



## Licensing Act Sub- Committee Decision

Record of proceedings of Sheffield City Council Licensing Act  
Sub-Committee hearing held on **18<sup>th</sup> September 2023**

### **Purpose of the Hearing**

To determine an application for a premises licence for 6 - 7 Leadmill Road, Sheffield.

### SUB-COMMITTEE MEMBERS:

Cllr David Barker (Chair)  
Cllr Henry Nottage  
Cllr Karen McGowen

### OTHERS PRESENT:

Legal Advisor:	Malcolm Hope, Barrister
Legal Services:	Samantha Bond, Lawyer
Licensing Officer:	Shimla Finch
Licensing Enforcement:	Gareth Barrett
Democratic Services:	Philippa Burdett

Applicant:	MVL Properties 2017 Ltd
Applicant's Representative:	Dominic Madden, Director of MVL Properties 2017 Ltd
Applicant's Witness:	Darrell Butterworth, Licensing Compliance Consultant
Applicant's Legal Representative:	Paddy Whur, Solicitor

Main Objector:	Phillip Mills, Director of Leadmill Ltd
Main Objector's Legal Representative:	Sarah Clover, Barrister

Objectors:	Fraser Spooner on behalf of staff at The Leadmill
	Dominic Heslop
	Briony Tuplin
	Sam Holland
	Claire Brown on behalf of Franz Von Shorter (Sheffield Music School)
	Lucas Watts
	Rob Unwin on behalf of Clive Belgeonne
	Peter Prowse
	Matthew Renshaw
	Jo Owens on behalf of Luke Fulton
	John Coan
	Stephen Blakeley

**This notice is given in accordance with the provisions of regulations 26 and 29 of the Licensing Act 2003 (Hearings) Regulations 2005.**

## **PREAMBLE**

1. This is the formal notification of a decision made by Sheffield City Council's Licensing Act Sub-Committee following a hearing held under the requirements of Licensing Act 2003 ("the Act") and Licensing Act 2003 (Hearings) Regulations 2005, on 18<sup>th</sup> September 2023 at Sheffield Town Hall at 10am.
2. The hearing was held to determine an application under section 17 of the Act for a premises licence for premises known as "The Leadmill", located at 6-7 Leadmill Road in Sheffield, ("the Premises") in light of relevant representations received.
3. In reaching its decision, the Sub-Committee considered:
  - The application and supporting documentation
  - The conditions agreed between the Applicant and Responsible Authorities
  - The written representations and supporting documentation of objectors, including:
    - o The written submissions of Ms Clover on behalf of the Leadmill Ltd
    - o The written submission by, and on behalf of, staff of the Leadmill Ltd
    - o The written submissions of 157 interested parties
  - The oral submissions of:
    - o Mr Whur, Mr Madden and Mr Butterworth for the Applicant
    - o Ms Clover and Mr Mills for the Leadmill Ltd
    - o The objectors
4. The Sub-Committee also considered:
  - The Licensing Act 2003 and Regulations made thereunder;
  - Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003;
  - The Council's Statement of Licensing Policy;
  - The cases of:
    - o Extreme Oyster & Star Oyster Ltd v Guildford BC [2013] EWHC 2174 (Admin)
    - o Hall & Woodhouse Ltd v Poole BC [2009] EWHC 1587 (Admin)
    - o R (on the application of Hope, Glory Public House Ltd) [2011] EWCA Civ 31
    - o Taylor v Manchester CC [2012] EWHC 3467 (Admin)
    - o R v Deputy Industrial Injuries Commissioner, ex p Moore [1965] 1 QB 456

- R (on application of Daniel Thwaites plc) v Wirral Magistrates' Court and Others (2008)  
EWHC 838 (Admin)

5. The sub-committee is aware of and has taken into account any implications that may arise from the Human Rights Act 1998.
6. The Sub-Committee in reaching its decision has had due regard for its public sector equality duty under section 149 of the Equality Act 2010 and considers that in reaching its decision that it has fulfilled its duty under the Act.
7. At the outset of the hearing, legal advice was given on the scope of the hearing and the power and discretion of the Sub-Committee, as well as the procedure to be followed, in the terms set out at Annex A attached to this notice. Mr Whur and Ms Clover took no issue with any part of that advice.
8. The Sub-Committee did not impose time limits on those addressing it and all persons who indicated that they wished to address the hearing in person were given the opportunity to do so.

#### **DETERMINATION**

9. The sub-committee resolved to grant the application subject to the imposition of the conditions at Annex B attached to this notice.

#### **REASONS FOR DETERMINATION**

10. The reasons for the Sub-Committee's decision are as follows:-
  - i. The Premises in question is already the subject of a premises licence, held by the Leadmill Ltd, as tenant. Section 2(3) of the Act permits two or more premises licence to exist concurrently in respect of the whole or part of the same Premises. A large number of the representations to the Sub-Committee spoke, in strongly positive terms, of the current operation of the Leadmill. The Sub-Committee appreciates that the Leadmill is held in high regard by many

persons but is obliged to base its decision upon matters relating to the application and referable to the promotion of the licensing objectives.

- ii. The Applicant, as landlord, applied for a premises licence in identical terms to that already in place. The Sub-Committee is aware that it is not uncommon for a landlord to seek such a “shadow licence” and that the case of *Extreme Oyster* made clear that such a licence must mirror the licensable activities of the tenant’s licence, although it need not be identical in all terms. The application satisfies these requirements. The Sub-Committee is mindful that the licence held by the Leadmill Ltd is a 24-hour licence and that the Applicant therefore seeks the same.
- iii. The application indicates that the Applicant carries on, or proposes to carry on, a business which involves the use of the Premises for the licensable activities to which the application relates. It was made clear at the hearing that separate proceedings relating to the tenant’s lease of the Premises had not yet been determined and that the Applicant proposes to use the Premises for licensable activities if successful in those proceedings. As the Applicant would not be able to use the Premises for licensable activities until able to occupy the Premises, no premises supervisor was designated within the application and the Sub-Committee notes that the Applicant would not be able to sell alcohol under the premise licence until such a time as a Designated Premises Supervisor is in place. Mr Madden explained that the Applicant appoints persons to operate a venue from within the business rather than recruiting unknown quantities externally.
- iv. In respect of the application for a “shadow licence”, Ms Clover suggested that the Applicant could have considered alternatives to the application submitted, including a provisional statement. Mr Whur informed the Sub-Committee that the relationship between the Applicant and its tenant had broken down and that a transfer of the existing premises licence was likely to be impossible. Whilst the breakdown of the relationship between the Applicant and the Leadmill Ltd was quite apparent, the Sub-Committee is mindful that the exhaustion of other avenues is not a prerequisite to the application under consideration and these representations did not assist. In addition, Mr Whur submitted that Mr Mills had submitted document to Newcastle City Council to frustrate his premises licence application to that authority. Ms Clover took issue with this under Regulation 18 of the Hearings Regulations as this had not been set out within the Applicants written submissions. Having subsequently taken legal advice, the Sub-Committee accepts Ms Clover’s point and disregards this representation, although it did not find this submission pertinent to its considerations of this application in any event.

- v. The Applicant invites the Sub-Committee to grant the premises licence subject to conditions consistent with the operating schedule but with modification to those conditions. Section 18(4)(a)(i) gives the Sub-Committee the discretion to so modify. The proposed modifications arise from discussions between the Applicant and Responsible Authorities which had objected to the grant of a premises licence. Such discussions accord with the Secretary of State's Guidance and are encouraged by the Council's Statement of Licensing Policy.
- vi. Ms Clover argued that these Responsible Authorities should have been present at the hearing to explain their objections and the agreed conditions. The Sub-Committee does not accept this argument. The representations of the Responsible Authorities were withdrawn in writing in advance of the hearing, in accordance with Regulation 10(a) of the Hearings Regulations, and, by virtue of section 18(7)(b) of the Act, are not "relevant representations" within the meaning of section 18(6) of the Act. The fact that the concerns of Responsible Authorities, with expertise in their respective fields, have been satisfied by the imposition of conditions to the extent that their objections were withdrawn, is something the Sub-Committee takes into consideration in accordance with the judgement in *Thwaites*.
- vii. The Sub-Committee notes that agreed conditions do not amend the application itself. The case of *Taylor v Manchester* acknowledges that an applicant may indicate to the licensing authority and to Responsible Authorities a willingness to agree to a modification of conditions to cater for concerns expressed.
- viii. The Sub-Committee is aware that the licence held by the Leadmill Ltd was granted some time ago and that, whilst it is common practice for an application for a "shadow licence" to mirror that held by a tenant exactly, the Sub-Committee must consider the situation as it exists at the current time. Changes to law, guidance and policy must be considered in order to promote the licensing objectives at the present point in time, consistent with the approach taken by the courts on appeals, as set out in *Hope & Glory*. The parties both agreed that a licence identical to that of the Leadmill Ltd would be insufficient to promote the licensing objectives now and the Sub-Committee concurs with that assessment. The Sub-Committee, therefore, considers the imposition of conditions and specifically the conditions agreed between the Applicant and Responsible Authorities.
- ix. Ms Clover made criticism of the drafting of the agreed conditions, highlighting areas of vagueness and the potential effect on their enforceability. The Sub-Committee accepts these criticisms in part, in so far as drafting of a number of the agreed conditions left scope for uncertainty. Although Ms Clover argued that it is not their responsibility to redraft such conditions, the Sub-Committee, in exercising its discretion to modify conditions, must seek to

ensure clarity, certainty and enforceability in respect of the requirements imposed by a premises licence.

- x. Ms Clover took issue with conditions relating to regulated entertainment, pointing out the deregulation provisions which can disapply such conditions. The Sub-Committee does not accept the submissions on this point. The Premises has a capacity in excess of 500 persons and, as such, there is the potential for an audience to exceed the disapplication criteria. The 24-hour nature of the licence sought would also take entertainment beyond the time limits within the deregulations criteria. The purpose of the conditions proposed, to prevent public nuisance, was clear and, given concerns raised by other objectors in respect of this licensing objective, the Sub-Committee is satisfied that these conditions would be appropriate.
- xi. A number of objections cite online reviews suggesting overselling and overcrowding at the Applicant's other premises. The Sub-Committee must be mindful that the accuracy and veracity of such reviews cannot be explored, which goes to the weight to be attached to them. Nevertheless, the Sub-Committee is also mindful of the importance of promoting public safety through event management planning, given the capacity of the premises and the potential popularity of events. The Sub-Committee notes Mr Madden's background in organizing events. In respect of the condition agreed with the Health Service, the Sub-Committee accepts that this, as worded, is inadequate and is of the view that a condition requiring the organisers of events involving licensable activities reliant upon a premises licence be required to produce written plans for the management of events and for these plans to be agreed in advance with Responsible Authorities and that the plans be implemented. A condition requiring the premises licence holder to ensure this is considered appropriate.
- xii. A number of objections relate to incidents of crime and disorder at the Applicant's other premises as reported in the media. One such incident was an arson attack on the Applicant's Bristol premises. There is no basis to hold such a matter against the Applicant as the victim of the attack.
- xiii. A further incident of serious sexual assault was also cited by the main objector and a number of others. The Sub-Committee accepts Mr Madden's account that this took place before he held a licence for the premises in question and that this cannot, therefore, be attributable to the Applicant's management of those premises.
- xiv. In respect of the report of drugs arrests at one of the Applicant's premises cited by objectors, Mr Madden explained that this was not at the premises but concerned someone who had been refused entry.

- xv. Report of violent incidents at the Applicant's other venues were also cited by objectors. Mr Madden explained to the Sub-Committee that he had not had any concerns raised to him by Responsible Authorities and had not been subject to any reviews of his other licences.
- xvi. In respect of the conditions agreed with South Yorkshire Police, the Sub-Committee is of the view that the that clarity and certainty as to the obligations imposed, as well as the documenting of compliance, was lacking, but that the imposition of conditions which achieved the clear aims of these conditions in promotion of the licensing objective of preventing crime and disorder are appropriate.
- xvii. In respect of protection of children from harm, the Sub-Committee noted submissions from objectors as to underage sales. The Sub-Committee accepts that the agreed conditions did not explicitly require an age verification scheme to be in place. The Council's Statement of Licensing Policy expects a Challenge 21 or Challenge 25 policy to be applied at premises selling alcohol. The Sub-Committee is of the view that a Challenge 25 policy would be appropriate.
- xviii. Ms Clover, and many of the objectors, were critical of the ability of Applicant, and Mr Madden in particular, to adhere to the requirements of a premises licence. The Sub-Committee accepts that the Applicant and Mr Madden himself are experienced in the nighttime economy and that none of the other premises licences held have been subject to review. The Sub-Committee considered the references supplied by the applicant. Whilst references were not written specifically in support of this application, they spoke to Mr Madden's experience, ability and the regard in which he is held by the writers. Ms Clover suggested that two of the referenced were not written by the named authors. Mr Whur disputed this assertion, informed the Sub-Committee that these were received by him from the named authors. The Sub-Committee accepts Mr Whur's representation on this point.
- xix. The Applicant was supported by the representations of Mr Butterworth, Licensing Consultant and former Licensing Inspector with Greater Manchester Police. Mr Butterworth conducted compliance checks at the Applicant's other venues, logs of which accompanied his statement. The Sub-Committee felt it was to the credit of the Applicant to have such checks undertaken and that providing the unvarnished logs of these checks demonstrated its candor in these proceedings. Ms Clover criticised Mr Butterworth's statement as 'sugar-coating.' The Sub-Committee does not accept this characterisation of Mr Butterworth's evidence.
- xx. Whilst the majority of objections before the Sub-Committee invite the refusal of the application, the Sub-Committee is of the view that this would be disproportionate, bearing in mind the legal advice set out at Annex A. The Sub-Committee is aware that the first objector, Sacha Lord, had sought to withdraw his objection to the application. However, that purported

withdrawal was not 24 hours prior to the hearing, as required by Regulation 18, nor was it withdrawn orally at the hearing, Mr Lord not being in attendance, and it so remained within the papers before the Sub-Committee.

- xxi. Having considered all of the written and oral representations, the Sub-Committee is satisfied that the grant of a premises licence, subject to the conditions set out at Annex B, is appropriate and proportionate for the promotion of the licensing objectives.

#### **TIME THAT THE DETERMINATION SHALL TAKE EFFECT**

11. Forthwith

#### **RIGHTS OF APPEAL**

12. There is a right of appeal which is set out further in Annex C attached to this decision.

Issued by            Chair of Licensing Sub-Committee

Dated                22 September 2023



**IN THE MATTER OF THE LICENSING ACT 2003:**

**MVL PROPERTIES (2017) LTD  
PREMISES LICENCE APPLICATION  
THE LEADMILL**

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**LEGAL ADVICE GIVEN AT THE OUTSET OF THE HEARING  
AND PROCEDURE TO BE FOLLOWED AT THE HEARING**

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As there are persons watching and participating in these proceedings who may not have experienced licensing matters before, it may be useful if I set out, in broad terms, what this hearing is and is not about, and what the sub-committee can and cannot do.

The sub-committee is made up of three elected councillors from the council's Licensing Act Committee. They make the decision on this application.

I am the legal advisor to this sub-committee. At any time during these proceedings, the sub-committee may receive legal advice from me, and that can be in open session or in private.

THE APPLICATION

1. The application before members is made by MVL Properties 2017 Ltd ("MVL Properties" "the applicant") which applies for a premises licence in respect of premises known as the Leadmill at 6 - 7 Leadmill Road, Sheffield.
2. A separate premises licence is already in place there, that licence being held by The Leadmill Ltd, with Mr Ian Lawlor as the Designated Premises Supervisor.
3. The Licensing Act does not prevent more than one premises licence from existing at the same premises at the same time. The grant or refusal of a premises licence to this applicant does not directly impact the pre-existing premises licence; that licence is neither transferred,

nor extinguished at this hearing. That pre-existing premises licence will continue in effect at the end of this hearing as it does at the start.

#### THE SUB-COMMITTEE'S REMIT

4. The purpose of this hearing is purely to consider the application submitted by MVL Properties. It is in no way a Review of the pre-existing premises licence held by The Leadmill Ltd. The operation at the premises may be relevant to matters relating to the promotion of the licensing objectives, but this sub-committee has no powers over The Leadmill Ltd's premises licence at this hearing and cannot interfere with that licence in any way.
5. Equally, this is in no way a Review of any other premises licence. In the objections before the sub-committee, reference is made to three other licensed premises operated by the applicant. The sub-committee has no jurisdiction over those other premises licences, which are the responsibility of the relevant local licensing authorities, Newcastle City Council, Bristol City Council and Lambeth Council.
6. The operation of those venues may be relevant considerations for the sub-committee in respect of the applicant's experience, compliance history and its ability to promote the licensing objective, as may the fact that those premises licences continue in effect.
7. The sub-committee will consider representations from persons who have first-hand knowledge of the matters they raise, as well as others who address matters they have heard or read about. This can all be relevant to the decision to be reached. The weight to attach to what is raised is a matter for the sub-committee.
8. The sub-committee has jurisdiction over only one matter, which is MVL Properties application for a premises licence. There is reference within the written representations to a commercial dispute concerning the lease of the premises in question. This is not a matter which this sub-committee can adjudicate on; the lease dispute that will be considered at another place and time by a different tribunal. The applicant's intentions for the premises may be relevant, but the sub-committee cannot encroach on matters beyond its remit, and it will not seek to do so.

#### THE LICENSING ACT REGIME & LICENSING OBJECTIVES

9. What the sub-committee does seek to do is to promote of the four licensing objectives, namely:
  - The prevention of crime and disorder;
  - The prevention of public nuisance;
  - Public safety; and
  - The protection of children from harm.

- 10.** The licensing regime itself is often described as a “permissive” one, the starting point being that applications for premises licences should be granted and where no relevant representations are raised, a licence is granted without the need for a hearing.
- 11.** However, where relevant representations are received which raise concerns about the promotion of one or more of the licensing objectives, the licensing authority is obliged to hold this kind of hearing to consider representations and determine what is appropriate and proportionate to promote the licensing objectives. If the sub-committee is satisfied that the grant of a licence, subject to conditions consistent with the operating schedule, and other conditions agreed by the applicant, would be consistent with the promotion of the licensing objectives, then the application should be granted.
- 12.** If the sub-committee is not satisfied that this is enough to address concerns, it must consider whether additional condition would be appropriate and proportionate to promote the licensing objectives. Only if the sub-committee concludes that imposition of such conditions would also be insufficient to promote the licensing objectives should an application be refused.

#### PROCEDURAL MATTERS

- 13.** The participation of the public is an important part of the licensing process. There has been significant public interest in this application and so arrangements have been made for the public to watch the proceedings from within the council chamber and on-screen elsewhere in the town hall, plus the hearing is being livestreamed. This way all those who wish to follow the proceedings should be able to do so.
- 14.** Many representations have been submitted by members of the public and a significant number have indicated that they also wish to address the sub-committee at this hearing. Those who have indicated that they wish to speak will be given the opportunity to do so. However, given the number of people who wish to be heard, it would be helpful if everyone could avoid merely repeating what they have put in writing as the sub-committee has already read the papers with care. If participants want to expand upon matters raised in their written representations, then they will have the opportunity to do so, but, as many people wish to be heard, the sub-committee may ask participants to keep to time limits and may ask that a person is nominated to speak for a number of objectors where the issues they have raised overlap.
- 15.** When invited to speak, please come up to the lectern at the front and speak clearly into the microphone. That will make sure you can be clearly heard by everyone in the chamber and those following the hearing online.
- 16.** Many people may have strongly held views on the issues here, but it is important that all those taking part are able to speak without interruption. Those who have indicated that they

wish to address the sub-committee will be given the opportunity to do so, and should wait until they are invited to speak by the chair. Everyone present should avoid allow any strong feelings they have to overwhelm their self-control and should treat all others with the same respect and courtesy they would wish to receive themselves.

17. These proceedings are conducted in public view, but the sub-committee can exclude anyone from the hearing if they cause disruption so please hear other out and wait to be invited to speak.

#### 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 the Interested Parties who will be asked to detail their relevant representations. As I mentioned, it would assist if speakers could avoid merely repeating the contents of written submissions.

(d) Members may ask questions of those invited to speak

(e) With the leave of the Chair the applicant or his representative may also ask questions of those Interested Parties.

(f) The applicant and its representative will then be asked

to:-

(i) detail the application;

(ii) provide any clarification on it; and

(iii) respond to the representations made.

(g) They may then be asked questions by members of the panel and, with the leave of the Chair, may be asked questions by the other parties present.

(h) The applicant will 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 of the sub-committee to take legal advice and consider the application. The livestream will stop at that stage and everyone will be invited to leave.

The decision of the sub-Committee will be given in due course in accordance with the requirements of the Licensing legislation but members will have a great deal to consider and so it is not possible to confirm at this stage when the decision will be announced other than that it will be within the statutory time limits.

**Conditions Following The Hearing**

*Where the conditions below are inconsistent with the imposition of any condition consistent with the operating schedule, the conditions below prevail.*

**Environmental Protection Service:**

1. A written outdoor 'Noise Management Plan' ("NMP") shall be submitted in writing for approval by the EPS. The approved NMP shall include details of suitable arrangements to minimise noise breakout of the building, management of people outside the venue, measures for managing the arrival and departure of customers, including any waiting/queuing system and a solution to manage smokers or vapers outside the premises and the approved NMP shall be applied by the premises. The use of any outside area shall at all times be managed and maintained in accordance with the approved NMP. A copy of the approved NMP shall be retained on site and be made available upon request by the EPS.
2. 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 habitable room;
  - a. as a 15 minute LAeq, and;
  - b. at any one third octave band centre frequency as a 15 minute LZeq.
3. No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building.
4. The dispersal of customers from the premises must be managed in accordance with the following:
  - a. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.
  - b. A suitable member of staff and/or door supervisor(s) will be visible at each public entrance/exit to control the dispersal, to remind people to leave quietly, and to prevent patrons from re-entering the premises.

**Health Protection**

5. All organisers of events shall be required by the premises licence holder to prepare and implement an Event Management Plan (EMP) to promote the licensing objectives. For events expected to attract 500 persons or more at any one time (including staff, performers and other contractors on site) the Event Management Plan shall be provided to the Licensing Authority, and be made available to Responsible Authorities, not less than 14 days prior to the first day of the event. Any proposed revisions to the EMP shall be notified in writing to the relevant Responsible Authority and Licensing Authority before the master EMP is updated - which shall be as soon as reasonably practicable following the revision.

### **South Yorkshire Police:**

6. Door supervisors shall be employed at the premises based upon a risk assessment carried out in relation to the following factors:
  - a. Size of the venue
  - b. Expected attendance
  - c. Type of event taking place
  - d. Location of the premises
  - e. Time of year
  - f. Special occasion (New Year, Halloween, local events etc.)
  - g. Premises licence conditions.

A written log of each risk assessment must be kept and maintained by the premises and made available for inspection and copying upon request by an officer of a Responsible Authority.

7. Any door supervisors on duty at the premises must be supplied by an SIA-Approved Contractor Scheme company.
8. The premises will have and implement a written search policy for customers, which will include consideration for use of hand-held electronic search wands where the premises has deemed it appropriate in accordance with but not limited to the following:
  - a. Size of the venue
  - b. Expected attendance
  - c. Type of event taking place
  - d. Location of the premises
  - e. Time of year
  - f. Special occasion (New Year, Halloween, local events etc.)
  - g. Premises licence conditions.
9. All persons entering or re-entering the premises must be searched by a Security Industry Authority (SIA) registered door supervisor and all searches must be monitored by the premises' CCTV system.
10. The premises will acquire a number (to be agreed with South Yorkshire Police) of radio sets and will join the CCRAC Radio Scheme (City Centre Retails Against Crime). This will be in use at all times when the premises are trading under this licence, and the premises will continue to be a user of the CCRAC Radio Scheme whilst this system is in use within Sheffield.
11. A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are trading under this licence and open (in line with specification July 2020).
  - a. The CCTV images will be stored for 31 days and police and authorised officers will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance.
  - b. Members of the management team will be trained in the use of the system. Documented records of this training shall be kept for each member of the management team and shall be made available for inspection upon request by a police officer or an authorised officer of Sheffield City Council

- c. CCTV systems installed after 2021 should be full digital systems with wide dynamic range IP cameras (WDR).
  - d. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access the system, the reason why and when.
- 12. There shall be a lockable 'drugs box' at the premises to which no member of staff, except the DPS, shall have access. All controlled drugs (or items suspected to be, or containing controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all its contents must be given to South Yorkshire Police for appropriate disposal.
- 13. The Challenge 25 scheme must be operated to ensure that any person who appears to be under the age of 25 shall provide documented proof that he/she is over 18 years of age. Proof of age shall only comprise a passport, photo card driving licence, an EU/EEA national ID card or similar document, an HM Forces warrant card, a card bearing the PASS hologram, or any electronic or biometric age verification technology approved by the licensing authority.
- 14. Prominent signage must be displayed, at any point of sale and at the entrance to the premises, that the Challenge 25 scheme is in operation.
- 15. A refusals record must be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection and copying upon request by an officer of a Responsible Authority.
- 16. All staff authorised to sell alcohol shall be trained in:
  - a. Relevant age restrictions in respect of products
  - b. Preventing underage sales
  - c. Preventing proxy sales
  - d. Maintaining the refusals log
  - e. Recognising signs of drunkenness and vulnerability
  - f. How overservice of alcohol impacts upon the four objectives of the Licensing Act 2003
  - g. How to refuse service
  - h. The premises' duty of care, understanding and dealing with situations involving vulnerable people, and incidents of harassment; and how to report issues of modern slavery and trafficking.
  - i. 'Ask for Angela'
  - j. Action to be taken in the event of an emergency, including the preservation of a crime scene and reporting an incident to the emergency services
  - k. The conditions in force under this licence.
  - l. Counter terrorism (available on <https://www.protectuk.police.uk/catalogue> or any relevant government approved training following a change in name).
- 17. Documented records of staff training shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of Sheffield City Council.



18. Drinks may not be removed from the premises in open containers save for consumption in any external area designated for that purpose.
19. No customers carrying opened bottles upon entry shall be admitted to premises.
20. The use of glass-alternative drinking vessels shall be utilised in accordance with the premises' assessment of risk, taking into consideration the following:
  - a. Size of the venue
  - b. Expected attendance
  - c. Type of event taking place
  - d. Location of the premises
  - e. Time of year
  - f. Special occasion (New Year, Halloween, local events etc.)
  - g. Premises licence conditions.

A written log of each assessment of risk must be kept and maintained by the premises and made available for inspection and copying upon request by an officer of a Responsible Authority.

## APPEALS

### Licensing Act 2003

#### **181 Appeals against decisions of licensing authorities**

- (1) Schedule 5 (which makes provision for appeals against decisions of licensing authorities) has effect.
- (2) On an appeal in accordance with that Schedule against a decision of a licensing authority, a magistrates' court may—
- (a) dismiss the appeal,
  - (b) substitute for the decision appealed against any other decision which could have been made by the licensing authority, or
  - (c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court,
- and may make such order as to costs as it thinks fit.

#### **9 General provision about appeals under this Part**

- (1) An appeal under this Part must be made **to [a magistrates' court]**.
- (2) An appeal under this Part must be commenced by notice of appeal given by the appellant to the [designated officer]1 for the magistrates' court **within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.**
- (3) On an appeal under paragraph 2(3), 3(2)(b), 4(3), 5(2), 6(2) or 8(2)(a) or (c), the holder of the premises licence is to be the respondent in addition to the licensing authority.
- (4) On an appeal under paragraph 7(3)[ or (3A)]2, the person who gave the interim authority notice is to be the respondent in addition to the licensing authority.

### Schedule 5

#### **2 Decision to grant premises licence or impose conditions etc.**

- (1) This paragraph applies where a licensing authority grants a premises licence under [section 18](#).
- (2) The holder of the licence may appeal against any decision—
- (a) to impose conditions on the licence under [subsection \(2\)\(a\)](#) or [\(3\)\(b\)](#) of that section, or
  - (b) to take any step mentioned in [subsection \(4\)\(b\) or \(c\)](#) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
- (a) that the licence ought not to have been granted, or
  - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in [subsection \(4\)\(b\) or \(c\)](#) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) "*relevant representations*" has the meaning given in [section 18\(6\)](#).