

# **Licensing Sub-Committee**

**Thursday 11 October 2018 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 Josie Paszek (Chair), Adam Hurst and Mike Lavery  
Cliff Woodcraft (Reserve)**

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## **PUBLIC ACCESS TO THE MEETING**

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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.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://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.

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 John Turner on 0114 273 4122 or email [john.turner@sheffield.gov.uk](mailto:john.turner@sheffield.gov.uk)

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## **FACILITIES**

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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.

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**LICENSING SUB-COMMITTEE AGENDA  
11 OCTOBER 2018**

**Order of Business**

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- 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 - Blues Bar, 3 Spooner Road, Sheffield S10 5BL**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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.

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 Audit and Standards Committee in relation to a request for dispensation.

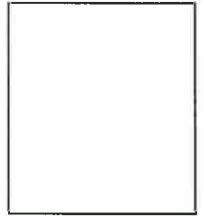
Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## **SHEFFIELD CITY COUNCIL Licensing Sub Committee Report**



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

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**Date:** 11<sup>th</sup> October 2018

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

Blues Bar 3 Spooner Road Sheffield S10 5BL

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

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

**Ref No: 99/18**

**Blues Bars Limited 3 Spooner Road Sheffield S10 5BL**

**1.0 PURPOSE OF REPORT**

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

**2.0 THE APPLICATION**

- 2.1 The applicant is Blues Bars Limited.
- 2.2 The application, which was received on 18<sup>th</sup> August 2018, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.
- 2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

**3.0 REASONS FOR REFERRAL**

- 3.1 Representations concerning the application have been received from the following and are attached at Appendix 'C':

1 x Environmental Protection Services

- 3.2 The applicant and objector have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'.

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

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

## **6.0 HEARING REGULATIONS**

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

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

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



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

11<sup>th</sup> October 2018

# Appendix A

The Application

L190 (70) AI

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We ~~Anton Smith & Sonia Graham~~ BLUES BARS LTD.  
(Insert name(s) of applicant)

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

Premises licence number  
SY002504 PR

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description  
Blues Bar Ltd  
3 Spooner Road,

Post town	Sheffield	Postcode	S10 5BL
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Telephone number at premises (if any)	0114 3279858
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Non-domestic rateable value of premises	£7,500
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Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]
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E-mail address (optional)	Blues.sheffield@gmail.com
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Current postal address if different from premises address	
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Post town		Postcode	
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A2

### Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐  
No

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

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

We want to extend our late night opening for mid week and extend our Friday closing to match Saturday's closing.

We would like to change some of our conditions of our business.

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:

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#### Part 4 Operating Schedule

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

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☒

Supply of alcohol (if ticking yes, fill in box J) ☒

**In all cases complete boxes K, L and M**

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue	10:00 am	02:30 am	<i>Remove as per newspaper advert</i>		
Wed	10:00 am	01:00 am			
Thur			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Fri	10:00 am	03:00 am			
Sat	10:00 am	03:00 am	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					



I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 5)		
Tue	11:00 pm	02:00 am			
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thur			<i>02:45hrs as per advert. Hrs to remain as app states 11pm-02:00.</i>		
Fri	<del>11:00 pm</del>	<del>02:00 am</del>	<b>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</b> (please read guidance note 7)		
Sat	<del>11:00 pm</del>	<del>02:00 am</del>			
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)		
Mon					
Tue	10:00 am	02:30 am			
Wed					
Thur			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)		
Fri	10:00 am	02:45 am			
Sat	10:00 am	02:45 am			
Sun					

K

<p><b>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</b> (please read guidance note 10).</p>
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L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variations</b> (please read guidance note 6)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Tue	10:00 am	03:00 am	
Wed			
Thur			
Fri	10:00 am	03:00 am	
Sat	10:00 am	03:00 am	
Sun			

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.

- Condition 1 – Due to the working background of both DPS and Management, we believe the Sheffield Safeguarding Children Board is not necessary. This is due to the DPS being trained in safeguarding Children through his previous occupancy as residential support worker (Young Offenders) with Sheffield Local Authority, and SIA trained. The manager is also a qualified and registered (HCPC) social worker
- Condition 7 – We have adapted this into our closing times and regulated entertainment schedule. We believe this should no longer be a condition.
- Condition 12 – Due to limited speakers and music events, does not seem necessary to acoustic baffled. Checks are carried out hourly and have been no complaints with neighbours in regards of music or music outbreaks. Neighbours also have been given telephone numbers both landline and mobile hotlines.
- Condition 15 – No relevant and does not make sense and needs to be removed
- Condition 16 – We currently have a proactive approach by management to

Remove - Not advertised  
CCH- 33/8718

- control noise breakout and monitor throughout the night. Due to having a sound limiter, the music will not reach a certain Db, so therefore this is not necessary
- Condition 19 – This has been incorporated in our closing times and supply of alcohol times and we believe this is irrelevant condition and should be removed
  - Condition 22 – We believe it should not a condition to take responsible management for group admissions and single out certain groups, as we give the same treatment to everyone.
  - Condition 23 – Not needed due to type of cliental and venue we are running
  - Condition 25 – Due to running as a restaurant, we believe this can have a negative effect on the business, publicising zero tolerance posters in a family dine-in restaurant. However, we do have a zero-tolerance policy and procedure and staff are trained to be vigilant in illegal drug use as part of our safe guarding.
  - Condition 24 – Due to being a new venture, unique in the area, this point limits marketing for the business and can effect the overall running of the premises. Being 1 year in the business, we believe this is no long relevant and needs removing from our conditions.
  - Condition 27 – Due to the nature of the business and cliental and layout of the premises, certain drinks cannot be served from glasses. This can often be confusing for staff and customers. Therefore, this needs to be removed and we currently have a strict policy on customers not able to bring drinks outside
  - Condition 28 – Blues does not cater for anti-social groups and any live entertainment that may encourage this. We only hire low-tempo bands and singers who would not attract anti-social behavior. Therefore, it should not be a condition to have a SIA trained person when we have live entertainment
  - Condition 33 – Due to having less than 5 employees working, we therefore do not need a risk-assessment for the premises and recommend for this to be removed.
  - Condition 38 – Although we do provide information manuals for staff in regards of working at Blues, we have a limited workforce (2 staff max), we believe it is not necessary to be a condition on the premises license to have a log book or to provide information manuals. Therefore, this needs to be removed from our conditions.
  - Condition 41 – This poses as an obstacle for events such as 'Children's Salsa' and the closing time of the restaurant. Therefore, this should be amended to be 10pm everyday, unless there is a private function.
  - Condition 43 – Due to having private functions, we believe the time constraints can have negative effect for private bookings. For example, we do private bookings for christenings and wedding receptions. However, staff will still be extra vigilant with the young people. We will still maintain the private functions can only be booked by an adult who must agree they have duty to support in monitoring young people at their function. Therefore, this should be removed as a condition for Blues.

The above condition were conditions that we imposed on ourselves, however, we find them to be irrelevant and unjustifiable. We have been inspected by the relevant authorities (Fire & Safety, Environmental & Food hygiene), who have also advised these conditions are also irrelevant to our establishment and recommended for Blues to apply

for them to be removed.

Please tick as appropriate

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

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

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

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

In order to promote all four licensing objectives the business will:-

Have effective management controls. All staff will be trained to ensure that they have excellent knowledge of the premises licence and the expectations the company requires of them, in particular:-

- No selling of alcohol to underage people
- No drunk and disorderly behaviour on the premises area
- Vigilance in preventing the use and sale of illegal drugs at the retail area
- Prevention of violent and anti-social behaviour
- Protecting children from harm
- Partnership working and sharing good practice

All employees' contracts will include staff training and qualifications, policies requirements, in order to promote at all times the four licensing objectives. Any breach by staff would be taken very seriously as it would fail to protect the public and jeopardise our licence. We will work with strategic partnerships with other agencies to ensure compliancy.

Sonia Graham, one of the directors of Blues Ltd is a qualified HCPC Registered Social Worker in the area of Child Protection with over 25 years post experience. Anton Smith is trained and holds a SIA Badge and has worked in the area of security. Both hold a Personal License and will manage the business and staff. Anton Smith will be Designated Premises Supervisor.

Promotion all four licensing objectives will include:

- Operating Schedule providing the hours of operation and licensable activities during those hours. Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or
- authorise each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording facility and remote monitoring.
- Alarm system within the premises with remote notification of intrusions.

As a licensed premise, we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures

**b) The prevention of crime and disorder**

A remote recordable state of the art CCTV System installed to monitor the exterior and interior. Four additional cameras within to monitor other key areas of the premises in order to address the prevention of crime objective. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.

The business would be happy to participate in the piloted the Best Bar None Scheme by the police and partners available for all city centre pubs, bar, clubs and restaurants as the business would wish to be part of this recognised award scheme supported by the Home Office and aimed at promoting responsible management and operation of alcohol licensed premises.



There will be a clear and legible notice displayed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Customers drunk or intoxicated will not be allowed into the premises and no selling of alcohol to drunk or intoxicated customers. There will be a zero tolerance policy which will be displayed and enforced.

Staff will be well trained in managing potential challenging customers to insure the premises is used in an orderly and respectful manner and prevent binge drinking.

### **c) Public safety**

As well as management responsibilities all staff will receive initial and regular comprehensive training in:

- Public safety in relation to adherence to environmental health requirements
- Implementation of underage ID checks
- Food safety legislation
- Level 2 food hygiene
- Evacuation procedures
- Carrying out risk assessments
- Adhering to occupancy limit requirement
- Health & Safety procedures

Food registration with Sheffield City Council.

Appropriate lighting in key areas. Appropriate external lighting.

Mr A. Smith – PLA who will be the DPS who is also a SIA holder and will assess the need to employ Door Supervisors (SIA) as the business develops and as part of the on-going risk assessment of the business.

Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

Regular maintenance and checks of the premises. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and safe. Checks recorded any public safety concerns to be dealt with immediately.

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

This business is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request

### **d) The prevention of public nuisance**

Noise reduction measures will be put in place to address the public nuisance objective would include:-

Clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

No amplified sound will be played within the building, except through an in-house amplified sound system fitted with a sound limiter. We will be working with environmental health to ensure appropriate levels.

There will be a sound proofing measures put in place to reduce noise pollution within the area.

Residents nearest to the property will be given a 'hotline contact number' in order for any breakout noise to be dealt with immediately, although we are confident the measures will address potential breakout noise.

No late night or early morning deliveries. Although the restaurant would have very little deliveries, if at all any deliveries will be carried out during the day and in such a manner as to prevent nuisance and disturbance to nearby residents.

Although it will be rare for staff to arrive early morning staff will depart late at night when the business has ceased trading. It is a requirement of staff's working terms and conditions to conduct themselves in such a manner to avoid causing any disturbance to nearby residents.

Dispersal policy will be in place and implemented. Customers will be encouraged not to stand around loudly talking in the street outside the premises.

Adequate waste receptacles for smokers be provided to avoid cigarette butts outside.

#### **e) The protection of children from harm**

Staff will be trained by Sonia Graham (director) who is HCPC registered and experience in Child Protection and safeguarding this training would highlight staff and management requirement to:-

- Challenge anyone who looks underage
- Identify and Inspect ID acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to purchase or drink alcohol in the restaurant
- Identify Child Protection concerns

"Challenge 25" sign will be displayed and enforced. The only acceptable proof of age ID's at the premises are Proof Of Age Standard Scheme (PASS) cards, Passports & photo card driving licences. Staff will be trained in identifying false ID.

Prevent adults buying alcohol for customers underage. As part of Child Protection any adult seen buying alcohol for someone underage will be challenged and reported.

For private function bookings, will only be allowed to be booked by an adult who would need to agree that they have a duty to support staff in monitoring young people at their function.

Any staff breaching the protection of children from harm following initial induction training, Child Protection carried out by Sonia Graham, HCPC registered Social Worker will be dismissed as gross misconduct.



A13

## Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- 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. ☒

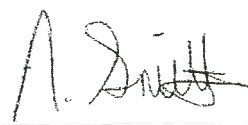
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	18/08/18
Capacity	Owner / Director

**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 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	18/08/18
Capacity	Owner

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

# Appendix B

Current Premises Licence

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# Licensing Act 2003 Premises Licence

Issue No: 1

**SY002504 PR**

## LOCAL AUTHORITY



### Licensing Service

#### Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

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

Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

## Part 1 - Premises Details

### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Blues Bar

3 Spooner Road, Sheffield, South Yorkshire, S10 5BL.

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- provision of late night refreshment
- the sale by retail of alcohol

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

Activity	Day	Time From	Time To
<b>E. Performance of live music (Indoors)</b>			
	Sunday	11:00am	11:30pm
	Monday	11:00am	11:30pm
	Tuesday	11:00am	11:30pm
	Wednesday	11:00am	11:30pm
	Thursday	11:00am	11:30pm
	Friday	11:00am	12:30am
	Saturday	11:00am	12:30am
<b>F. Playing of recorded music (Indoors)</b>			
	Sunday	10:00am	2:30am
	Monday	10:00am	12:30am
	Tuesday	10:00am	Midnight
	Wednesday	10:00am	Midnight
	Thursday	10:00am	Midnight
	Friday	10:00am	2:30am
	Saturday	10:00am	2:30am
	New Years Eve (31/12)	10:00am	3:30am



# Licensing Act 2003

## Premises Licence

Issue No: 1

SY002504 PR

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

Activity	Day	Time From	Time To
L. Late night refreshment (Indoors)			
	Thursday	11:00pm	Midnight
	Friday	11:00pm	1:00am
	Saturday	11:00pm	1:30am
	Sunday	11:00pm	1:30am

M. The sale by retail of alcohol for consumption ON the premises only			
	Sunday	10:00am	2:00am
	Monday	10:00am	12:30am
	Tuesday	10:00am	Midnight
	Wednesday	10:00am	Midnight
	Thursday	10:00am	Midnight
	Friday	10:00am	1:30am
	Saturday	10:00am	2:00am
	New Years Eve (31/12)	10:00am	3:30am

### THE OPENING HOURS OF THE PREMISES

	Time From	Time To
Sunday	10:00am	2:30am
Monday	10:00am	1:00am
Tuesday	10:00am	Midnight
Wednesday	10:00am	Midnight
Thursday	10:00am	Midnight
Friday	10:00am	2:30am
Saturday	10:00am	2:30am
New Years Eve (31/12)	10:00am	3:30am

#### 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

- M. The sale by retail of alcohol for consumption ON the premises only

### Part 2

### NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

**Blues Bar Ltd**  
blues.sheffield@gmail.com

**5 Wilkinson Street, Sheffield, S10 2GA.**  
07935 068105

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

**Blues Bar Ltd**

**10390603**

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

**Anton SMITH**

**5 Wilkinson Street, Sheffield, S10 2GA.**  
Telephone 0114 3276104



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# Licensing Act 2003 Premises Licence

Issue No: 1

## SY002504 PR

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR  
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL


Licence No: SY06222

Issued by: Sheffield

### LICENCE DATES

This Premises Licence shall be in force from the 5 January, 2017

Issued on 25 February, 2017



Steve Lonnia

Head of Licensing Services

On behalf of Sheffield City Council (Issuing Licensing Authority)



# Licensing Act 2003

## Premises Licence

Issue No: 1

SY002504 PR

## ANNEXES

**ANNEX 1 - MANDATORY CONDITIONS****Mandatory Condition 1 (Section 19 ss 2)**

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

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

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

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

**Mandatory Condition 3 (Section 20)**

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

**Mandatory Condition 4 (Section 21)**

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

**ANNEX 1B - MANDATORY CONDITION EFFECTIVE FROM 28<sup>TH</sup> MAY 2014:**

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

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

where-

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





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# Licensing Act 2003 Premises Licence

Issue No: 1

SY002504 PR

ANNEXES continued ...

## **ANNEX 1C - MANDATORY CONDITIONS EFFECTIVE FROM 1<sup>ST</sup> OCTOBER 2014:**

- 1.-(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.-(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. The responsible person must ensure that-
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

## **ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. The designated premises supervisor or other such qualified and responsible person must be assigned to act as the Children's Safeguarding Coordinator at the premises. This person should act in accordance with the guidance and training provided by the Sheffield Safeguarding Children Board.



# Licensing Act 2003

## Premises Licence

Issue No: 1

SY002504 PR

## ANNEXES continued ...

2. A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2016). The CCTV images will be stored for 30 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.
3. No regulated entertainment shall take place until agreed works to the fabric of the building have been installed and there after retained to the satisfaction of the Environmental Protection Service (EPS).
4. No amplified sound 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 EPS:
  5. Amplified sound or live music shall only be played within the building and in such a way that noise breakout does not exceed the prevailing ambient noise level by more than 3dB when measured at 1m from the façade of the nearest noise sensitive building:
    - a) as a 15 minute LAeq, and;
    - b) at any one third octave band centre frequency as a 15 minute LZeq
6. No Speakers shall be mounted outside the premises at any time.
7. Regulated entertainment shall cease 30 minutes before closing time.
8. Live music shall cease at 23.30 Sun - Thursday and 00:30 Friday and Saturday.
9. All doors and windows shall be closed, save for access and egress, when regulated entertainment is present in the premises.
10. The DPS or designated member of staff must take 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 and manage noise levels internally so as not to cause a nuisance to the nearest noise sensitive property.
11. The premises license holder shall prominently display A4 notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion to respect the local neighbours' needs.
12. All ventilation outlets, which serve the licensed area, are to be acoustically baffled and there after retained.
13. The emptying of waste bottle bins shall not be carried out between the hours of 2300 to 0730 hours Monday to Saturday and 2200 hours to 1000 hours Sundays and Public Holidays.
14. Commercial deliveries shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 1000 to 2200 on Sundays and Public Holidays.
15. From 23:30 hours there will be a restriction of noise breakout from the premises a minimum seven meters from the rear facade of the property.
16. Noise readings will be taken periodically once appropriate levels have been agreed with Environmental Protection Service (EPS). Between the hours of 22:30 and 02:30 noise meter readings will be taken every hour and recorded.





# Licensing Act 2003

## Premises Licence

Issue No: 1

SY002504 PR

## ANNEXES continued ...

17. There will be soundproofing measures put in place to reduce noise pollution within the area.
18. Residents nearest to the property will be given a 'hotline contact number' in order for any breakout noise to be dealt with immediately.
19. Customers will not be admitted to the premises 45 minutes before closing.
20. There will be a clear and legible notice displayed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
21. Customers drunk or intoxicated will not be allowed into the premises and no selling of alcohol to drunk or intoxicated customers. There will be a zero tolerance policy which will be displayed and enforced.
22. Take responsible management of group admissions such as hen and stag groups to ensure the safety of other customers.
23. A comprehensive 'Excluded' and or 'Dispersal' Policy to be in place.
24. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
25. Prevention and vigilance in illegal drug use at the retail unit area. Zero tolerance on drugs which will be displayed and enforced.
26. Staff will be well trained in managing potential challenging customers to ensure the premises is used in an orderly and respectful manner and prevent binge drinking.
27. The restaurant will not serve alcohol in bottles or cans but in glasses. Measures will be in place to prevent customers leaving the premises with drinking glasses. Customers will not be allowed to take alcohol off the premises or bring their own alcohol on the premises.
28. During live events, there will be SIA trained staff on the premises to prevent crime and disorder within the premises.
29. As well as management responsibilities all staff will receive initial and regular comprehensive training in;
  - **Public safety in relation to adherence to environmental health requirements**
  - **Implementation of underage ID checks**
  - **Food Safety legislation**
  - **Level 2 Food Hygiene**
  - **Evacuation Procedures**
  - **Carrying out Risk Assessments**
  - **Adhering to occupancy limit requirement**
  - **Health & Safety procedures**
30. The requirement to employ door staff will be assessed as the business develops and as part of



# Licensing Act 2003

## Premises Licence

Issue No: 1

SY002504 PR

## ANNEXES continued ...

the on-going risk assessment of the business.

31. There will be a register kept on the premises of door supervisors used. The register will be fully completed and signed by the door supervisor and person in charge of the premises prior to any door supervisor commencing any duty and upon completion of any duty. The register will contain the full name and SIA badge number of any door supervisor used at the premises.

32. A log book or recording system shall be kept on the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

33. The recorded risk assessment shall be periodically reviewed and updated.

34. Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.

35. Regular maintenance and checks of the premises to be undertaken. All parts of the premises and all fixtures and fittings and apparatus therein will be maintained at all times in good working order. Checks recorded which highlight any public safety concerns are to be dealt with immediately.

36. Adequate waste receptacles for smokers to be provided.

37. The 'Challenge 25' scheme will be implemented, enforced and the appropriate signage displayed. All staff will be trained in the requirements of the scheme and evidence of staff training will be recorded.

38. A log book will be kept on the premises at all times and an information manual for staff.

39. Measures will be put into place to prevent adults buying alcohol for underage customers, proxy sales. Any adult seen buying alcohol for someone underage will be challenged and reported.

40. If there are mixed groups of young people together e.g. 16-21 years the purchase of alcohol will not be permitted in order to prevent underage members of the group being given alcohol. Mixed groups of young people must be dining, remain in the dining area and will not be permitted to stand at the bar. Alcohol will not be served at the table of mixed groups of young people.

41. Anyone under the age of 18 years will not be permitted to enter the premises after 19:00 hours. Anyone under 18 already on the premises must leave by 20:00 hours during the week and 20.30 hours at weekends.

42. Anyone under the age of 16 must be accompanied by a responsible adult and can only access the dining seated area.

43. For private function bookings anyone under 16 must be accompanied by a responsible adult and leave the premises by 20:30 hours. Private functions can only be booked by an adult who must agree they have a duty to support staff in monitoring young people at their function.



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# Licensing Act 2003 Premises Licence

Issue No: 1

**SY002504 PR**

ANNEXES continued ...

44. The overall capacity for the premises will be 200.

45. The restaurant area to the left of the bar will have tables and chairs at all times.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

**ANNEX 4 - Plans**

Drawing Reference: 2016/14 L1

Dated: 20.10.016 Revised 29.11.2016



**Licensing Service**  
**Place Portfolio**  
Block C Staniforth Road Depot  
Staniforth Road  
Sheffield  
S9 3HD  
Tel: 0114 2734264  
Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)



**Our Ref: LIC/280/SY002504PR**  
**Date: Saturday 25 February, 2017**

Blues Bar Ltd  
5 Wilkinson Street  
Sheffield  
S10 2GA

Dear Sir/Madam

**Licensing Act 2003: Application for Premises Licence WITH Alcohol**  
**Premises: Blues Bar, 3 Spooner Road, Sheffield, S10 5BL**  
**Premises Licence Number: SY002504PR**  
**Date Granted: 05/01/2017**

I enclose:

- a) **the new premises licence;** and
  - b) **the new premises licence summary**
- for the above named premises.

Please check both documents carefully, including all attached papers, and ensure that all details are correct. If they are not, please contact us immediately.

Please also be aware of the following:

- The original (or a certified copy) of the *entire premises licence* must be kept on the premises and available for inspection at all times. This includes any annexes, appendices & other related documents.
- The original (or a certified copy) of the **premises licence summary** must be prominently displayed at the premises.
- Failure to comply with any conditions attached to a licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

You must inform the Licensing Authority if you wish to do any of the following:

- Vary the licence;
- Vary the Designated Premises Supervisor (DPS) named on the licence;
- Transfer the licence; or
- Surrender the licence.

You must also inform us if the premises licence holder or DPS change their name or address.

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Should you wish to make any changes to the licence, please contact us for the relevant forms or refer to the website for information at [www.sheffield.gov.uk/licensingact](http://www.sheffield.gov.uk/licensingact). The original premises licence and premises licence summary must be returned for amendment and accompanied by the required fee (if applicable).

If the original premises licence or premises licence summary is lost or stolen, you must report this to us immediately. A fee of £10.50 is payable for the replacement.

Finally, an annual fee is payable on this licence each year on the anniversary the licence was granted. Please ensure you make a record of the date your annual fee is due.

**Yours sincerely,**



**Emma Rhodes**  
**Licensing Enforcement / Technical Officer**  
**Licensing Services**  
**Sheffield City Council**

# Appendix C

Objection  
1 Environmental Protection



## Crawshaw Michael (CEX)

---

**From:** Gough Jayne (CEX) on behalf of licensingservice  
**Sent:** 14 September 2018 10:51  
**To:** Crawshaw Michael (CEX)  
**Subject:** FW: Application for Variation of the Premises Licence for Blue Bar 3 Spooner Road.

**From:** Round Jonathan  
**Sent:** 14 September 2018 09:27  
**To:** 'Blues.sheffield@gmail.com'  
**Cc:** licensingservice  
**Subject:** RE: Application for Variation of the Premises Licence for Blue Bar 3 Spooner Road.

**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 accommodation, and have a history of noise complaints when the premises were run by previous occupiers. I am therefore concerned that some of the proposed changes could affect nearby residents and they will potentially be affected by excessive noise disturbance from loud amplified sound and noise from people outside the building having a smoking break, arriving at and leaving the venue in the late evening/ early morning later than under current restrictions.

I have concerns about the proposed change in opening hours on a Tuesday night. Closing the premises at 3am in the morning during the week in an area which is surrounded by residential property, and where other premises will have been closed for several hours could give rise to large amounts of people arriving at and leaving the venue in the early hours of the morning. This is highly likely to cause complaints. I would be happy to allow the premises to increase the closing time to 1am on a Tuesday night, but feel a 3 hour increase during the week is not realistic (with regulated entertainment finishing 30mins before as per condition 7 see below).

I have no problem with the closing time on Friday and Saturday increasing by 30 minutes to 3am (with regulated entertainment finishing 30mins before as per condition 7 see below).

In terms of the conditions which the applicant is seeking to remove I would make the following comments:

7. This condition is aimed at creating a wind down period and gives patrons the time to calm down before they leave the premises and walk through the adjoining residential area. The applicant explains that this is incorporated in their entertainment schedule so is not necessary. If the applicant would be happy to offer an additional condition to make the entertainment schedule compulsory then I would consider altering, but unless there is control over creating a 'wind down' period I would be resistant to removing condition 7

12. This is an existing condition so the vents should be baffled now. If the vents are not baffled then there is a breach of the premises licence. If the baffles are in place as they should be then I see no reason why they should be removed and risk the chance of reducing the acoustic properties of the building, which could give rise to noise complaints.

Conditions 15 and 16 can be removed as they are covered by condition 4.

C2

19. this condition is aimed at preventing the possibility of crowds gathering outside the premises waiting to get in in the more sensitive hours. I would be reluctant to see this condition removed.

If you would like to discuss the matter further please reply to this email.

Regards,

Jon.

Jonathan Round  
Environmental Health Officer

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

Tel +44 (0)114 273 4659 [REDACTED]  
Fax +44 (0) [REDACTED]

Visit us at: [www.sheffield.gov.uk/environmentalhealth](http://www.sheffield.gov.uk/environmentalhealth)





Dear Jonathan Round,

**RE: Varying of premises license for Blues Bar Ltd, of 3 Spooner Road, Broomhill, S10 5BL.**

I am emailing in response to your objections in regards of Blues Bar Ltd of 3 Spooner Road, Broomhill, S10 5BL. We believe that some of your points can be seen as prejudice, as we feel we are being punished for the previous occupants of South Sea in regards to some of your points. Below are our response on your comments:-

**JR** - 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 accommodation, and have a history of noise complaints when the premises were run by previous occupiers. I am therefore concerned that some of the proposed changes could affect nearby residents and they will potentially be affected by excessive noise disturbance from loud amplified sound and noise from people outside the building having a smoking break, arriving at and leaving the venue in the late evening/early morning later than under current restrictions.

**BLUES** - Blues has been open for over 16 months. There has been no complaints or incidents. Blues has a Smoking Area with a shelter at the rear of the restaurant at considerable cost in order that people do not stand outside and smoke. This initiative was not one of the conditions nor should it be but we are responsible, educated professionals and would like to be treated as such. To base concerns on previous occupants when Blues has taken into account local residents is totally unfair. Many of the locals frequent Blues (including those living directly across the road) and they have met the Lord Mayor during one of our Salsa Socials. Blues is not South Sea. Furthermore, there has been no noise break out as there is a limiter installed, sealed vents, triple glazed windows and noise insulation curtains. We could understand these concerns if there had been complaints during the time that we have been open.

**JR** - I have concerns about the proposed change in opening hours on a Tuesday night. Closing the premises at 3am in the morning during the week in an area which is surrounded by residential property, and where other premises will have been closed for several hours could give rise to large amounts of people arriving at and leaving the venue in the early hours of the morning. This is highly likely to cause complaints. I would be happy to allow the premises to increase the closing time to 1am on a Tuesday night, but feel a 3 hour increase during the week is not realistic (with regulated entertainment finishing 30mins before as per condition 7 see below).

**BLUES** - Our Sunday licence is till 2.30am there has been no complaints to base this concern. Again Blues is being judged by its predecessor not at what it has accomplished in transforming the venue. As professional people we do not want any problems that would harm our business or local area which is why we have taken steps and there has been no complaints. There is more noise from students walking home from local takeaway e.g. Broomhill Friery, Balti King etc outlets in the area and having been drinking in the city centre which opens much later.

**JR** - I have no problem with the closing time on Friday and Saturday increasing by 30 minutes to 3am (with regulated entertainment finishing 30mins before as per condition 7 see below).

In terms of the conditions which the applicant is seeking to remove I would make the following comments:

**JR** - 7. This condition is aimed at creating a wind down period and gives patrons the time to calm down before they leave the premises and walk through the adjoining residential area. The applicant explains that this is incorporated in their entertainment schedule so is not necessary. If the applicant

would be happy to offer an additional condition to make the entertainment schedule compulsory then I would consider altering, but unless there is control over creating a 'wind down' period I would be resistant to removing condition 7

BLUES - Having been operating for over 16 months with no issues as explained as above, again this concern is based on South Sea. There will clearly be control over a wind down period for the last 30mins before closing which will consist off controlling the music to allow customers to be settled before leaving the premises i.e. playing soft relaxed and calme music during the period. Blues is run by responsible people which is reflected by having a smoking area that is not on the street and telephoning taxis for customers prior to closing informing the taxi companies that we are closing soon. This move on our part is to prevent people hanging around and we do not feel our initiative needs to be a condition. As stated Blues is not South Sea and to base it on previous set-up, is unfair. Also, this condition was set by ourselves rather than the council, and is not a compulsory condition for late-night venues.

**JR - 12.** This is an existing condition so the vents should be baffled now. If the vents are not baffled then there is a breach of the premises licence. If the baffles are in place as they should be then I see no reason why they should be removed and risk the chance of reducing the acoustic properties of the building, which could give rise to noise complaints.

BLUES - The vents are baffled as well as triple glazed windows which is why there has been no complaints regarding noise break out. There is no reason why we would remove the baffles or take out the triple glazed windows, it was advised by licensing that it no longer needed to be on the extremely long list off requirements when it has been done. Having taken our own initiative to build a Smoking area not on the conditions it feels that your objection to this being taken off treating us as if we are the same person as the previous owner. Environmental health have never been called out regarding loud music over the 16 plus months that Blues has been open. There is no valid reason why it should not be removed.

**JR - Conditions 15 and 16** can be removed as they are covered by condition 4.

**JR - 19.** this condition is aimed at preventing the possibility of crowds gathering outside the premises waiting to get in in the more sensitive hours. I would be reluctant to see this condition removed.

BLUES - Again, South Sea may have had crowds gathering outside the premises but this has never been an issue for Blues. There is no evidence that there has ever been crowds gathered outside of Blues. Furthermore, after 10pm customers have to use the main doors which is not on the side of the street facing the houses. In Aug Blues had a memorial for a well-known DJ, it was one of the biggest funerals in Sheffield. There were no gatherings outside, no complaints, no incidents etc. unlike city centre venues.

Denying entry into the premises 45 minutes beforehand has a negative effect on the running and financial aspect of Blues. This condition denies the entry of other professionals who work in the same industry in the area, i.e. local pub & restaurant owners in the area will visit Blues afterwork. This heavily effects the potential income for Blues.

Denying entry can also create more of a reason for people to hang about outside, as they have nowhere else to go, but to talk to friends outside and creating noise pollution. If they are allowed into Blues, they can be controlled in a safe environment.

Blues has been very responsible and has worked very hard to have a successful business that does not negatively impact on the area but to enhance it. Blues passed fire inspection. Blues has 5\* food

C5

Hygiene rating etc. Blues is frequented and supported by many professionals including education establishments that have had bookings and have booked for Christmas. Again to base concerns, obstacles purely based on the previous occupants after over 16 months is unfair Blues is not South sea.

Also, this condition was set by ourselves rather than the council, and is not a compulsory condition for late-night venues.

We hope that you see our points as valid and and how passionate we feel about our business we hope you will reconsider your comments and objections of Blues.

Kind Regards,

Anton Smith

[REDACTED]

cb

## Hollis Georgina (CEX)

**From:** Round Jonathan  
**Sent:** 27 September 2018 15:04  
**To:** Blues Sheffield  
**Cc:** licensingservice; Hollis Georgina (CEX)  
**Subject:** RE: Application for Variation of the Premises Licence for Blue Bar 3 Spooner Road.

sent applicant  
further email  
01/10/18  
Advising LSC

Hello Anton,

When commenting on applications to vary Premises licences we have to look at the history of the premises as well as those of the current operator. Unfortunately the premises do have a history of complaints about noise, and the licence was reviewed. The previous complaints were a result of the way the premises were previously operated, but it also indicates that because it is in such close proximity to residential accommodation that justified complaints about noise can and have arisen in the past. We have not received complaints about noise since you have operated the premises, but the licence will still be in force if you leave the premises tomorrow, so the safeguards to ensure the premises do not cause a problem need to cover the future operations no matter who is operating the premises.

If you wish to discuss the matter further, and negate the need for a formal hearing, then please call on the mobile number below.

Regards

Jon.

Jonathan Round  
Environmental Health Officer

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

Tel +44 (0)114 273 4658/  
Fax +44

Visit us at: [www.sheffield.gov.uk/environmentalhealth](http://www.sheffield.gov.uk/environmentalhealth)

Dear Jonathan Round,

**RE: Varying of premises license for Blues Bar Ltd, of 3 Spooner Road, Broomhill, S10 5BL.**

I am emailing in response to your objections in regards of Blues Bar Ltd of 3 Spooner Road, Broomhill, S10 5BL. We believe that some of your points can be seen as prejudice, as we feel we are being punished for the previous occupants of South Sea in regards to some of your points. Below are our response on your comments:-

**JR** - 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 accommodation, and have a history of noise complaints when the premises were run by previous

C7

**Hollis Georgina (CEX)**

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**From:** Hollis Georgina (CEX)  
**Sent:** 26 September 2018 15:52  
**To:** blues.sheffield@gmail.com  
**Cc:** Round Jonathan  
**Subject:** FW: Application for Variation of the Premises Licence for Blue Bar 3 Spooner Road.  
**Attachments:** Premises License response to Jonathan Bond.pdf; ATT00001.htm

Dear Anton

Thank you for your email response which I acknowledge receipt of.

Please can you confirm if you have managed to liaise with Jonathan Round to work out a way forward in relation to his objection and your response?

The last date for comments on the application was 15<sup>th</sup> September. Should the application be referred to the Licensing Sub-Committee, if both parties are not able to reach an agreement in timings / conditions, then the application will be referred to the Licensing Sub-Committee for a decision.

Please could both parties confirm if you have managed to discuss this any further?

Kind Regards

Georgina

**NEW**  
**Pre-Application Advice & Consultancy Service**  
**Do you need help with your application or just want it checking?**  
**Then give us a call on 0114 273 4264**  
**This new service starts on Monday 6<sup>th</sup> February 2017**

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**Georgina Hollis**

Licensing Enforcement & Technical Officer  
Licensing Service  
Business Strategy & Regulation  
Block C, Staniforth Road Depot  
Staniforth Road, Sheffield, S9 3HD.

Telephone: 0114 2734264

Fax: 0114 2734073

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

[www.sheffield.gov.uk](http://www.sheffield.gov.uk)

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# Appendix D

Hearing Notices / Regulations / Procedures



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

Anton Smith  
Blues Bar Limited  
3 Spooner Road  
Sheffield  
S10 5BL

Emailed to: [Blues.sheffield@gmail.com](mailto:Blues.sheffield@gmail.com)

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2018 received your application in respect of the premises known as;

Blues Bar 3 Spooner Road Sheffield S10 5 BL

During the consultation period, the Council received a representation from the following authorities / interested parties:

**1 Environmental Protection**

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 **Thursday 11<sup>th</sup> October 2018 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, or [LicensingService@sheffield.gov.uk](mailto:LicensingService@sheffield.gov.uk)** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 3<sup>rd</sup> October 2018

Signed: Clive Stephenson

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. [licensingService@sheffield.gov.uk](mailto:licensingService@sheffield.gov.uk)





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

Jonathon Round  
Environmental Health Officer  
Sheffield City Council  
Environmental Protection Services

Sent by e-mail to [Jonathon.round@sheffield.gov.uk](mailto:Jonathon.round@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2018 received an application in respect of the premises known as;

**Blues Bar 3 Spooner Road Sheffield S10 5 BL**

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

**1 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 the representation 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 **Thursday 11<sup>th</sup> October 2018 at 10am**; following which the Council will issue a notice of determination of the application.

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- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
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Dated: 3<sup>rd</sup> October 2018

Signed: Clive Stephenson

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



**Right of attendance, assistance and representation**

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

**Representations and supporting information**

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

**Failure of parties to attend the hearing**

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

**Procedure at hearing**

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

## Regulation 8

D4

- (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.

**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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