

Licensing Sub-Committee

**Tuesday 10 September 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 Clive Skelton (Deputy Chair), Adam Hurst and Nikki Sharpe

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
10 SEPTEMBER 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 - Basement, 102-104 West Street, Sheffield, S1 4EP**
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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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>

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.

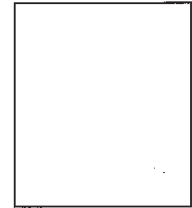
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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



Report of: Chief Licensing Officer, Head of Licensing

Date: 10th September 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

Basement, 102 – 104 West Street, Sheffield, S1 4EP

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

Background Papers: Attached documents

Category of Report: OPEN

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

Ref No: 55 / 13

LICENSING ACT 2003

Basement, 102 – 104 West Street, Sheffield, S1 4EP

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Mr Peter Clifton,

2.2 The application, which was received on 18th July 2013 is attached to this report labelled Appendix 'A'.

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

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

3.0 REASONS FOR REFERRAL

3.1 During the consultation period representations were received from the following :-

- a) 4 No Members of the Public Appendix 'C'
- b) Sheffield City Council Environmental Protection Service Appendix 'D'

The Environmental Protection Service has since removed its representation after agreeing a list of conditions with the applicant, which is attached at pages D4 & D5.

3.2 As the Public representations have not been resolved, the matter is referred to the Licensing Sub Committee for its consideration.

3.3 The applicant and representatives from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

- 5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -
- a) the prevention of crime and disorder,
 - b) public safety,
 - c) the prevention of public nuisance,
 - d) the protection of children from harm.
- 5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'E'.
- 6.3 Also attached at Appendix 'E' 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.

Steve Lonnia

Stephen Lonnia
Chief Licensing Officer,
10th September 2013

Appendix A

The Application

A1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I, Peter Clifton, 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 1655 PR

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Basement 102-104 West Street	
Post town Sheffield	Post code S1 4EP

Telephone number of premises (if any)

Non-domestic rateable value of premises

£19000

Part 2 – Applicant Details

Daytime contact telephone number

Email address
(optional)

Current postal
address if
different from
premises address

900 West One
12 Fitzwilliam Street

Post Town

Sheffield

Postcode

S1 4JN

A2

Part 3 – Variation

Please tick yes

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

If not do you want the variation to take effect from

Day Month Year

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)

An application of 3 parts:

Variation of Layout

The Applicant seeks to implement variations to the layout as described on deposited plans 'LO1'. The Alterations primarily concern the installation of a dedicated dance floor (no longer regulated by the Licensing Act 2003) and repositioning of DJ booth and associated audio equipment (audio equipment is not normally considered to be a fixture and subject Licensing approval).

The alterations form part of a proposed scheme of works to implement acoustic measures at the site to improve sound attenuation at site.

Variation of Conditions

The Applicant has commissioned and will implement, subject to approval of the entire application, an acoustic report prepared by Hepworth Acoustics.

The implementation of the acoustic plan will be undertaken by trained professionals and tested to ensure compliance with the report.

It is proposed that existing conditions relating to the attenuation of sound will be superseded by these works.

The outcome of the works is expected to return the best acoustic results in the current situation. The Applicant would therefore propose the removal of the following conditions:

- 1. Annex 2 - Condition 3
- 2. Annex 2 - Condition 4
- 3. Annex 2 - Condition 5 (Substantial construction has been completed)
- 4. ~~Annex 2 - Condition 6~~

In addition conditions imposed by the Committee at the point the licence was initially granted have now been superseded and should be removed to provide clarity for the present Operator, future Operator, or Enforcement Agency. Further several conditions have now been superseded by changes in primary legislation:

- 1. Annex 2 - Condition 1 (Sheffield have adopted S.E.V. provisions)
- 2. Annex 2 - Condition 6 (Substantial construction has been completed)
- 3. Annex 2 - Condition 8 (Substantial construction has been completed)
- 4. Annex 2 - Condition 9 (Substantial construction has been completed)
- 5. Annex 2 - Condition 10 (Fire Safety and Enforcement is primarily dealt with under separate legislation)
- 6. Annex 2 - Condition 15 (CCTV has been installed - An alternative condition is proposed below)
- 7. Annex 2 - Condition 21 (Substantial construction has been completed)

In respect of CCTV the Applicant would propose the following condition:

- CCTV will be maintained and operated at the premises. Recordings from the system shall be made available to responsible authorities following a suitable request according with the provisions of the Freedom of Information Act 2000 and related regulations.

Variation of Hours

The Applicant seeks to extend the terminal hour of the premises until 03:00hrs daily, all currently permitted activities will be extended until 03:00hrs. The premises will close 30 minutes thereafter.

The current terminal hour of the premises is 01:00hrs Monday to Saturday and 00:30hrs on Sunday.

The premises are not currently the cause of crime and disorder and seek to promote the Licensing objectives generally. Later terminal hours generally on West Street, a circuit upon which the premises is located, means that the current terminal hour places the premises at an economic disadvantage.

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

14

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	03:00	Please give further details here (please read guidance note 3) As existing	Both	
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 4). None		
Thur	10:00	03:00			
Fri	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	10:00	03:00			
Sun	12:00	03:00			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	10:00	03:00	As existing
Tue	10:00	03:00	
Wed	10:00	03:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur	10:00	03:00	None
Fri	10:00	03:00	
Sat	10:00	03:00	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)
Sun	12:00	03:00	
			On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.

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	
Mon			Outdoors	
Tue			Both	
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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	03:00	Please give further details here (please read guidance note 3) As existing	Both	<input type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for the performance of live music (please read guidance note 4) None		
Thur	10:00	03:00			
Fri	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	10:00	03:00			
Sun	12:00	03:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10:00	03:00	Please give further details here (please read guidance note 3) As existing	Both	<input type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for playing recorded music (please read guidance note 4) None		
Thur	10:00	03:00			
Fri	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	10:00	03:00			
Sun	12:00	03:00			

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	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	10:00	03:00	Please give further details here (please read guidance note 3) As existing	Both	
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for the performance of dance (please read guidance note 4) None		
Thur	10:00	03:00			
Fri	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	10:00	03:00			
Sun	12:00	03:00			

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	<input checked="" type="checkbox"/>
Mon	10:00	03:00		Please give further details here (please read guidance note 3) As existing	Outdoors
Tue	10:00	03:00			
Wed	10:00	03:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) None	Both	
Thur	10:00	03:00			
Fri	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	10:00	03:00			
Sun	12:00	03:00			

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	23:00	03:00	Please give further details here (please read guidance note 3) As existing	Both	<input type="checkbox"/>
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) None		
Thur	23:00	03:00			
Fri	23:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Sat	23:00	03:00			
Sun	23:00	03:00			

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	10:00	03:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) None	Both	<input checked="" type="checkbox"/>
Tue	10:00	03:00			
Wed	10:00	03:00	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) On the morning British Summer Time is applied the premises will trade until 04:00hrs BST.		
Thur	10:00	03:00			
Fri	10:00	03:00			
Sat	10:00	03:00			
Sun	12:00	03:00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

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	None
Mon	10:00	03:30	
Tue	10:00	03:30	
Wed	10:00	03:30	
Thur	10:00	03:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	12:00	03:30	
			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)
			On the morning British Summer Time is applied the premises will close at 04:30hrs BST.

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

Annex 2

Conditions 1, 3, 4, 5, 6, 7, 8, 11, 12, 17, and 23.

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

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)

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, save as below

1. CCTV will be maintained and operated at the premises. Recordings from the system shall be made available to responsible authorities following a suitable request according with the provisions of the Freedom of Information Act 2000 and related regulations.

c) Public safety

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

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

All

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:

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:

Date:

Capacity:

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)	

Appendix B

Current Premises Licence

Premises Licence No: SY 1655 PR

Issue no 4



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

Basement
102-104 West Street
SHEFFIELD
S1 4EP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable.

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

1. Provision of regulated entertainment:

Indoor

- (a) films
- (b) indoor sporting events
- (c) live music
- (d) recorded music
- (e) performances of dance
- (f) anything of a similar description to that falling within (c), (d) or (e)

Sunday	12:00 to 23:30 hours
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 01:00 hours the following day
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

2. Provision of entertainment facilities for:

Indoor

- (g) making music
- (h) dancing
- (i) entertainment of a similar description falling within (g) or (h)

Sunday	12:00 to 23:30 hours
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 01:00 hours the following day
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

3. Provision of late night refreshment

Indoor

Sunday	23:00 to 00:00 hours
Monday	23:00 to 01:30 hours the following day
Tuesday	23:00 to 01:30 hours the following day
Wednesday	23:00 to 01:30 hours the following day
Thursday	23:00 to 01:30 hours the following day
Friday	23:00 to 01:30 hours the following day
Saturday	23:00 to 01:30 hours the following day

4. Sale by retail of alcohol:

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

Sunday	12:00 to 23:30 hours
Monday	10:00 to 01:00 hours the following day
Tuesday	10:00 to 01:00 hours the following day
Wednesday	10:00 to 01:00 hours the following day
Thursday	10:00 to 01:00 hours the following day
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day

The opening hours of the premises are:

Sunday	12:00 to 00:00 hours
Monday	10:00 to 01:30 hours the following day
Tuesday	10:00 to 01:30 hours the following day
Wednesday	10:00 to 01:30 hours the following day
Thursday	10:00 to 01:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

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

PART 2

B3

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

Peter Clifton
900 West One
12 Fitzwilliam St
Sheffield
S1 4JN

Telephone Number: 07917 862199

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

N/A

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

Michael Dean
Crescent Road
Sheffield
S7 1HN

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

Personal Licence Number: SY 2866 Per
Issuing Authority: Sheffield City Council

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

Restricted.

This Premises Licence shall be in force from the 1st May 2007

Issued on: 30th May 2007



.....
Acting Head of Licensing
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	9 th March 2011
Variation of DPS	2	8 th April 2009
Transfer of Premises Licence	1	20 th November 2008

Annex 1A – Mandatory Conditions

B4

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.

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 to 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.

B6

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

B7

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises.
2. The use of the external rear area which is included on the plan should be restricted to cease at 21:00 hours; and not be used when regulated entertainment (live/recorded music) is present in the building.
3. Amplified sound or live music shall only be played within the building in such a way that noise breakout to the street does not exceed:
 - (i) Background noise levels by more than 3 dBA when measured as a 15 minute LAeq.
 - (ii) Any octave band centre frequency by more than 3dB when measured as a 15 minute Leq.
4. 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 have received the prior written approval of the Environmental Protection Service.
5. The applicant or any person purchasing the premises must liaise with the Health protection Service in respect of the layout of the premises prior to the construction work.
6. A satisfactory Electrical Certificate shall be provided for the premises.
7. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of live music and DJ.
8. Suitable non slip floor coverings shall be used in parts of the premises that are thoroughfare areas and those parts of the premises that are not a dedicated dance floor.
9. The premises licence shall not become effective until the Health Protection Service has inspected the premises with regard to the RCD and any other matter raised during the consultation period to ensure that these items have been appropriately addressed in respect of service requirement.
10. The premises licence holder will meet with all the reasonable requirements of the South Yorkshire Fire and Rescue Service.
11. Children under the age of 18 should not be permitted after 9pm Sunday to Thursday or after 8pm on Friday and Saturday.
12. The Designated Premises Supervisor, or other such person, must be assigned to act as lead safeguarder for children's issues at the premises.

- B8
13. Any person exercising security activity shall be licensed by the Security Industry Authority (SIA). Such a person will be employed at the premises at the discretion of the designated premises supervisor or holder of the premises license and will clearly display their name badge at all times whilst on duty.
 14. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
 15. CCTV will be installed to the minimum standard in accordance with the guidelines issued by South Yorkshire Police at the time of the application.
 16. Alcoholic and other drinks may not be removed from the premises in open containers save for the consumption in any external area provided for the purpose.
 17. The management of the premises will liaise with the Police on issues of local concern or disorder.
 18. The premises will be a member of the local Pub Watch Scheme or their successor where such a scheme is in operation.
 19. The premises will operate a Proof of Age Scheme which requires photographic identification from any person who appears to be under the age of 21 years.
 20. Staff will receive training on matters concerning underage sales, drug policies and operation procedures.
 21. To comply with the reasonable requirements of the Building Control Officer.
 22. When dancing is to take place (excluding private dancing) on the premises in an area not previously approved for dancing by the authority at least 14 days notice must be given to the Environmental and Regulatory Services (Health Protection Service) and the Licensing Authority identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use and dancing must not take place in that area unless it has been approved by the authority.
 23. Where appropriate, 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.
 24. No films or video's of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
 25. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under the age of eighteen.

Annex 4 – Plans

B10

Plan Reference: 1:10:108976

Date: June 2010

Appendix C

Representations -
4 No. Members of the Public

From: Julie Wilson [mailto: [REDACTED]@ymail.com]
Sent: 05 August 2013 16:44
To: Licensing(General)
Subject: Application for extended opening hours of the Basement S14EP

Dear Sir/Madam

I would like to object to the proposed opening times extension to the Basement bar.

The proposal to extend the hours of a bar that is within a residential area where Children live is unacceptable.

While the bar has been opened we have experienced a gradual increase of antisocial behavior in and around the entrance to the building.

The only access point to the 60 residential properties within the building is a few yards away from the entrance to the bar.

When the door managers move people away from the entrance of the bar they do not extend the courtesy of also moving them from the residents entrance.

With the smoking ban, in wet weather the entrance to our building becomes an unofficial smoking area which when you access the building allows access for bar users to tailgate you and shelter from the rain while smoking within the building.

The increase of vomit and other matter deposited in the entrance after a weekend drinking session has increased dramatically since the opening of the bar.

The Management of the door area does not take into account the fact that the bar is within the same building and there is some responsibility for their customers to be managed in respect of the building as a whole. Not just the Bar entrance.

Yours Julie Wilson

C2

Re: Basement, 102-104 West St, S1 4EP.

To whom it may concern,

I would like to object to the proposed, extended opening times that have been submitted to Sheffield City Council by The Basement.

Since the bar opened, the residents of Morton Works have had to deal with a great deal of antisocial behaviour from the customers.

The entrance to Morton Works is within meters of the bar's entrance. This has meant that the residents' doorway is now used as a toilet and a place to throw up. There are often groups hanging around outside the doorway and it is very intimidating having to ask them to move as they are usually intoxicated and often abusive. This shouldn't happen to people who are just trying to get home.

The residents access Morton Works with electronic fobs but in the few seconds it takes for the door to lock again, customers from the bar are accessing the building themselves. They congregate on the stairs in the building smoking and there has been an increase of vandalism in this area. Obviously, this is even more intimidating than when they are outside and a huge security risk to peoples' homes.

There is a garage entrance in the lane around the back of the building, this is now a no-go area on a night. My apartment overlooks this side of the building and since the opening of the bar, I have witnessed vandalism, drug taking, fighting, urinating and people having sex in this lane.

There are minors living in this building and, although I am not directly affected, I believe they should be protected.

I live in the city centre and expect noise and disruption however I believe that the bar causes more than enough nuisance as it is and extending the opening hours would only make matters worse.

Rachael Jacob
■ Morton Works
West St
Sheffield
S1 4DZ

Hollis Georgina (CEX)

From: Rob Madin <[REDACTED]@hotmail.com>
Sent: 14 August 2013 12:05
To: Licensing(General)
Cc: eamonward@live.co.uk
Subject: Opposition to application for extended opening hours by The Basement

Reference: *The Basement, 102-104 West St, S1 4EP.*

Dear Sir or Madam

I'm writing to you to object strongly to the proposed extension of opening hours and license of The Basement, specifically in relation to the prevention of crime and disorder, and the prevention of public nuisance.

I live on the fourth floor of Morton Works (the residential building adjacent to and behind the bar) with my girlfriend, and since we moved in a year ago we have found living in such close proximity to The Basement a constant struggle.

The bar is currently permitted to open until midnight on Sunday, and 1.30am the following day from Monday to Saturday. This means that from early evening until the middle of the night almost every day of the week we have to deal with the constant thud of bass-heavy music. When this eventually ceases, we are subjected to a torrent of shouting, swearing, singing and general anti-social behavior as people leave the premises. We often witness glass smashing, men urinating, people arguing and sometimes even fighting.

I appreciate that West Street is a busy street with many bars and clubs, so it would be unreasonable to suggest that The Basement is to blame for all of the aforementioned nuisances, but it is true that the anti-social behavior increases significantly as the bar closes.

The prospect of these disturbances being prolonged until 3.30am every night makes me seriously concerned about our health and well-being, as it's currently impossible to sleep before 1am without the use of earplugs as it is.

I hope that you will take on board my comments when making a decision on this application.

Thank you.

Yours faithfully,

Rob Madin.
Flat [REDACTED] Morton Works
94 West Street
Sheffield,
S1 4DZ.

1516

contacted by telephone for more info

C4

Hollis Georgina (CEX)

From: Licensing(General)
Sent: 09 August 2013 10:45
To: Hollis Georgina (CEX)
Subject: FW: Online Feedback about Licensing

-----Original Message-----

From: webmanager@sheffield.gov.uk [<mailto:webmanager@sheffield.gov.uk>]
Sent: 09 August 2013 10:44
To: Licensing(General)
Subject: Online Feedback about Licensing

The following information was sent from the Legal & Governance Feedback Form on 09/08/2013 10:43

First Name
Scott

Surname
Buckley

Mr

Address
Apt [redacted], Morton Works
94 West Street
Sheffield
S1 4DZ

Telephone Number
075 [redacted]

Email
[redacted]@hotmail.com

Subject
Basement West Street (s1 4ep)

Details
Objection to change in licensing hours.
Currently excessive noise from outside basement on an evening. Often clientele vomit in the doorway to Morton works. Increasing the hours will increase the problems. Please call me if you require further details.

Hollis Georgina (CEX)

From: webmanager@sheffield.gov.uk
Sent: 15 August 2013 18:22
To: Licensing(General)
Subject: Online Feedback about Licensing

The following information was sent from the Legal & Governance Feedback Form on 15/08/2013 18:21

First Name
Scott

Surname
Buckley

Mr

Address
25 Morton Works,
94 West Street
Sheffield
S1 4DZ

Telephone Number
075 [REDACTED]

Email
[REDACTED]@hotmail.com

Subject
Basement Sheffield Objection

Details
This is an elaboration on the message I sent last week.

I live on the 4th floor above Basement. The doorway to the property is a shop width away. The reasons for objection:
1. The doorway to my property already becomes a location for Basement clientele to vomit/urinate when they have drank too much alcohol. I emailed the manager a number of months ago, who promised to ensure that part of the nightly close that the doorway would be sluiced down. This never happens. The fact that longer hours are being requested will just make the problem worse. The garage to the rear of the property also smells/shows evidence of urine due to the amount of people who choose to go off the main street at busy times. See below complaint to Basement.

From: Scott Buckley <[REDACTED]@hotmail.com>
Subject: Direct Contact from Residents of Morton Works
Date: 19 November 2012 16:02:39 GMT
To: basementsheffield@gmail.com

Hello,

C6

I am a resident at Number 25 in Morton Works above your establishment and received a letter from Charlotte Hickinbotham regarding direct contact with the management of Basement. On two occasions in the past week, I have arrived home to find vomit in the entrance and on the door of the Morton Works building. It is not the most pleasant experience. Understandably, it is not completely your fault, in fact it is more of a collective responsibility of all the bars down West Street. It quite often seems, that this doorway is most desirable place to chunder when leaving Basement towards Carver Street, and I understand from personal experience that when people need to be sick, they don't really care where it goes.

Would it be possible to request on behalf of all the residents here, as part of a closedown duty, that Savannahs and Basement take some actions to ensure that there is no vomit in the doorway, even if it means just dousing the area in water.

Kind Regards,

Scott Buckley

2. As a shift worker, it is sometime intimidating to walk past crowds of drunk people stood waiting to get into basement/smoking outside the premises.
3. The noise of people congregating outside basement is currently an issue making it difficult to sleep. At the best of times we can also hear West Street Live noise which is 100m up the road (particularly on a sunday when West Street Live is the only premises open). As a shift worker starting work at 5am, this noise will be present until 3am if plans are approved.

Appendix D

Representation & Agreed Conditions –
SCC Environmental Protection Service

Application to vary the premises licence Basement 102 -104 West Street

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

Having considered the application to vary the premise licence to permit later closing times, I wish to object to the variation on the grounds of preventing public nuisance.

The premises are located on West Street a busy main thoroughfare in the city centre. The character of the area is a mixture of retail, service sector entertainment and leisure and residential. There is residential accommodation above the bar and in the immediate vicinity. The area is particularly lively during the late evening and night due to the close proximity of a number of bars and nightclubs however, these bars and clubs in this area are closed by 3:00 am.

There is a long history of complaints associated with the bar concerning noise transmission through the building. This is been investigated and a statutory noise nuisance witnessed. An abatement notice has not been served to date because the premises licence holder has been proactive, taken advice and commissioned a noise report. The noise consultant has recommended a scheme of sound attenuation works which have yet to be implemented. Until these works have been completed and a validation test carried out I am unable to support the application.

Furthermore the premise does not have planning permission to be open beyond 00:30 hours. A temporary 1 year permission granted in 2009 to permit closing at 01:30 hours expired in 2010. This temporary consent was granted to enable the impact of the late closing hour on the amenity of the neighbouring residents to be assessed.

I could support a variation to the opening hours provided the following conditions are attached

The licensing hours permitted shall not be employed unless the scheme of sound attenuation works recommended in the letter ref: 21704.01v2 dated 1st January 2013 entitled Basement, Sheffield – Noise Impact Assessment

The licensing hours permitted shall only be employed after a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test shall:

Be carried out in accordance with an approved method statement,

Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further

scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

An internal level of 81dB(A) measured as a 15 minute Leq(A) should not be exceeded until such time as the works recommended in the letter referred to above have been implemented and retained and a revised noise level has been agreed in writing by the Local Planning Authority. Upon completion of the works a noise validation test of the sound attenuation works shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. The validation test shall be carried out in accordance with an approved method statement.

Regulated entertainment shall cease 30 minutes before closing time.

All doors and windows shall be closed, save for access and egress, when regulated entertainment is present in the premises.

The DPS or designated member of staff must take a pro active approach to noise control, checking outside the premise to ensure that noise is kept to a reasonable level from patrons using the external area and manage noise levels internally so as not to cause a nuisance to the nearest noise sensitive property.

No regulated entertainment shall be played except through an in-house amplified sound system fitted with a sound limiter. The settings of which shall have received the prior written approval of the Environmental Protection Service.

The premises license holder shall prominently display A4 notices on all exits reminding patrons to leave the premises in a quite and orderly fashion to respect the local neighbours' needs.

All ventilation outlets, which serve the licensed area, are to be acoustically baffled and there after retained.

The venue door supervisors or a designated member of staff is to patrol and control any noise nuisance emanating from patrons outside the building and any people, in close proximity, wishing to enter the premises.

No regulated entertainment shall take place beyond the existing permitted times until the sound attenuation works detailed in the current licence conditions have been carried out to the written satisfaction of the Environmental Protection Service.

D3

The emptying of waste bottle bins shall not be carried out between the hours of 2300 to 0700 hours Monday to Saturday and 2300 hours to 0900 hours Sundays and Public Holidays.

Acoustic seals shall be fitted and maintained at all times to all designated fire doors and frames within the premises to the satisfaction of the City Council.

Should the applicant wish to amend the application or has further information which could assist me in assessing the application for preventing public nuisance, then of course I shall be happy to discuss the application further.

If you wish to discuss the matter then please don't hesitate to contact me.

Louise Thomas

Environmental Protection Officer

D4

Proctor Matthew

From: Thomas Louise
Sent: 02 September 2013 09:59
To: 'Chris Grunert'
Cc: Proctor Matthew
Subject: RE: Basement

Hello Chris,

Application to vary the premises licence Basement 102 -104 West Street

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 apologise for the delay in responding but your email arrived after I had left the office on annual leave.

I can confirm that I have read the conditions below and am willing to withdraw my objection to the Licence variation provided these conditions and the others agreed previously are attached

1. The terminal hour of the premises shall be 23:30 on Sunday, 01:00hrs Monday to Saturday until such time as satisfactory compliance has been achieved with the subsections below:
 - 1.1 The scheme of sound attenuation works recommended in the letter ref: 21704.01v2 dated 1st January 2013 entitled 'Basement, Sheffield – Noise Impact Assessment' is implemented.
 - 1.2 A Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority.
 - 1.2.1 Such Validation Test shall:
 - 1.2.1.1 Be carried out in accordance with an approved method statement
 - 1.2.1.2 Demonstrate that the specified noise levels have been achieved.
 - 1.3 In the event that the specified noise levels have not been achieved, then notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.
 - 1.4 An internal level of 81dB(A) measured as a 15 minute Leq(A) should not be exceeded until such time as the works recommended in the letter referred to above have been implemented and retained and a revised noise level has been agreed in writing by the Local Planning Authority. Upon completion of the works a noise validation test of the sound attenuation works shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. The validation test shall be carried out in accordance with an approved method statement.

From: Elaine Ibbotson [<mailto:EIbbotson@john-gaunt.co.uk>] **On Behalf Of** Chris Grunert
Sent: 20 August 2013 10:39
To: Thomas Louise
Cc: Licensing(General)
Subject: Basement, 102-104 West Street, Sheffield S1 4EP

D5

Louise

Further to your representation of 13th August. I have taken my client's instructions and confirm that they are in agreement to all ten conditions as proposed.

We note from your representation that upon agreement of these conditions, your representation will be withdrawn.

Please accept this email as confirmation my client will accept the following conditions:

1. Regulated entertainment shall cease 30 minutes before closing time.
2. All doors and windows shall be closed, save for access and egress, when regulated entertainment is present in the premises.
3. The DPS or designated member of staff must take a pro active approach to noise control, checking outside the premise to ensure that noise is kept to a reasonable level from patrons using the external area and manage noise levels internally so as not to cause a nuisance to the nearest noise sensitive property.
4. No regulated entertainment shall be played except through an in-house amplified sound system fitted with a sound limiter. The settings of which shall have received the prior written approval of the Environmental Protection Service.
5. The premises license holder shall prominently display A4 notices on all exits reminding patrons to leave the premises in a quite and orderly fashion to respect the local neighbours' needs.
6. All ventilation outlets, which serve the licensed area, are to be acoustically baffled and there after retained.
7. The venue door supervisors or a designated member of staff is to patrol and control any noise nuisance emanating from patrons outside the building and any people, in close proximity, wishing to enter the premises.
8. No regulated entertainment shall take place beyond the existing permitted times until the sound attenuation works detailed in the current licence conditions have been carried out to the written satisfaction of the Environmental Protection Service.
9. The emptying of waste bottle bins shall not be carried out between the hours of 2300 to 0700 hours Monday to Saturday and 2300 hours to 0900 hours Sundays and Public Holidays.
10. Acoustic seals shall be fitted and maintained at all times to all designated fire doors and frames within the premises to the satisfaction of the City Council.

I would be grateful if you could confirm to Licensing that your representation is withdrawn on this basis.

Kind regards

Chris Grunert

Sent by Elaine Ibbotson
Secretary to Chris Grunert & Patrick Robson **Page 43**

Appendix E

Hearing Notices / Regulations / Procedure

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

Mr Peter Clifton
c/o John Gaunt & Partners
Omega Court
372 – 374 Cemetery Road
Sheffield
S11 8FT

The Sheffield City Council being the licensing authority, on the **18th July 2013** received your application in respect of the premises known as;

Basement, 102 – 104 West Street, Sheffield, S1 4EP

During the consultation period, the Council received representations from the following authorities/interested parties, on the likely effect of this application and on the promotion of the licensing objectives, should it be granted;

Sheffield City Council Environmental Protection Services and;
4 Members of the Public

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 10th September 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: 27th August 2013

Signed:

Matt Proctor

The officer appointed for this purpose
Licensing Officer

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

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

Mr Scott Buckley
■ Morton Works
94 West Street
Sheffield
S1 4DZ

████████████████████@hotmail.com

The Sheffield City Council being the licensing authority, on the **18th July 2013** received an application in respect of the premises known as;

Basement, 102 – 104 West Street, Sheffield, S1 4EP

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

- **4 No. Local Residents**
- **Sheffield City Council Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 10th September 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: 27th August 2013

Signed: Matt Proctor

The officer appointed for this purpose
Licensing Officer

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

Ms Rachael Jacob
Morton Works
West Street
Sheffield
S1 4DZ

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Dated: 27th August 2013

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

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

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

Mr Rob Madin
Morton Works
94 West Street
Sheffield
S1 4DZ

██████████@hotmail.com

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Basement, 102 – 104 West Street, Sheffield, S1 4EP

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Dated: 27th August 2013

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

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

Ms Julie Wilson
Morton Works
94 West Street
Sheffield
S1 4DZ

██████████@ymail.com

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

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Dated: 27th August 2013

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

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.

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