File reference - G:\DEL\BS&R\Licensing\LicGen\Templates\FLARE Mailmerge Masters\LQA TEN_Endorsed.doc

Page 1 of 2

FDI DB Journal - 8/1/13 - Batch No: 2504826
Doc No: 12170319

Application ref: sheffield-10949 Application for a Temporary Event Notice
Licence: Francis Rushe frankie@twistedfestivalcompany.co.uk
Applicant name: 08/01/2013 12:37
Applicant email:
Submitted on:
Total fee: £21.00 Paid 2489120491 £21.00 £0.00
Payment status:
WorldPay ref:
Amount paid:
Fee outstanding:

Tacit consent applies

Process by: 10/01/2013

Status: Not collected

Application

Francis Rushe application form

Supporting documents (1)

Plan of the premises

If you're encountering a problem and require assistance, please contact us at licensing-authorities@digital.cabinet-office.gov.uk

[GOV.UK Licensing Terms and Conditions](#)

© GDS 2012

Sent to RA's by e-mail 8/1/13



Sheffield
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
general.licensing@sheffield.gov.uk
Telephone: 0114 2734264/2734880

* required information

Section 1 of 8

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Applicant Business

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

* Registration number

* Business name

If your business is registered, use its registered name.

* VAT number

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 8

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail
Telephone number
Other telephone number

Section 3 of 8

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name
* Street
District
* City or town
County or administrative area
* Postcode
* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Continued from previous page...

[Empty box for continuation]

Describe the nature of the premises below (see also guidance on completing the form, note 4)

A creative arts and exhibition space on Sidney Street

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event is a staff party for Redbull Energy as part of an annual conference being held at Magna Exhibition centre. There will be drinks, food and music provided.

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(see also guidance on completing the form, note 7)

Event Dates

There must be a period of at least 10 days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

When are you going to submit this form? / /
dd mm yyyy

State the dates on which you intend to use these premises for licensable activities / /
dd mm yyyy

(see also guidance on completing the form, notes 7 and 14)

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

State the dates on which you intend to use these premises for licensable activities / /
dd mm yyyy

(see also guidance on completing the form, notes 7 and 14)

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

Remove this date

Continued from previous page...

Add another date

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

19.00 on 24.01.13 - 04.00 on 25.01.13

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

300

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 8

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority: Salford City Council

Licence number: 041448

Date of issue: 21 / 05 / 2006
dd mm yyyy

Date of expiry: 21 / 05 / 2016
dd mm yyyy

Any further relevant details

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 13)

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 8

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (See also guidance on completing the form, note 16)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

- * The information contained in this form is correct to the best of my knowledge and belief.
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
- Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 7 of 8

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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

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

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

APPENDIX B

Rhodes Emma (CEX)

From: Thornton Paul
Sent: 09 January 2013 17:56
To: Rhodes Emma (CEX)
Cc: Prasad Shiva; Gibbons Sean (DEL)
Subject: EPS Objection -TEN - UNIT 1, 77 SIDNEY STREET, S1 4RH - 24.1.2013

Emma,

TEN - UNIT 1, 77 SIDNEY STREET, S1 4RH - 24.1.2013

Thank you for your consultation for the above application.

I wish to object to this application on the grounds that this event is likely to cause a noise nuisance to occupants of nearby residential properties.

EPS received numerous complaints throughout 2012 regarding excessive noise from TEN events at 77 Sidney Street from residents living on Sidney Street, Mary Street and St. Mary's Road, and an abatement notice under the Environmental Protection Act 1990 was served on the organiser of a TEN event at Unit 4 at 77 Sidney Street in October 2012.

Although this current application is for an event to be held in Unit 1 in my opinion there is a likelihood of the reoccurrence of a noise nuisance as the fabric of the building at 77 Sidney Street has proved to be unsuitable to adequately control noise from this type of music event

Please contact me if you require any further information.

Regards

Paul

Paul Thornton
Senior Environmental Protection Officer
Environmental Protection Service
Business Strategy & Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB



+44 (0)114 273 4661
Fax +44 (0) 114 273 6464

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

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APPENDIX C



Notice of hearing in respect of an objection

Mr Francis Rushe
Unit 1 Beehive Works
Milton Street
Sheffield
S3 7WL

The Sheffield City Council, being the licensing authority, on the 9 January 2013 received an objection notice from Environmental Protection Services in relation to the temporary event notice given by Mr Francis Rushe for an event to take place on 24 January 2013 from 19:00 hours to 04:00 hours the following day at **Unit 1, 77 Sidney Street, Sheffield, S1 4RH**.

The objection notice is attached.

The Council now GIVES YOU NOTICE that this matter 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 **22 January 2013, at 11am**; following which the Council will make a decision.

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 objection notice submitted by South Yorkshire Police, 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 intended events.

You should complete form LAR1 and return it to: **Licensing Service, Sheffield City Council Block C Staniforth Road Depot Staniforth Road Sheffield S9 3GZ, within one (1) working day before the day or the first day on which the hearing is to be held.**

Dated **14/1/13**

Signed

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 in respect of an objection

Paul Thornton
Environmental Protection Service
Business Strategy and Regulation.

The Sheffield City Council, being the licensing authority, on the 9 January 2013 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Francis Rushe for an event to take place on 24 January 2013 from 19:00 hours to 04:00 hours the following day at **Unit 1, 77 Sidney Street, Sheffield, S1 4RH.**

The objection notice is attached.

The Council now GIVES YOU NOTICE that this matter 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 **22 January 2013, at 11am**; following which the Council will make a decision.

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

- 1) The objection notice you have made and the reasons why you are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
- 2) You may also be asked questions by the parties to the hearing, relating to your objection notice.

You should complete form LAR1 and return it to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road Sheffield, S9 3GZ, within one (1) working day before the day or the first day on which the hearing is to be held.

Dated 14/1/13

Signed

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

APPENDIX D



Notice of hearing in respect of an objection

**Mr Francis Rushe
Unit 1 Beehive Works
Milton Street
Sheffield
S3 7WL**

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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 objection notice submitted by South Yorkshire Police, 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 intended events.

You should complete form LAR1 and return it to: **Licensing Service, Sheffield City Council Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD**, within one **(1) working day before the day or the first day on which the hearing is to be held.**

Dated 14/1/13

Signed 

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.

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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

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

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

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

To Licensing Service,
Sheffield City Council
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3GZ.

I Mr Francis Rushe

Of Unit 1 Beehive Works
Milton Street
Sheffield
S3 7WL

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

- I intend to attend the hearing
- I do not intend to attend the hearing
- I intend to be represented at the hearing by:
- I do not intend to be represented at the hearing by:
- I consider the hearing to be unnecessary because:
- I request that should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed:

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

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.

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