

# **Licensing Sub-Committee**

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**Monday 12 October 2015 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**

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Councillors David Barker (Chair), Neale Gibson and Dianne Hurst  
Roy Munn (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 Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@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  
12 OCTOBER 2015**

**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 - Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ**  
Report of the Chief Licensing Officer
- 6. Licensing Act 2003 - 283 Ecclesall Road, Sheffield, S11 8NX**  
Report of the Chief Licensing Officer
- 7. Licensing Act 2003 - OMG, 53-59 West Street, Sheffield S1 4EQ**  
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.

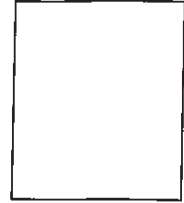
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's 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:** 12<sup>th</sup> October 2015

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**Subject:** Licensing Act 2003

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**Author of Report:** Andy Ruston

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

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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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 76/15

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

**2.0 THE APPLICATION**

2.1 The applicant is Arch 9 Music Limited.

2.2 The application, which was received on 18<sup>th</sup> August 2015, is attached to this report labelled Appendix 'A'.

**3.0 REASONS FOR REFERRAL**

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

- Interested parties
- Environmental Protection Services
- Health Protection Service

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

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 6.3 Attached at Appendix 'D' is the following: -
- a) a copy of the Notice of Hearing;
  - b) the rights of a party provided in Regulations 15 and 16;
  - c) the consequences if a party does not attend or is not represented at the hearing
  - d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

- 8.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

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

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

  
Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

# Appendix A



**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**We Arch 9 Music Limited apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

**Part 1 - Premises details**

Postal address of premises or, if none, ordnance survey map reference or description  Arch 9, 9 - 11 Wicker Arches, Walker Street	
Post town Sheffield	Post code S3 8GZ

Telephone number of premises (if any)

Non-domestic rateable value of premises

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) An individual or individuals\*  please complete section (A)
- b) a person other than an individual\*
- i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm: **Please tick ✓ yes**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function or
  - A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname  First names

I am 18 years old or over Please tick

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

Email address (optional)



**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Arch 9 Music Limited
Address 51 Clarke Grove Road Sheffield S10 2NH
Registered number (where applicable) <b>09640733</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Limited Company</b>
Telephone number (if any)
E-mail address (optional)

**Part 3 - Operating Schedule**

When do you want the premises licence to start?

Day    Month    Year

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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day    Month    Year

--	--	--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A

**Please give a general description of the premises (please read guidance note 1)**

The Applicant is proposing to convert the pre-existing Arches locally known as the Wicker Arches number 9, 10 and 11 off Walker Street, Sheffield into a licensed premises which will operate during the course of the day as a coffee shop limited bar element on the first floor but in the evening into the late night as a night club operation for both floors. The entrance to the premises will face onto Walker Street.

It is intended that the applicant's premises will have an occupancy in the order of 800 persons. The name of the premises is to be Arch 9.

The premises will also be available for cultural events and private bookings. The layout is proposed in accordance with the plans deposited with the Licensing Authority with this application being:

- Ground Floor licensing plan numbered 0049/15/03
- First Floor licensing plan numbered 0049/15/04

All licensable activities are to take place internally in the area outlined in red. To the external area forming the balcony off the first floor it is proposed that the licensable activities be limited to retail sale of alcohol and late night refreshment. The balcony situated at the first floor to the rear of the premises will during the daytime operate as an extension to the café facility and have the benefit of tables and chairs. In the evening and late night the area will be predominantly used as a smoking area. Additionally to the ground floor circulation area which may be used for cultural events, community event, exhibitions. To the first floor the mezzanine deck area will be utilised as a cooling down area.

Appropriate noise attenuation measures are included within the structure of the building following its complete refurbishment. An assessment as to the location of residents has been undertaken and it has been considered that there are none in the immediate vicinity.

The following permitted licensing hours for the premises are applied for in respect of on and off sales of alcohol, recorded music, live music, indoor sporting events and films:-

Monday to Sunday 09:00 to 04:00 hours.

In respect of New Year's Eve application is made to allow the premises to operate from 09:00 on 31<sup>st</sup> December until 04:00 on the 2<sup>nd</sup> January thereby providing extended hours.

Application is made to permit the provision of refreshments after 23:00 hours.

The premises will seek to close 1 hour after the cessation of licensable activities i.e. 5 a.m. or earlier should licensable activities conclude prior to the final permitted time.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

**Provision of regulated entertainment**

- |   |                                     |
|---|-------------------------------------|
| a) Plays (if ticking yes, fill in box A)  | <input type="checkbox"/>            |
| b) Films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/>            |

**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**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	04:00	Please give further details here (please read guidance note 3)	Both	
Tue	09:00	04:00			
Wed	09:00	04:00			
Thur	09:00	04:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri	09:00	04:00			
Sat	09:00	04:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	09:00	04:00			
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	09:00	04:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	09:00	04:00	
Wed	09:00	04:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Thur	09:00	04:00	
Fri	09:00	04:00	
Sat	09:00	04:00	
Sun	09:00	04:00	

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	04:00	Please give further details here (please read guidance note 3)	Both	
Tue	09:00	04:00			
Wed	09:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	09:00	04:00			
Fri	09:00	04:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	04:00			
Sun	09:00	04:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	09:00	04:00	Please give further details here (please read guidance note 3)	Both	
Tue	09:00	04:00			
Wed	09:00	04:00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	09:00	04:00			
Fri	09:00	04:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	04:00			
Sun	09:00	04:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	09:00	04:00		Please give further details here (please read guidance note 3)	
Tue	09:00	04:00			
Wed	09:00	04:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	09:00	04:00			
Fri	09:00	04:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	09:00	04:00			
Sun	09:00	04:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**H**

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					



**I**

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors				
				Outdoors				
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	23:00	04:00						
Tue	23:00	04:00						
Wed	23:00	04:00				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	04:00						
Fri	23:00	04:00				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	04:00						
Sun	23:00	04:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)					

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises				
				Off the premises				
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	09:00	04:00						
Tue	09:00	04:00						
Wed	09:00	04:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	09:00	04:00						
Fri	09:00	04:00				To permit sale of alcohol and such regulated entertainment authorised hereunder on New Years Eve commencing at 09:00 until 00:00 hours on 2 <sup>nd</sup> January.		
Sat	09:00	04:00						
Sun	09:00	04:00						

**State the name and details of the individual whom you wish to specify on the licence as premises supervisor**

**Name:** Mark McGrail  
**Address:** 1 Glasshouse Green, Wentworth  
**Postcode:** S62 7SD  
**Personal Licence number (if known):** RM2087  
**Issuing licensing authority (if known):** Rotherham MBC .....

**K**

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

NONE save for the presence of gaming machines the use of which is not permitted by persons under the age of 18

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)  The premises will close 1 hour after the end of the non-standard timings identified in box J above.
Mon	09:00	05:00	
Tue	09:00	05:00	
Wed	09:00	05:00	
Thur	09:00	05:00	
Fri	09:00	05:00	
Sat	09:00	05:00	
Sun	09:00	05:00	

**M**

Describe the steps you intend to take to promote the four licensing objectives:

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

This is an application for a new Premises Licence in respect of a premises which is to be totally refurbished and such works are to be undertaken to current Building Control standards. The premises is located away from residential accommodation. A risk assessment has been undertaken in relation to crime and disorder arising particularly relating to the late night operation.

The above is provided by way of explanation and not intended to be converted into conditions.

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

The applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located, the recommendations of South Yorkshire Police.

With regard to the prevention of crime and disorder the applicant would offer the following steps in order to address this issue.

1. A Colour CCTV system shall be installed at the premises to the specification and satisfaction of the South Yorkshire Police to cover internal and external areas. This will be maintained and in use at all times that the premises are open to the public. The CCTV images will be stored for a minimum of 30 days and must be made available to an authorised officer of the Council or South Yorkshire Police on production of an appropriate written authorisation.
2. The Police will be given access to and take copies of images in connection with the prevention and detection of crime and disorder.
3. The Police shall be entitled to inspect and approve the CCTV system prior to commencement of licensable activities at these premises.
4. The premises shall have doorstaff a minimum of 4 member of doorstaff at any time that the premises are open to members of the public after 21.00 hrs. During busy periods, numbers of doorstaff will be set by reference to occupancy levels.
5. The Premises Licence Holder shall maintain at the premises a register containing the following details of all doorstaff engaged at the premises :-

- (a) Full name.
- (b) Address.
- (c) Date of birth.
- (d) SIA Licence No.

Such register shall be available for inspection to South Yorkshire Police and an authorised officer of the Council.

6. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises.
7. There shall be a zero tolerance drugs policy at the premises and there shall be suitably secure "drop box" for any illegal substances or items confiscated from customers. Seized items will be handed to South Yorkshire Police.
8. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public. There shall be a system for removing those open vessels from customers entering or leaving the premises. Signs shall be displayed at all exits requiring the public respect the needs of local residents and leave the premises and area quietly.
9. Alcoholic drinks may not be removed from the premises in open containers save for consumption in external areas provided for that purpose.
10. No customers carrying open bottles of alcoholic drink upon entry shall be admitted to the premises at any time the premises are open to the public.
11. A refusal log and incident log will be maintained and audited by management.
12. All staff to receive induction training, refresher training to be undertaken on an annual basis. Such training to be recorded and made available to the Licensing Authority and South Yorkshire Police for a period of 12 months.
13. On occasions that the premises operates beyond 12 midnight Monday, Tuesday, Wednesday, Thursday the Designated Premises Supervisor or nominated team member shall provide South Yorkshire Police with seven days' notice in writing.
14. The use of plastic drinking vessels will be risk assessed on an event by event basis.

#### **c) Public safety**

1. The Premises Licensee will comply with the reasonable requirements of the Fire Officer from time to time under the prevention of public nuisance.
2. The occupancy of the premises shall be set by reference to the fire risk assessment.

**d) The prevention of public nuisance**

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

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

1. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
2. The Designated Premises Supervisor, or other such responsible person, will be assigned to the role of safeguarding co-ordinator. This person should act in accordance with the training and guidance provided by the Sheffield Safeguarding Children Board.
3. All events or functions involving persons under the age of 18 must be planned with reference to the Sheffield Safeguarding Children Board good practice guidance for events and include a written risk assessment and evidence of staff briefings.
4. Persons under the age of 18 years are not permitted to remain at the premises after 21:00 hours unless they are accompanied by a responsible adult and attending a private pre-booked family style function in a private designated area to which access is controlled.
5. Persons under the age of 18 years are not permitted when the premises operates as an adult night club.
6. All customers, including those using concessionary passes/VIP or guest list access, must be subject to age checks and security checks including customers re-entering the premises.
7. The Designated Premises Supervisor or some such other person will be assigned to act as lead safeguard for children's issues at the premises.
8. The premises shall operate the Challenge 25 proof of age scheme and staff shall be instructed to seek identification from any person who appears to be under the age of 25 yrs. Appropriate signage and an identification checking system shall be in place. All persons seeking to enter the premises while operating as an adult night club shall be subject to the Challenge 25 policy including those using concessionary passes/VIP or guest list access.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

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

Signature: John Gaunt & Partners

Date: 14<sup>th</sup> August 2015

Capacity: Solicitor for the Applicant

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: .....

Date: .....

Capacity: .....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT

### Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

**Schedule 11**

**Consent of individual to being specified as premises supervisor**

I, Mark McGrail of 1 Glasshouse Green, Wentworth, Rotherham hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for variation of the premises licence by Arch 9 Music Limited relating to a premises licence for Arch 9, 9 - 11 Wicker Arches, Walker Street, Sheffield, S3 8GZ and any premises licence to be granted or varied in respect of this application made by Arch 9 Music Limited concerning the supply of alcohol at Arch 9, 9 - 11 Wicker Arches, Walker Street, Sheffield, S3 8GZ

I also confirm that I am applying for, intend to apply for, or currently hold, a personal licence.

Personal Licence number: RM2087

Personal Licence Issuing authority : Rotherham MBC.

*{insert name and address and telephone number of personal licensing issuing authority, if any}*

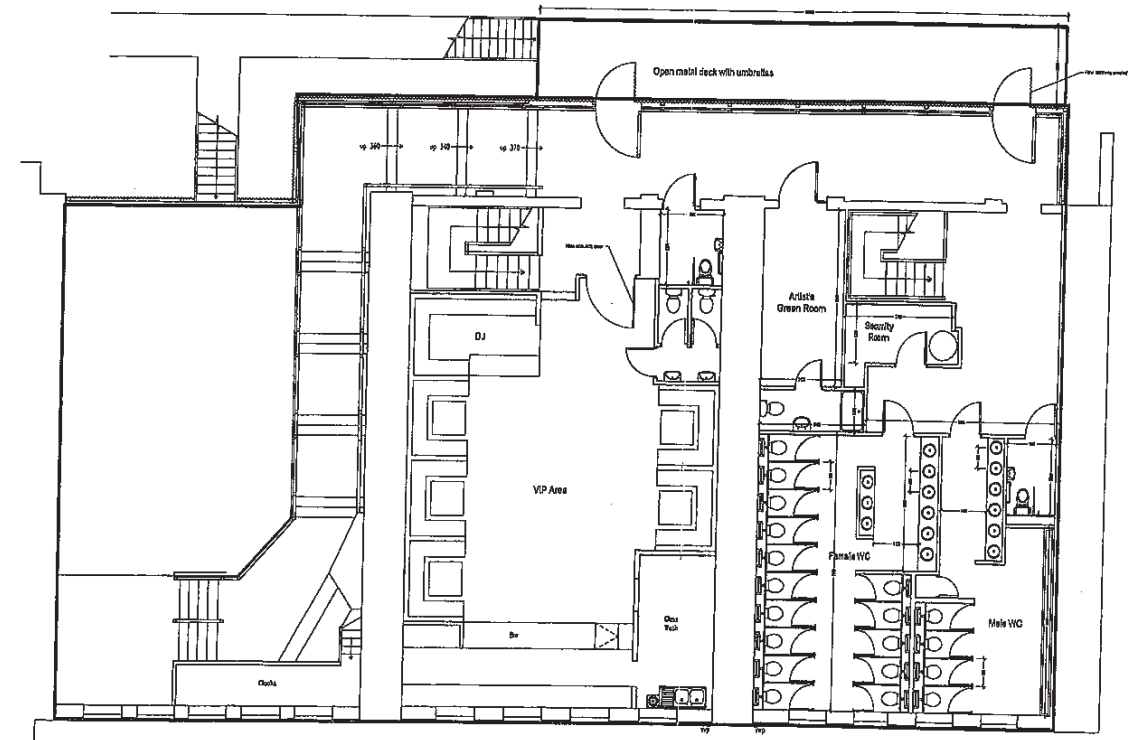
Signed:  .....

Name (please print): Mark Vincent McGrail.....

Dated: 2015-08-10 .....

Notes  
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Proposed occupancy: 600 people  
 Total Seating  
 Female: 31 WCs & 16 wash basins  
 Male: 3 WCs & 2 wash basins  
 Disabled: 3 WCs suitable with document M1 packs  
 Artists Green Rooms: 1 WC & 1 wash basin



First Floor Plan - Proposed

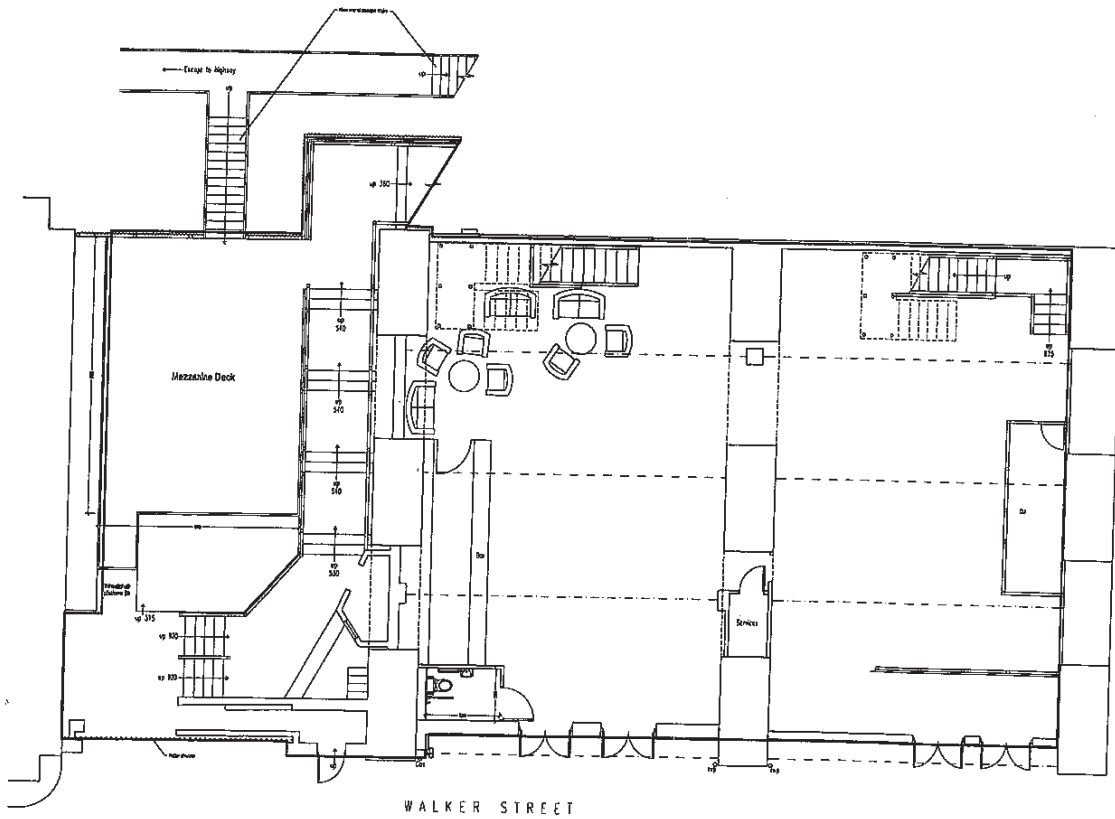
Arch 9, Walker Street, Sheffield

DRAFT

BUILDINGS	White Design	
	SME Ltd	
	Arch 9, Walker Street, Sheffield	
	First Floor Plan - Proposed	
	150 @ A1	SJ July 2015
0049/15 - 04		



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Ground Floor Plan - As Proposed

Arch 9, Walker Street, Sheffield

DRAFT

White Design	
Architect	SWE/jid
Project	Arch 9, Walker Street, Sheffield
Ground Floor Plan - Proposed	
Date	July 2015
Scale	1:50 @ A1
Ref	0049/15 - 03

(Amended Plans)  
attached

**Hellewell Lindsey**

**From:** Bower Claire on behalf of licensingservice  
**Sent:** 17 September 2015 10:19  
**To:** Hellewell Lindsey  
**Subject:** FW: Arch 9, The Wicker, Sheffield  
**Attachments:** Arch-9, Walker Street

**From:** Sue McCourt [<mailto:smccourt@john-gaunt.co.uk>] **On Behalf Of** Michelle Hazlewood  
**Sent:** 17 September 2015 09:00  
**To:** licensingservice  
**Subject:** Arch 9, The Wicker, Sheffield

Dear Sirs

We are aware from our discussions with you that the consultation period in connection with the application for new Premises Licence for Arch 9 expires today.

We are also aware, that objections have been received from Noise Pollution (Environmental Health) and two residents.

We are in receipt of the Noise Control representation which has been sent to us directly but would be grateful if you could forward to us as soon as possible, the residential objections.

Additionally, during the course of the consultation period various requests have been made by Building Control (Environmental Health) as to the layout of the premises along with those from Sound Control as a result of which changes to the internal layout have been undertaken and for your purposes we attach updated plan 0049/15/03D which reflects those changes.

The plan has not yet been circulated to all Responsible Authorities as, further minor tweaks were being discussed and potentially undertaken.

We appreciate that in view of the fact that the consultation period shall expire today you should be in receipt of the latest plan within the consultation period and therefore attach the same, slight amendments to the layout may flow from the continued discussions with the Responsible Authorities and if this arises we will advise you accordingly.

Should you require hard copy of the plan please let us know. Particularly, if you wish to forward the same to the residential objectors.

Yours faithfully

**Michelle Hazlewood**

Partner  
Sent by Sue McCourt

Please note that exceptionally our offices will be closed from 12.00 noon on Friday 18 September for the afternoon; our 24/7 emergency helpline (0114 2663400) will be operational.

MHazlewood@john-gaunt.co.uk | [www.john-gaunt.co.uk](http://www.john-gaunt.co.uk)  
T: 0114 266 8664 | M: 07801 924 301 | F: 0114 267 9613

## Hellewell Lindsey

---

**From:** Steve James <steve@selfarchitects.co.uk>  
**Sent:** 07 September 2015 15:24  
**To:** mark@sme-ltd.co.uk  
**Cc:** Michelle Hazlewood; Steve Taylor  
**Subject:** Arch-9, Walker Street  
**Attachments:** Issue Sheet 1-2.doc; 0049-15 - 03D - GF Proposed.pdf

Mark,

Please see the revised plan attached showing the store, staff / first aid and security rooms separated. I don't have any drawings showing where the legs of the mezzanine floor go, so there will inevitably be conflicts. I will revise our drawing again to suit the layout from Prodek when we get it.

Kind regards,

Steve James

---

☎ 0114 2588 125;  
sjames@selfarchitects.co.uk  
www.selfarchitects.co.uk

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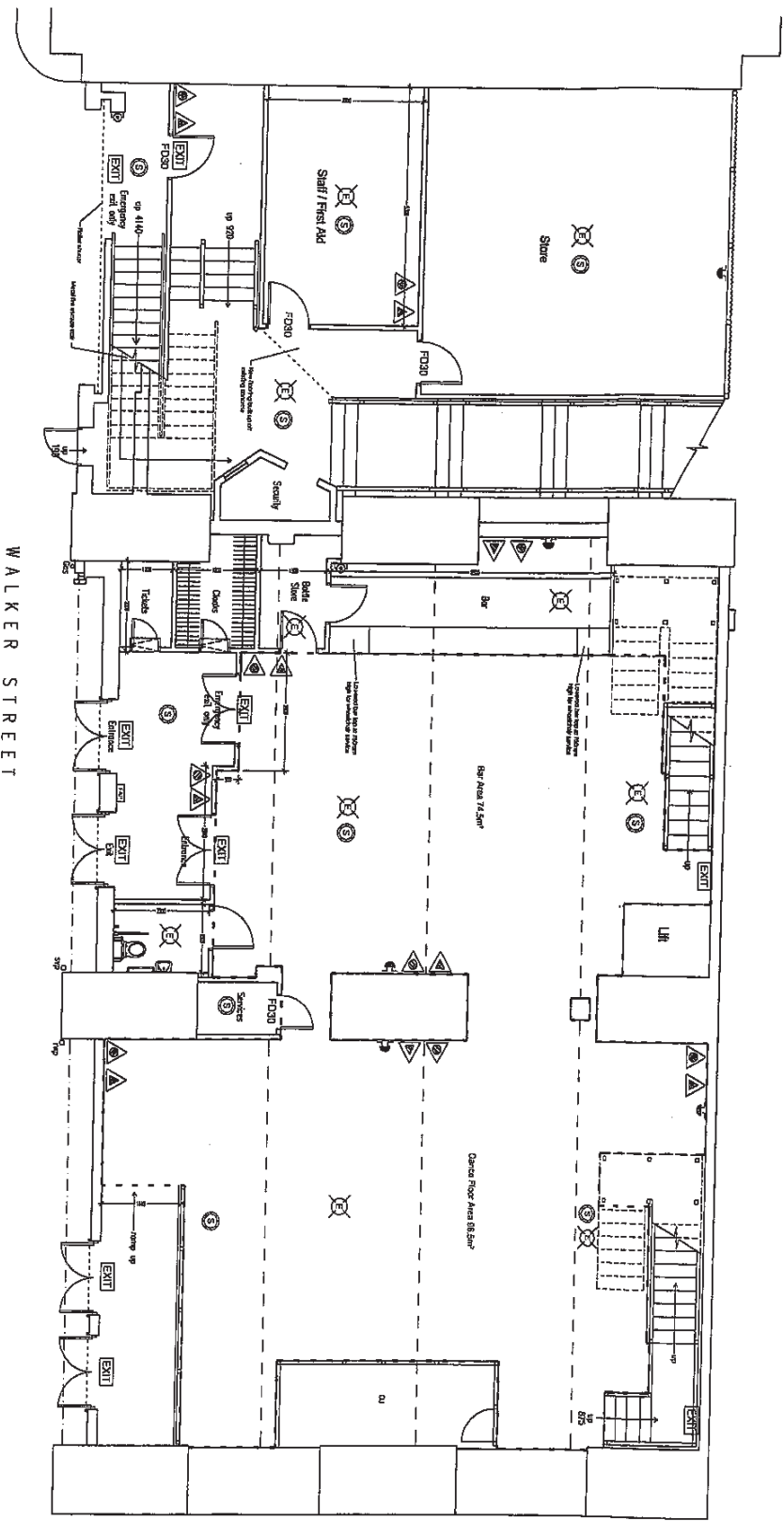
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Arch 9, Walker Street, Sheffield

Ground Floor Plan - As Proposed



**NOTES**  
 1. Refer to the project brief for details of the proposed fit out.  
 2. All fire doors and frames to be 1/2 hour fire rated.  
 3. All fire doors to be self-closing.  
 4. All fire doors to be protected with intumescent strips and smoke seals.  
 5. All fire doors to be protected with intumescent strips and smoke seals.  
 6. All fire doors to be protected with intumescent strips and smoke seals.  
 7. All fire doors to be protected with intumescent strips and smoke seals.  
 8. All fire doors to be protected with intumescent strips and smoke seals.  
 9. All fire doors to be protected with intumescent strips and smoke seals.  
 10. All fire doors to be protected with intumescent strips and smoke seals.

**KEY**

- 3D outline fire rated door with intumescent strips and smoke seals
- Fire door
- Magnetic hold back detector
- Illustrated exit sign
- External emergency light fitting
- Internal emergency light fitting
- Break glass call point
- Door hold open
- Fire alarm panel
- 6 litre spray foam extinguisher
- 2kg CO2 extinguisher

**DOORS**  
 All fire doors and frames to be 1/2 hour fire rated with intumescent strips and smoke seals.  
**Sound Systems**  
 Callout to all amplified music source systems on activation of the fire alarm.  
 --- Corridor bar and dance floor areas = 171sqm

**White Design**  
 SWE Ltd  
 Arch 9, Walker Street,  
 Sheffield  
 Ground Floor Plan - Proposed

Project No	0049/15 - 03
Client	SJ
Date	July 2015
Drawn by	D
Checked by	
Scale	
Author	

2nd Fl, Walker Street, Sheffield S11A.  
 E: info@whitedesign.co.uk  
 T: 0114 276 1111

**Drawing Register & Issue Sheet**

**Job No.**  
0049/15  
**Sheet No.**  
1-2



24a St Andrews Road, Sheffield, S11 9AL  
Tel: 0114 226 0255 Fax: 0114 226 0256  
Email: office@whitedg.co.uk

Client	SME Ltd			Date of Issue																		
Project Title	Arch 9, Walker Street, Sheffield			Day	04	07																
				Month	09	09																
				Year	15	15																
Drawing Description	Size	Scale	Drawing No.																			
Site Location Plan	A4	1:1250	00																			
Existing Ground Floor Plan	A1	1:50	01																			
Existing 1 <sup>st</sup> Floor Plan	A1	1:50	02																			
Proposed Ground Floor Plan	A1	1:50	03																			
Proposed 1 <sup>st</sup> Floor Plan	A1	1:50	04																			
Front Elevation	A2	1:100	05	#																		
Coloured Front Elevations	A1	1:50	06																			
1 <sup>st</sup> Floor – Proposed Finishes	A3	1:100	07																			
Ground Floor Finishes	A3	1:100	08																			
1 <sup>st</sup> Floor Plan	A2	1:100	09																			

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Planning Department																				
Building Regulations - Assent		#																		
Environmental Services – Sean Gibbons																				
CDM – Alan Nock / Frazer Swann																				
Pro-Dek – Mark Hughes																				
Fire Officer – Mark Briggs																				
Environmental Protection Officer – Neal Pates																				

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**REASONS FOR ISSUE**

B = Building Regulations	A = Approval																			
I = Information	C = Construction																			
M = Marked	P = Planning																			
T = Tender																				

# Appendix B

**Hellewell Lindsey**

---

**From:** Bower Claire on behalf of licensingservice  
**Sent:** 14 September 2015 14:40  
**To:** Hellewell Lindsey  
**Subject:** FW: Objection to Arch 9, Walker Street

Please file this objection.

Ta

**From:** [REDACTED]  
**Sent:** 14 September 2015 13:48  
**To:** licensingservice  
**Subject:** Objection to Arch 9, Walker Street

Dear Licensing Department

**Objection to Licence for Arch 9 Night Club Walker Street**

We would like to register an anonymous objection to the above application. Our objections are as follows:

1. **Hours of licence & Noise**- The application is for a licence between roughly 08:00 to 05:00 7 days a week. Noise insulation and vibrations through the structure between the Arches is not adequate enough to stop sound transferring into our place of business. We regularly carry out noise sensitive office work during office hours and occasionally out of office hours. The sustained noise from the above application could disrupt our business. It is clear from reading the application that the premises do not intend to operate their requested hours regularly, therefore we would request that the licence only be granted outside usual office hours (6pm - 8am) on the days they intend to open, with additional licences being applied for as and when necessary, this would allow us to plan our noise sensitive work around these instances.
2. **Parking** - Many of the businesses on Walker Street rely on the paid on-street parking which is available for their own and their customers' use. We feel that the granting of this licence without any further thought to parking for existing businesses would seriously affect them. By the nature of late night drinking, cars will be left for later collection, blocking any use for existing businesses until such time that they are collected.
3. **Capacity** - The quoted capacity of 800 seems unachievable safely. In my opinion 200-250 would seem more in line. I encourage proper consultation on this prior to granting any licence.
4. **Off Premises Drinking** - The application is to include selling for consumption off the premises. We find it unlikely that this would be required in this location except for reasons which may aid antisocial behaviour.
5. **Outside area** - The addition of an outside area to the rear of the property is without planning permission, it is also not as per the plans submitted as part of the premises licence, the construction is also of wood, not metal as stated on the plans. The addition of this outside area in our opinion will encourage litter and cigarette disposal over the side.
6. **Planning Permission** - The premises form part of a grade 2 listed building and all works to the outside of the building require planning permission. No planning application has been submitted as at 09/09/2015 even though extensive works have started, some of which permanently change the listed aspect. Sheffield planning officers have visited and advised

work to stop but this has carried on regardless. This indicates a failure to obey regulations and we would like it noting that any future regulations / orders may well be ignored.

7. **Anti Social Behaviour** - We believe the aim of reopening the club is to recreate a similar music experience to a similar audience as it did in the 90's, it is well known and documented that this attracted underage admissions, drug abuse and anti social behaviour in the area and that the club management was not always legitimate, which we are keen not to replicate as it will affect public perception of the area and our business.
8. **Drug Misuse** - The area is currently suffering from drug dealing and misuse problems which have been steadily growing over the past 6 - 12 months. The police have been informed and attended a number of times but this is still a growing problem. Dealing is taking place just 10 metres from the proposed premises on a regular basis. Adding a club in this location is only going to fuel and encourage this growth.
9. **Litter** - There will obviously be litter created by people attending and leaving the premises. We would like a proper plan in place to deal with this so it doesn't affect local businesses.
10. **Food** - The application mentions food. The only provision for this I can see is a BBQ on the rear wooden decking. As this is a wooden structure I would suggest it is a safety hazard and, therefore, not guaranteed to receive planning permission.
11. **Street Safety**- We, along with other businesses, use the area for out of hours loading / unloading in connection with our businesses. The feel on the street in general is very safe and certainly, until the recent drug issue, I did not have an issue working alone throughout the night, moving equipment in the street. I feel that the addition of a night club in Arch 9 is not in keeping with the current use of the of the area and would increase the risk of anti social behaviour, theft and vandalism that would have a considerable effect on our business.

Please could you acknowledge receipt of this objection and provide further information on the timelines and process of the application going forward.

Again can I please request that these objections are kept anonymous.

Thanks

[Redacted]

[Redacted] Walker Street | Sheffield | S3 8GZ

[Redacted]



**Hellewell Lindsey**

---

**From:** Bower Claire on behalf of licensingservice  
**Sent:** 15 September 2015 13:23  
**To:** Hellewell Lindsey  
**Subject:** FW: Report - Arch 9, Wicker - Grant Application LAC2003 NEW

**From:** Spencer Fearn [mailto:spencer@learnaliving.co.uk]  
**Sent:** 15 September 2015 12:17  
**To:** Pates Neal  
**Cc:** Michelle Hazlewood; mark@sme-ltd.co.uk; NICK HUSSEY; Steve James; Gibbons Sean (DEL); licensingservice; Round Jonathan  
**Subject:** Re: Report - Arch 9, Wicker - Grant Application LAC2003 NEW

Hi Neal,

Thank you for the response. We will revert when we have discussed your detailed note.

Regards

Sent from my iPhone

On 15 Sep 2015, at 11:26, Pates Neal <Neal.Pates@sheffield.gov.uk> wrote:

**RE: LAC2003 Premises Licence Variation Application – Arch 9, 9-11 Wicker Arches, Walker St, Sheffield S3 8GZ**  
EPS Ref: 554853/NEP  
JG & P Ref: MH/GEN/ARC25

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

Good Morning Spencer,

Unfortunately the noise report forwarded is not helpful. It does not seek to address the key points I identified in the email I sent to you on 03/09/2015 (attached for reference). There is no detailed review of acoustic weak points in the building, no advice regarding sound insulation works or sound attenuation measures. The report does not seek to address the +3dB criteria I described, and instead predicts breakout impacts at distant receptor positions, ignoring or inappropriately discounting other more proximate residential receptors (including the hostel at The Station, Wicker and the residential conversion at 11-15 Brunswick Road, both of which I discussed with you during the meeting on site and identify in the attached email). The propagation calculations presented are simplistic and of no real value, making assumptions which are clearly inappropriate for the actual situation on the ground (i.e. no barrier or reflections in a highly built up area). The reference to The Code of Practice on Environmental Noise Control at Concerts is inappropriate, given that we are dealing with an indoor music venue.

The report conducts all noise monitoring during the daytime; a critical flaw given that the noise impacts of concern are associated with a late-opening nightclub. The reporting of L<sub>peak</sub> levels in the context of an environmental noise survey, and the inclusion of monitoring of environmental noise levels inside the subject building are both unusual and of questionable merit in this context. The authors seem to focus on methods and concerns related to Health & Safety, and the reporting has a distinct bias towards advice in this area. However, this was not the concern I put to you, and the authors have not therefore addressed the relevant concerns.

I have checked online, as these consultants are not ones I am familiar with. Their website does indeed identify them as Health & Safety consultants. Since I am not privy to the information you provided when engaging Southall Associates, I cannot comment on the basis for the misunderstandings that have clearly resulted. I would note that the report is unreferenced, does not identify an author or their relevant qualifications, and does not suggest any process of having been checked by any other party prior to issue. I would also comment that, in my view, any meaningful Health & Safety compliance advice would typically be sought and provided after the building works and sound sources are installed and operational.

I must advise you that the report is of little use in the context of the concerns I have put to you, and does not advance the situation in respect of my public nuisance concerns over your current premises licence application. **In light of the above, and the imminent deadline for RA representations, I must now advise you of my formal objection to this premises licence application.** I remain optimistic that suitable control measures can be agreed, and a suitable set of conditions may be negotiated prior to this matter going before committee. However, given the delay resulting from the problems with the noise report, and the incomplete building and fit-out works, I feel I must object at this stage.

Please do not hesitate to contact me directly to discuss this advice.

Kind Regards,

Neal Pates

Neal Pates  
Environmental Protection Officer  
Environmental Protection Service  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB  
Tel: +44 (0)114 205 3688  
Fax: +44 (0)114 273 6464  
web: <http://www.sheffield.gov.uk/environment/environmental-health>

**From:** Spencer Fearn [<mailto:spencer@learnaliving.co.uk>]  
**Sent:** 15 September 2015 08:16  
**To:** Pates Neal; Gibbons Sean (DEL)  
**Cc:** [mark@sme-ltd.co.uk](mailto:mark@sme-ltd.co.uk); 'Michelle Hazlewood'; 'NICK HUSSEY'; 'Steve James'  
**Subject:** Report

Good Morning Neal and Sean,

Please see attached.

Regards

Spencer Fearn  
Managing Director



Enterprise House  
Bridge Street  
Rotherham  
S60 1QJ  
United Kingdom  
07949 01 25 22 (Mobile)

[spencer@learnaliving.co.uk](mailto:spencer@learnaliving.co.uk)  
[www.learnaliving.co.uk](http://www.learnaliving.co.uk)

<image002.png><image003.png><image004.png>



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<Env Noise Assessment Sept 2015 - Arch 9 @ 9 - 11 Wicker Arches, Walker Street, Sheffield, S3 8GZ v2.pdf>

<9-11 Wicker Arches>

## Ruston Andy (CEX)

---

**From:** Pates Neal  
**Sent:** 23 September 2015 12:35  
**To:** 'Michelle Hazlewood'  
**Cc:** 'mark@sme-ltd.co.uk'; 'Spencer Fearn'  
**Subject:** RE: Report - Arch 9, Wicker - Grant Application LAC2003 NEW

**RE: LAC2003 Premises Licence Variation Application – Arch 9, 9-11 Wicker Arches, Walker St, Sheffield S3 8GZ**

EPS Ref: 554853/NEP  
JG & P Ref: MH/GEN/ARC25

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

Good Afternoon Michelle,

Regarding the above premises licence grant application and the representation detailed below. As you are aware, there have been various problems regarding the application, ongoing works at the premises, and the Southall Associates noise report submitted in support of the application. I have not been able to establish any meaningful dialogue with the noise report author, and unfortunately this matter remains unresolved.

However, I have recently attended a second site meeting with Mark McGrail, and I was reassured to some extent by the progress of sound attenuation works, the scheduled further works, and the proposed changes to the layout plans initially discussed, particularly in the mezzanine area. I understand this area is now to be fully enclosed.

I am optimistic that Prevention of Public Nuisance concerns may now be addressed by agreement of some suitably conditions. The application form lists no.1. proposed condition for the Prevention of Public Nuisance; I am happy to agree this condition, and propose a further 5 conditions for your consideration.

1. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly. - *Agreed*
2. Save for access, egress, and in case of emergency all doors and windows shall remain closed whenever regulated entertainment is taking place on the premises. Doors intended to function as part of an acoustic lobby shall not be propped or fixed open at any time. - *Proposed*
3. All ventilation outlets serving or connected to licensed areas are to be acoustically baffled. - *Proposed*
4. No amplified sound shall be played in upstairs or downstairs areas except through an in-house amplified sound system fitted with its own sound limiting facility capable of limiting the sound level output of each system to a pre-set level which may then be secured in a tamperproof manner. The design and setting of each limiter shall have received the prior written approval of Sheffield City Council's Environmental Protection Service prior to any regulated entertainment taking place in the relevant section of the premises. - *Proposed*
5. A management plan shall be held on site detailing the importance of monitoring and controlling the behaviour of customers in the immediate vicinity of the premises (including smokers), and the dispersion of customers towards the close of trading: Staff shall be suitably trained to implement the management plan and a copy of the plan and any referenced policies shall be made available upon request by the Licensing Authority. - *Proposed*
6. Between the nighttime hours of 23:00 and 07:00 no seating shall be retained on the outdoor rear terrace and customer access to this area shall be limited and actively managed to be for smoking purposes only, and to a maximum occupancy of 20 persons at any time. No drinks shall be allowed on the terrace during these nighttime hours. - *Proposed*

Kind Regards,

Neal Pates

Neal Pates  
Environmental Protection Officer  
Environmental Protection Service  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB  
Tel: +44 (0)114 205 3588  
Fax: +44 (0)114 273 6464  
web: <http://www.sheffield.gov.uk/environment/environmental-health>

**From:** Pates Neal  
**Sent:** 15 September 2015 11:26  
**To:** 'Spencer Fearn'; 'Michelle Hazlewood'  
**Cc:** mark@sme-ltd.co.uk; 'NICK HUSSEY'; 'Steve James'; Gibbons Sean (DEL); licensingservice; Round Jonathan  
**Subject:** FW: Report - Arch 9, Wicker - Grant Application LAC2003 NEW  
**Importance:** High

**RE: LAC2003 Premises Licence Variation Application – Arch 9, 9-11 Wicker Arches, Walker St, Sheffield S3 8GZ**

EPS Ref: 554853/NEP  
JG & P Ref: MH/GEN/ARC25

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

Good Morning Spencer,

Unfortunately the noise report forwarded is not helpful. It does not seek to address the key points I identified in the email I sent to you on 03/09/2015 (attached for reference). There is no detailed review of acoustic weak points in the building, no advice regarding sound insulation works or sound attenuation measures. The report does not seek to address the +3dB criteria I described, and instead predicts breakout impacts at distant receptor positions, ignoring or inappropriately discounting other more proximate residential receptors (including the hostel at The Station, Wicker and the residential conversion at 11-15 Brunswick Road, both of which I discussed with you during the meeting on site and identify in the attached email). The propagation calculations presented are simplistic and of no real value, making assumptions which are clearly inappropriate for the actual situation on the ground (i.e. no barrier or reflections in a highly built up area). The reference to The Code of Practice on Environmental Noise Control at Concerts is inappropriate, given that we are dealing with an indoor music venue.

The report conducts all noise monitoring during the daytime; a critical flaw given that the noise impacts of concern are associated with a late-opening nightclub. The reporting of Lpeak levels in the context of an environmental noise survey, and the inclusion of monitoring of environmental noise levels inside the subject building are both unusual and of questionable merit in this context. The authors seem to focus on methods and concerns related to Health & Safety, and the reporting has a distinct bias towards advice in this area. However, this was not the concern I put to you, and the authors have not therefore addressed the relevant concerns.

I have checked online, as these consultants are not ones I am familiar with. Their website does indeed identify them as Health & Safety consultants. Since I am not privy to the information you provided when engaging Southall Associates, I cannot comment on the basis for the misunderstandings that have clearly resulted. I would note that the report is unreferenced, does not identify an author or their relevant qualifications, and does not suggest any process of having been checked by any other party prior to issue. I would also comment that, in my view, any meaningful Health & Safety compliance advice would typically be sought and provided after the building works and sound sources are installed and operational.

I must advise you that the report is of little use in the context of the concerns I have put to you, and does not advance the situation in respect of my public nuisance concerns over your current premises licence application. **In light of the above, and the imminent deadline for RA representations, I must now advise you of my formal objection to this premises licence application.** I remain optimistic that suitable control measures can be agreed, and a suitable set of conditions may be negotiated prior to this matter going before committee. However, given the delay resulting from the problems with the noise report, and the incomplete building and fit-out works, I feel I must object at this stage.

Please do not hesitate to contact me directly to discuss this advice.

Kind Regards,

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**Neal Pates**

Neal Pates  
Environmental Protection Officer  
Environmental Protection Service  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB  
Tel: +44 (0)114 205 3588  
Fax: +44 (0)114 273 6464  
web: <http://www.sheffield.gov.uk/environment/environmental-health>

**From:** Spencer Fearn [<mailto:spencer@learnaliving.co.uk>]  
**Sent:** 15 September 2015 08:16  
**To:** Pates Neal; Gibbons Sean (DEL)  
**Cc:** [mark@sme-ltd.co.uk](mailto:mark@sme-ltd.co.uk); 'Michelle Hazlewood'; 'NICK HUSSEY'; 'Steve James'  
**Subject:** Report

Good Morning Neal and Sean,

Please see attached.

Regards

**Spencer Fearn**  
Managing Director



Enterprise House  
Bridge Street  
Rotherham  
S60 1QJ  
United Kingdom  
07949 01 25 22 (Mobile)

[spencer@learnaliving.co.uk](mailto:spencer@learnaliving.co.uk)  
[www.learnaliving.co.uk](http://www.learnaliving.co.uk)



INVESTORS IN PEOPLE



Save a tree - we only print emails we need to.

Confidentiality and Privacy: If you have received this email in error, please notify the sender. The e-mail and any attached files are intended only for the use of the person or organisation to whom they are addressed. It is prohibited and may be unlawful to use copy or disclose these documents unless authorised to do so. We may need to monitor emails we send and receive.

**Hellewell Lindsey**

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**From:** Bower Claire on behalf of licensingservice  
**Sent:** 15 September 2015 13:22  
**To:** Hellewell Lindsey  
**Subject:** FW: Premises Licence - 9 - 11 Wicker Arches Sheffield  
**Attachments:** MOS licencing objection 130915.pdf

There's few objections - I'll send them all following this....

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

**From:** Howard Mee [<mailto:howardm0506@aol.com>]  
**Sent:** 15 September 2015 09:09  
**To:** [howardm0506@aol.com](mailto:howardm0506@aol.com); licensingservice  
**Subject:** Re: Premises Licence - 9 - 11 Wicker Arches Sheffield

Dear Sirs

I understand that you may have difficulty opening this attachment and I have therefore re-attached it in PDF format now.

MOS Management Committee

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

**From:** Howard Mee <[howardm0506@aol.com](mailto:howardm0506@aol.com)>  
**To:** licensingservice <[licensingservice@sheffield.gov.uk](mailto:licensingservice@sheffield.gov.uk)>  
**Sent:** Mon, 14 Sep 2015 21:07  
**Subject:** Premises Licence - 9 - 11 Wicker Arches Sheffield

Dear Sirs

Please find attached our objection to the licence application at the above address which we hope is self-explanatory but if you require any further information or clarification please let us know We look forward to receiving confirmation of receipt of this objection by return if possible.

Thank you in

anticipation of your assistance in this matter.

Regards

MOS Management  
Committee



Manor Operatic Society

29 Walker Street

Sheffield S3 8GZ

13<sup>th</sup> September 2015

Dear Sirs

**Re:- Arch 9 at 9 – 11 Wicker Arches Licencing Application**

We are making representations on behalf of the Management Committee and Members of Manor Operatic Society to object to the application for an alcohol licence at the premises at 9 to 11 Wicker Arches. Our premises are 27,29 and 31 Walker Street on the opposite side of Walker Street from the application.

Manor Operatic Society has occupied these premises since 1997 and have experienced quiet enjoyment of the property since then until very recently when several activities in the area have increased problems of drugs ,drunkenness and anti-social behaviour on and around Walker Street.

Manor Operatic Society is one of the oldest Societies in Sheffield established in the fifties on the Manor Estate. The Society is renowned for the Christmas Pantomime at the City Hall which performs to around 20000 people from Sheffield and South Yorkshire every year. Our rehearsal rooms at Walker Street provide us with a base from which 100s of members over the years have benefitted. We rehearse 3 to 4 evenings a week and use the premises to make props etc, have meetings and store equipment. We also produce a show at the City hall in May/June each year.

This means that our buildings are in use throughout the year and particularly in the evenings when members park on Walker Street and we often have members leaving late into the evening whose safety would be compromised should this licence be granted. We understand that the capacity of the premises will be in the hundreds and this will cause an unacceptable threat to the safety of our members. It will therefore be irresponsible of the Council to grant this licence.

For example over the Christmas and New Year period just gone when we are in and out of our premises due to the Pantomime an overnight event was held at 9 – 11 Wicker Arches which presumably was illegal as no licence existed – there were cars and camper vans all down Walker Street and clearly drugs were being dealt and drinking. We have found used syringes and broken bottles directly outside our doorway and the grant of this licence would significantly add to crime and disorder in the area as this is an isolated area away from entertainment areas in Sheffield and therefore will not be policed adequately to prevent public nuisance and disruption to the businesses and ourselves.

This area of the City is not zoned for this type of use and we also understand that the proposed use does not even have planning permission and therefore a licence should not be granted. Wicker Arches are also Listed Buildings and therefore Listed Building Consent is also required for the proposed use. Under these circumstances the Council should not grant a licence for an unlawful use.

We would ask that you check this proposed use with Sheffield Council Planning Department.

Our shows and pantomimes very often involve children (Annie and Peter Pan in recent years) when up to 24 children rehearse at our rehearsal rooms 3 or 4 times a week in the evenings. Parents drop



them off and park on Walker Street to collect them after rehearsals and we are extremely conscious of our safeguarding responsibilities. We therefore feel that the licence will significantly reduce the protection of children if allowed and the Council will be responsible for any difficulties this use will create.

The licence applied for runs from 9 am to 4 am seven days a week which is totally unacceptable as this will lead to public disorder and nuisance throughout the day and evening into the early hours of the morning. This will completely change the character of Walker Street which is already developing a drug problem centred around the rear of the Station Hotel on The Wicker where groups gather and where our members are intimidated.

In addition granting the licence will create parking problems, noise, disruption, and threats to public safety which we think should be the most important factor in the consideration of this application.

We would be pleased to meet with you to discuss the concerns which we have and explain the activities which it will disrupt in the Walker Street area.

We would be grateful if you would acknowledge receipt of this objection by return and keep us informed of the next part of the process.

Yours faithfully

Manor Operatic Society Management Committee

**Hellewell Lindsey**

---

**From:** Bower Claire on behalf of licensingservice  
**Sent:** 16 September 2015 16:20  
**To:** Hellewell Lindsey  
**Subject:** FW: Arch 9, Walker Street, Sheffield

**From:** Gibbons Sean (DEL)  
**Sent:** 16 September 2015 15:07  
**To:** Michelle Hazlewood ([MHazlewood@john-gaunt.co.uk](mailto:MHazlewood@john-gaunt.co.uk))  
**Cc:** licensingservice; Briggs Mark ([mxbriggs@syfire.gov.uk](mailto:mxbriggs@syfire.gov.uk))  
**Subject:** FW: Arch 9, Walker Street, Sheffield

Dear Michelle,

As per our previous conversation, please note my objection for Arch 9, Walker Street, Sheffield (below).

Kind Regards  
Sean

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

**From:** Gibbons Sean (DEL)  
**Sent:** 14 September 2015 13:23  
**To:** Michelle Hazlewood ([MHazlewood@john-gaunt.co.uk](mailto:MHazlewood@john-gaunt.co.uk))  
**Subject:** Arch 9

Hi Michelle,

Further to our discussions, my meetings and site meetings at the above I propose the following conditions to be attached for the promotion of public safety;

- A Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety.
- A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment.
- Capacities
  - The capacity of the ground floor shall not exceed 350 people.
  - The capacity of the Chill out area shall not exceed 106 people
  - The capacity of the VIP area shall not exceed 68 people

Thanks  
Sean

*Sean Gibbons BSc (Hons)*

Hellewell Lindsey

---

**From:** Bower Claire on behalf of licensingservice  
**Sent:** 21 September 2015 12:31  
**To:** Hellewell Lindsey  
**Subject:** FW: Arch 9, Walker Street, Sheffield

**From:** Gibbons Sean (DEL)  
**Sent:** 21 September 2015 12:24  
**To:** 'Michelle Hazlewood (MHazlewood@john-gaunt.co.uk)'  
**Cc:** licensingservice; 'Briggs Mark (mxbriggs@syfire.gov.uk)'  
**Subject:** RE: Arch 9, Walker Street, Sheffield

Dear Michelle,

Further to my previous e-mail, and a site meeting just now with your clients I wish to raise a concern about the proposed capacity number for the ground floor.

Following site observations and measurements the maximum capacity for the ground floor should not exceed 300 people with respect to public safety. This figure for the ground floor has been agreed with your client (Mark McGrail, and SYFS).

I believe Mark Briggs is going to re-write to your clients to reflect this following site observations.

This is also to be the maximum number for the TEN's submitted for this week. Your client is going to confirm this to me in writing.

Therefore could we agree to amend the 350 to 300 for the ground floor.

I appreciate you will consult with your clients,

Kind Regards  
Sean

**From:** Gibbons Sean (DEL)  
**Sent:** 16 September 2015 15:07  
**To:** Michelle Hazlewood (MHazlewood@john-gaunt.co.uk)  
**Cc:** licensingservice; Briggs Mark (mxbriggs@syfire.gov.uk)  
**Subject:** FW: Arch 9, Walker Street, Sheffield

Dear Michelle,

As per our previous conversation, please note my objection for Arch 9, Walker Street, Sheffield (below).

Kind Regards  
Sean

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

**From:** Gibbons Sean (DEL)  
**Sent:** 14 September 2015 13:23  
**To:** Michelle Hazlewood (MHazlewood@john-gaunt.co.uk)  
**Subject:** Arch 9

Hi Michelle,

Further to our discussions, my meetings and site meetings at the above I propose the following conditions to be attached for the promotion of public safety;

- A Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety.
- A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified music equipment used for the purposes of live music or similar entertainment.
- Capacities
  - The capacity of the ground floor shall not exceed 350 people.
  - The capacity of the Chill out area shall not exceed 106 people
  - The capacity of the VIP area shall not exceed 68 people

Thanks  
Sean

*Sean Gibbons BSc (Hons)  
Environmental Health Officer (Health & Safety)  
Health Protection Service  
Sheffield City Council  
2-10 Car brook Hall Road, Sheffield S9 2DB  
Tel: 0114 273 4616  
Fax: 0114 273 6464  
Email: [sean.gibbons@sheffield.gov.uk](mailto:sean.gibbons@sheffield.gov.uk)*

# Appendix C



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

Michelle Hazlewood  
John Gaunt Solicitors

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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

- **Interested parties**
- **Health Protection Service**
- **Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **12th October 2015 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 28<sup>th</sup> October 2015

Signed: **Andy Ruston**  
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)



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

To – Neal Pates.

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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

- **Interested parties**
- **Health Protection Service**
- **Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **12th October 2015 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) the representations you have made, upon which you may 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 representation.

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

Dated: 28<sup>th</sup> October 2015

Signed: **Andy Ruston**  
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)



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

To – Sean Gibbons.

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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

- **Interested parties**
- **Health Protection Service**
- **Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **12th October 2015 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) the representations you have made, upon which you may 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 representation.

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

Dated: 28<sup>th</sup> October 2015

Signed: **Andy Ruston**  
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)





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

To – The Objector.

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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

- **Interested parties**
- **Health Protection Service**
- **Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **12th October 2015 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) the representations you have made, upon which you may 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 representation.

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

Dated: 28<sup>th</sup> October 2015

Signed: **Andy Ruston**  
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)

# Appendix D



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

Michelle Hazlewood  
John Gaunt Solicitors

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

Arch 9, 9-11 Wicker Arches, Walker Street, Sheffield, S3 8GZ.

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

- **Interested parties**
- **Health Protection Service**
- **Environmental Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **12th October 2015 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 28<sup>th</sup> October 2015

Signed: **Andy Ruston**  
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.

**LICENSING ACT 2003**

Premises : Arch 9, 9-11 Wicker Arches, Walker Street,  
Sheffield, S3 8GZ.

**Form LAR 1**  
**Regulation 8**

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**Notice of actions following receipt of notice of hearing**

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

I

hereby confirm that I have received the Notice of Hearing dated 28<sup>th</sup> October 2015 and notify you as follows (please complete):

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

**Dated:** ..... **Signed**.....

**Please see Regulation 8 overleaf**

**Please complete this form and return it 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)

## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
  - (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
  - (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
  - (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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

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

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

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 12<sup>th</sup> October 2015 at 11am

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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

283 Ecclesall Road, Sheffield, S11 8NX

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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 73 / 15**

**283 Ecclesall Road, Sheffield, S11 8NX**

**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 Mr Chia Hevedi.

2.2 The application which was received by the Licensing Service on 18<sup>th</sup> August 2015, 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 (SY 2183 PR Issue No: 3) 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:-

2 Public Objections  
1 Councillor Objection (Councillor Aodan Marken)

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

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

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

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

6.3 Attached at Appendix 'D' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**


8.1 That Members carefully consider the representations made and take such steps as the 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

12<sup>th</sup> October 2015

# Appendix A

The Application

## Application to vary a premises licence under the Licensing Act 2003

(1)

### 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

(2) ~~NAME~~ MR CHIA HEVEDI

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

Premises licence number

Sy 2183 PR.

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

283 Ecclesall Road

Post town

Sheffield

Post code

S11 8NX

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 8500.

### Part 2 - Applicant details

Daytime contact telephone number

E-mail address  
(optional)

Current postal address if different from premises address

Post town

Post code

- (1) Insert name and address of relevant licensing authority and its reference number (optional)  
(2) Insert name(s) of applicant

**Part 3 - Variation**

Please tick  yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

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

To change to a convenient store  
selling alcohol.

#### Part 4 - Operating Schedule

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

##### Provision of regulated entertainment

Please tick ✓ yes

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

**L**

<b>Late night refreshment</b>			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**M**

<b>Supply of alcohol</b>			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Mon	07:00	0:300	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	07:00	0:300	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	07:00	0:300	
Thur	07:00	0:300	
Fri	07:00	0:300	
Sat	07:00	0:300	
Sun	09:00	0:200	





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

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Please tick  yes

N/A

N/A

} Transfer  
App  
Submitted

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

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

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

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

- To design a physical layout of store that will be safe, presentable and staff to be in total control of the customer activities.
- To employ staff with knowledge of licensing law.
- To display adequate information regarding the licensing law and public safety.
- To display alcohol out of reach of children and vulnerable.

b) The prevention of crime and disorder

- To install CCTV both internally & externally with clarity and good visibility.
- To install security alarm including panic button.
- To display effective security information.
- To train staff in all aspects of security.
- To keep log book of refusing entry to persons do not meet security and safety standards. Such as drunk or violent person.

c) Public safety

- A routine risk assessment to be carried out regularly to prevent hazards posed to staff & public.
- First aid kit readily available, - Good clear access & exits means of escape.
- Accidents book, - NO drugs - zero tolerance policy to implement.
- Fire detection system - Discouragement of over crowd -
- Maintenance of equipment used by public & staff.
- CCTV operation.

d) The prevention of public nuisance

- To implement noise management policy not to disturb member of public or neighbours.
- Display notices discouraging customers not to drink in the street and respect local residence.
- Deliveries kept to normal working hours.
- Bins to be provided outside premises to prevent litter & waste.
- Refusal to serve any drunk or anti social behaviour persons.

e) The protection of children from harm

- Operate NO ID NO Sale Policy.
- Challenge 25 to be effectively promoted.
- Refusal log book kept in clear record. EPOS sale system to refuse.
- Display posters that is an offence to purchase alcohol on behalf of underage person.
- All staff fully trained & to wear challenge 25 badge.
- Restrict access to alcohol within easy reach of underage person.

Please tick ✓ yes

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

insert mount **IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE [\*, ], UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 - Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

If signing on behalf of the applicant please state in what capacity.

Signature 

Date 12.08.15

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature \_\_\_\_\_


Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

### Consent of individual to being specified as premises supervisor

I [full name of prospective premises supervisor] **CHIA HEVEDI.**

of [home address of prospective premises supervisor]  


hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type of application] **full variation to Prem Lic**

by

[name of applicant] **CHIA HEVEDI.**

relating to a premises licence

[number of existing licence, if any] **SY 2183 PN.**

for

[name and address of premises to which the application relates]  
**283 Ecclesall Road  
Sheffield S11 8NX.**

and any premises licence to be granted or varied in respect of this application made by

[name of applicant] **As Above.**

concerning the supply of alcohol at

[name and address of premises to which application relates]  
**As Above**

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

[insert personal licence number, if any]

SY2188 PER

Personal licence issuing authority

Sheffield City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

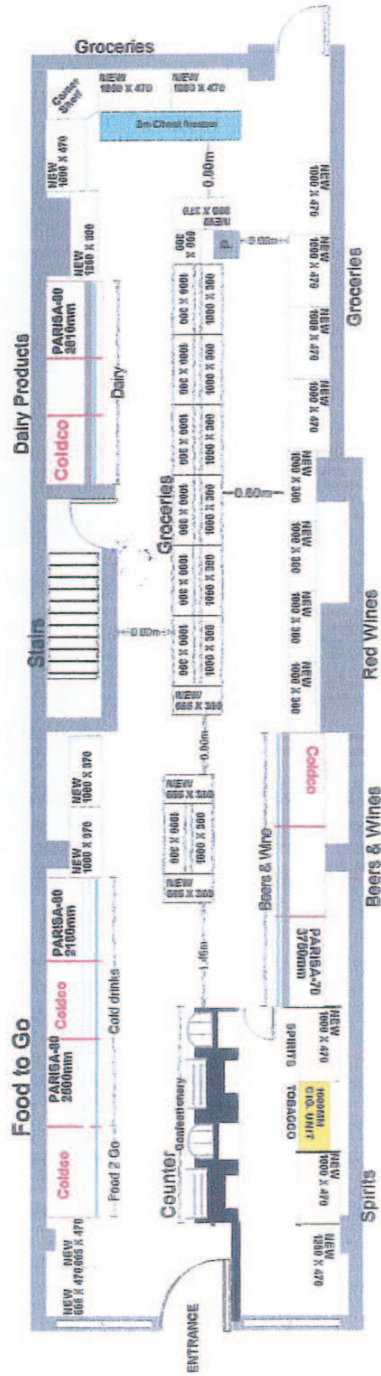


Name (please print)

CHIA HELVEDI

Date

12-08-15



SCALE: 1:100

**°ColdCo**  
**REFRIGERATION**  
 Unit 14 Fieldhouse Way  
 Sheffield S4 7SF  
 Tel: 0114 242 5912

**Customer Name:** Organic Food & Wine  
**Trading Name:** 283, Ecclesall Road  
**Address:** Sheffield  
**Post code:** S11-8NX  
**Email:** info@coldco.co.uk  
**Contact Number:** 07903866117

<b>Project Designer:</b>	
<b>Jay Chhatralia</b>	
<b>Project Contact:</b>	
<b>Project #</b>	<b>WCH#</b>
<b>15618</b>	
<b>Date:</b>	<b>Rev. Date:</b>
<b>18/06/2015</b>	



# Appendix B

Current Premises Licence



## **THE LICENSING ACT 2003**

**Premises Licence No: SY 2183 PR**

**Issue No: 3**

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**

Chunky's Fast Food  
283 Ecclesall Road  
Sheffield  
S11 8NX

**Telephone Number:** 0114 2669844

**Where the licence is time limited, the dates:**

Not applicable.

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

#### **1. Late Night Refreshment:**

Indoors

Sunday	23:00 to 02:00 hours the following day
Monday to Saturday	23:00 to 03:00 hours the following day

**The opening hours of the premises are:**

Sunday	11:00 to 02:00 hours the following day
Monday to Saturday	11:00 to 03:00 hours the following day

#### **PLEASE NOTE:**

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

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

**PART 2**

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

Mr Chia Hevedi  
306 St Paul's Square  
City Lofts  
Sheffield  
S1 2LN

**Telephone Number:** 07903866117

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

Not applicable.

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

Restricted

**This Premises Licence shall be in force from the 11<sup>th</sup> April 2013.**

**Issued on: 17<sup>th</sup> April 2013**



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

<b>Sheffield City Council – For Office use only</b>	
Variation of Premises Licence	
Variation of DPS	
Transfer of Premises Licence	No: 2 Issue Date: 12/08/2015
Minor Variation	

## **Annex 1A – Mandatory Conditions**

### **Mandatory Condition 1 (Section 19 ss 2)**

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

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

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

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

### **Mandatory Condition 3 (Section 20)**

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

### **Mandatory Condition 4 (Section 21)**

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

## **Annex 1B - Mandatory 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.

## **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. There shall be no 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.
2. A member of staff must carry out a check for litter in the immediate area surrounding the premises each evening after the premises has closed and remove any such litter.

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

**Annex 4 – Plans**

Plan Reference: Ref:2012/01/01

Dated: 15/08/2012

## Appendix 1



## LICENSING ACT 2003

### Premises Licence Summary Issue No: 3

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

**Premises licence number**      **SY 2183 PR**

Chunky's Fast Food  
283 Ecclesall Road  
Sheffield  
S11 8NX

**Telephone Number:** 0114 2669844

#### **Where the licence is time limited, the dates:**

Not Applicable

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

##### **1. Late Night Refreshment:**

Indoors

Sunday	23:00 to 02:00 hours the following day
Monday to Saturday	23:00 to 03:00 hours the following day

#### **The opening hours of the premises are:**

Sunday	11:00 to 02:00 hours the following day
Monday to Saturday	11:00 to 03:00 hours the following day

#### **PLEASE NOTE:**

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

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

**PART 2**

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

Mr Chia Hevedi  
306 St Paul's Square  
City Lofts  
Sheffield  
S1 2LN

Telephone Number: 07903866117

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

Not applicable.

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

Restricted

**This Premises Licence shall be in force from the 11<sup>th</sup> April 2013.**

**Issued on: 17<sup>th</sup> April 2013**



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

# Appendix C

Objections  
2 Members of the Public  
1 Councillor Objection

15-9-15

**Finch Shimla (CEX)**

---

**From:** Mike West [REDACTED]  
**Sent:** 03 September 2015 14:47  
**To:** licensingservice  
**Cc:** ERCG  
**Subject:** 283 Ecclesall Road

Objection to Variation of Premises Licence  
Sale of alcohol  
Hours 0700 - 0300  
283 Ecclesall Road S11 8NX

I write on behalf of the members of the Botanical Gate Community Association, representing residents in Khartoum, Thompson, Wadbrough and Walton Roads. These roads are about 500m from 283 Ecclesall Road. We already experience the public nuisance of noise and litter as groups of students and others return to their homes in this area after nights out in the city centre. The market for alcohol sales after midnight is for those who have already been drinking at city centre locations and wish to continue their drinking whilst they walk home and within their home. Their social inhibitions would be further relaxed by more drinking, leading to an unacceptable increase in the public nuisance experienced by local residents. We urge the Licensing Authority to reject this and any application to allow alcohol sales in the Ecclesall Road after midnight

Michael West  
[REDACTED]



This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)

**Stephenson Clive (CEX)**

---

**From:** Jill Thompson <[REDACTED]>  
**Sent:** 09 September 2015 15:13  
**To:** licensingservice  
**Subject:** Objection to Variation of Premises Licence, 283 Ecclesall Road

**Application for variation of premises license; 283 Ecclesall Road S11 8NX**

I am writing on behalf of the Broomhall Park Association, representing over 70 households, to object to the application for a license to serve alcohol till 3 am at 283 Ecclesall Road.

These premises were first granted conditional permission to trade as a hot food takeaway in 2013 (12/04039/CHU). One of the conditions (No 3) restricted trading hours to 11:30 pm, Monday to Saturday and 11:00 pm, Sunday and public holidays. The planning decision to restrict opening hours to those consistently applied to similar premises in the Ecclesall Road was “to protect and maintain adequate residential amenity for neighbours living on the Ecclesall Road, in the adjacent side streets and above the premises”. The owners appealed against planning condition No 3, but their appeal was dismissed in 2014. In her Appeal Decision, the Secretary of State’s planning inspector concluded that “the original condition, No 3 of planning permission 12/04039/CHU is an appropriate control to ensure that the takeaway operates in a neighbourly way which meets the tests of Circular 11/95 having regard to local plan policies. The proposed change in the hours the takeaway is open would be harmful to the living conditions of the neighbouring residents in terms of noise and disturbance and as such would be contrary to Policy S10 (b) of the adopted Sheffield Unitary Development Plan.”

This has been the consistently held rationale, where it has been possible to impose it, for trading hours on the Ecclesall Road.

The current application for a license to sell liquor between 7 am and 3 am purports to be for trading as a General Store. As the premises are currently closed and the interior fittings in disarray, it is not at all clear in what capacity the late liquor license would be used. We are only too well aware that one of the very few grounds upon which the issue of liquor licenses can be rejected is that of causing public nuisance. Clearly, it is considered by both Sheffield City Council and the Government’s Planning Inspector that trading as a takeaway after 11:30 pm would cause a public nuisance. Whether the owners trade as a general store or continue to trade as a hot food takeaway is probably irrelevant. What is relevant is that a public nuisance will be created if this license is approved and we urge you, in the interests of public harmony that it be rejected.

Jill Thompson (for the BPA)

[REDACTED]  
[REDACTED]  
[REDACTED]

## Gough Jayne (CEX)

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**From:** Marken Aodan (GN-CLLR)  
**Sent:** 10 September 2015 18:32  
**To:** licensingservice  
**Subject:** Objection 283 Ecclesall Rd (13/01367/CHU)

Good evening,

Please, see below my comments on this application. Do let me know if there is anything further that I need to put forward.

Warm regards,

Aodan

Broomhill Councillor  
07471025113

“Broomhill Green Party objects to this application. It has been submitted knowing that a planning application for the premises to open until 0300 6 days a week was turned down in 2013 when it was Chunky’s fast food. That decision was then confirmed by the Planning Inspectorate on appeal in February 2014. We share the concerns of many local residents

1

and community groups about the much later opening hours requested. They experience more noise disturbance and littering as increasing drunkenness takes over past midnight and an off licence will clearly make this a lot worse. Closing at 2330 is in line with the closing time for licensed premises on Ecclesall Road – only a handful are permitted to open later due to historic situations.

Relevant sections from the Planning Inspectorate report follow for information. I ask you to consider it as evidence of the impact of later opening should permission be given.

5 - I accept that there is a considerable amount of activity on Ecclesall Road both during the day and in the evening. However, from the evidence presented to me it appears that the Council have sought to strike a balance between business needs and the needs of local residents regarding reasonable living conditions. Comments from local residents indicate that there is clearly a concern about noise and disturbance late at night. As such the Council has consistently applied a closing time of 2330 hours to premises that open in the evenings to ensure the area is calmer and quieter by midnight. Recent appeal decisions highlighted by the Council follow the same principle. I have noted the appellants contention that other business have been granted permission to open late but there is no evidence before me to that effect.

6- The extension of the takeaway opening times as proposed would result in the unit being open later than surrounding businesses, with the exception of one nearby bar. As such the takeaway is likely to draw custom from patrons leaving public houses and bars at closing time resulting in increased activity in the area around the appeal property. Such activity could take the form of people congregating in the vicinity of the site, noise from talking and shouting and an increase in vehicle movements with attendant engine noise and noise from car doors closing. As a result there would be greater noise and disturbance to local residents, above that which currently exists, causing significant harm to living conditions.

7- The appellant has drawn my attention to a nearby bar that is open later into the night. I noted that these premises do not directly front the road but are set back from the highway off a courtyard. I understand that this is a historic use and has not been subject to the Council's control but nevertheless I accept that it does generate activity late at night. Notwithstanding this, it seems to me that the proposed extension of hours at the takeaway would consolidate and intensify activity so causing harm to local residents."

# Appendix D

Hearing Notices / Regulations / Procedures





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

Mr Chia Hevedi  
306 St Paul's Square  
City Lofts  
Sheffield  
S1 2LN

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received your application in respect of the premises known as;

**283 Ecclesall Road, Sheffield, S11 8NX**

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

**2 x Public representations / objections  
1 x Councillor objection**

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 **Monday 12<sup>th</sup> October at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24<sup>th</sup> September 2015

Signed: Jayne Gough

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)

LICENSING ACT 2003

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

Mr Michael West  
[REDACTED]  
[REDACTED]

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

**283 Ecclesall Road, Sheffield, S11 8NX**

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

**2 x Public representations / objections  
1 x Councillor objection**

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Dated: 24<sup>th</sup> September 2015

Signed: Jayne Gough

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)

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

Ms Jill Thompson  
[REDACTED]  
[REDACTED]

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

**283 Ecclesall Road, Sheffield, S11 8NX**

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

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Dated: 24<sup>th</sup> September 2015

Signed: Jayne Gough  
The officer appointed for this purpose  
Licensing Officer

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

Cllr Aoden Marken  
Sheffield City Council  
Town Hall  
Sheffield  
S1 4EX

[aodan.marken@sheffield.gov.uk](mailto:aodan.marken@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 18<sup>th</sup> August 2015 received an application in respect of the premises known as;

**283 Ecclesall Road, Sheffield, S11 8NX**

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

**2 x public representations / objections  
1 x Councillor Objection**

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 **Monday 12<sup>th</sup> October 2015 at 11am**; following which the Council will issue a notice of determination of the application.

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Dated: 24<sup>th</sup> September 2015

Signed: Jayne Gough  
The officer appointed for this purpose  
Licensing Officer



## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 12<sup>th</sup> October 2015

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**Subject:** Licensing Act 2003

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**Author of Report:** Steve Lonnia

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

OMG, 53-59 West Street, Sheffield, S1 4EQ

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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 74 / 15

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

**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 OMG (S1) Limited.

2.2 The application which was received by the Licensing Service on 20<sup>th</sup> August 2015, 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 (SY 0469 PR Issue No:20) 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:-

3 Public Objections  
1 Councillor Objection (Councillor Robert Murphy)  
1 Responsible Authority Objection - Environmental Protection Service

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

**4.0 FINANCIAL IMPLICATIONS**

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

**5.0 THE LEGAL POSITION**

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as:-

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

- 5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

## **6.0 HEARINGS REGULATIONS**

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 6.3 Attached at Appendix 'D' is the following: -
- a) a copy of the Notice of Hearing;
  - b) the rights of a party provided in Regulations 15 and 16;
  - c) the consequences if a party does not attend or is not represented at the hearing
  - d) the procedure to be followed at the hearing.

## **7.0 APPEALS**

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority to the Magistrates' Court.

## **8.0 RECOMMENDATIONS**

- 8.1 That Members carefully consider the representations made and take such steps as the 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

12<sup>TH</sup> October 2015



# Appendix A

The Application



AI

Sheffield City Council

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We OMG (S1) Limited being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> SY 0469 PR
--

Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> OMG (formerly Locker Room) 53-59 West Street			
<b>Post town</b>	Sheffield	<b>Post code</b>	S1 4EQ

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£49,000.00

Part 2 – Applicant details

<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			
<b>Current postal address if different from premises address</b>	454 Altair House		
<b>Post Town</b>	Cardiff	<b>Postcode</b>	CF10 4RH

Part 3 - Variation

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

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

--	--	--	--	--	--	--	--	--	--

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

To extend the sale of alcohol, provision of regulated entertainment and late night refreshment Sunday, Wednesday and Thursdays until 0400 the following morning; Friday and Saturday until 0500 the following morning; all other days to remain as existing. Opening hours to be extended Sunday, Wednesday and Thursday until 0430 the following morning; Friday and Saturday until 0530 the following morning. Also to remove obsolete or outdated conditions and amend conditions requiring update in line with the Licensing Act 2003.

*NB. The Live Music Act 2012 removed the requirement to license the provision of entertainment facilities and therefore all such activities are now de-regulated. As facilities for making music and dancing are no longer licensable under the Licensing Act 2003, we would be grateful if any reference to such provision could be omitted from any new licence issued as a result of this application.*

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

**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.

- | <u>Provision of regulated entertainment</u>   | Please tick yes                     |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A)  | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B)  | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)   | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)  | <input type="checkbox"/>            |
| e) live music (if ticking yes, fill in box E)   | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)   | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)  | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I)                                  | <input checked="" type="checkbox"/> |
| <u>Sale by retail of alcohol</u> (if ticking yes, fill in box J)  | <input checked="" type="checkbox"/> |

In all cases complete boxes K, L and M

## A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00		<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Thur	11:00	04:00			
Fri	11:00	05:00			
Sat	11:00	05:00		<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun	11:00	04:00			AS EXISTING

## B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00		<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Thur	11:00	04:00			
Fri	11:00	05:00			
Sat	11:00	05:00		<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sun	11:00	04:00			AS EXISTING

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details</b> (please read guidance note 3)  AS EXISTING
Day	Start	Finish	
Mon	NO CHANGE		
Tue	NO CHANGE		<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)
Wed	11:00	04:00	
Thur	11:00	04:00	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Fri	11:00	05:00	
Sat	11:00	05:00	AS EXISTING
Sun	11:00	04:00	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)	
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Sat				
Sun				

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	NO CHANGE		Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	NO CHANGE			AS EXISTING	
Wed	11:00	04:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	11:00	04:00			
Fri	11:00	05:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	11:00	05:00			
Sun	11:00	04:00		AS EXISTING	

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both - please tick</b> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon	NO CHANGE		<b>Please give further details here</b> (please read guidance note 3)			
Tue	NO CHANGE		AS EXISTING			
Wed	11:00	04:00	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Thur	11:00	04:00				
Fri	11:00	05:00	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat	11:00	05:00				
Sun	11:00	04:00	AS EXISTING			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
Mon	NO CHANGE				Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue	NO CHANGE		<b>Please give further details here</b> (please read guidance note 3)			
Wed	11:00	04:00	AS EXISTING			
Thur	11:00	04:00	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)			
Fri	11:00	05:00				
Sat	11:00	05:00	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun	11:00	04:00	AS EXISTING			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		<b>Please give further details here</b> (please read guidance note 3) AS EXISTING		
Tue	NO CHANGE				
Wed	23:00	04:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	04:00			
Fri	23:00	05:00	<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 5) AS EXISTING		
Sat	23:00	05:00			
Sun	23:00	04:00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish			
Mon	NO CHANGE		<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Tue	NO CHANGE				
Wed	11:00	04:00	<b>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</b> (please read guidance note 5) AS EXISTING		
Thur	11:00	04:00			
Fri	11:00	05:00			
Sat	11:00	05:00			
Sun	11:00	04:00			

**K**

<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 8) NONE
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	NO CHANGE		
Tue	NO CHANGE		
Wed	11:00	04:30	
Thur	11:00	04:30	
Fri	11:00	05:30	
Sat	11:00	05:30	
Sun	11:00	04:30	
			<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 5)
			AS EXISTING

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

**TO BE REMOVED IN THEIR ENTIRETY:-**  
Annex 2 conditions 3 -5, 13 - 15, 19, 20, 23 - 27, 29, 33 - 35.  
Annex 3 conditions 1 and 2

**TO BE REMOVED AND REPLACED AS PER LICENSING OBJECTIVES BELOWS:-**  
Annex 2 conditions 1, 9, 18, 21, 22  
Annex 3 condition 4

Please tick yes

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

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

Licence is currently with the Council for a minor variation.

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

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

Bearing in mind the nature of this variation and those conditions either already attached to the licence, nothing further is required, saved those additional conditions below.



A9

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

- 1. A CCTV System to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 31 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder;
- 2. The need for Door Supervisors will be addressed by way of risk assessment and cognisance will be taken of any Police advice.

**c) Public safety**

- 1. No open bottles or glasses are to be removed from the premises at any time.

**d) The prevention of public nuisance**

- 1. Prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly;

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

- 1. Persons under the age of 18 years must be accompanied by a responsible adult and off the premises by 9pm, unless attending events that are designed specifically for children and young people. When under 18's events operate, the premises must not be open to the public and must have a trained safeguarding coordinator on site. A risk assessment should be undertaken with reference to the Sheffield Safeguarding Children Board good practice guidance for events and be retained in writing;
- 2. The Challenge 25 scheme must operate. Staff will be trained to operate the scheme, including how to recognise and respond to underage persons. A refusals register must be maintained. Staff training records will be maintained and made available to the authorities for inspection on request. Signage will be prominently displayed


Please tick yes

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

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	20 August 2015
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)</b>			
Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
<b>Post town</b>	Nottingham	<b>Post code</b>	NG1 1LS
<b>Telephone number (if any)</b>	0115 9349 157		
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> a.gardner@popall.co.uk			

#### Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

AK

7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

# Appendix B

Current Premises Licence

B1

## THE LICENSING ACT 2003

Premises Licence No: SY 0469 PR

Issue No: 20.



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

OMG  
53-59 West Street  
Sheffield  
S1 4EQ

Telephone Number: 0114 2787311

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

#### 1. Provision of Regulated Entertainment

Plays

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

Anything of a similar description to live music, recorded music or performances of dance

Indoors

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

#### 2. Provision of Regulated Entertainment

Facility for Making Music

Facility for Dancing

Entertainment of a similar description to making music and dancing

Indoors

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

### 3. Provision of Late Night Refreshment

Indoors

Sunday to Thursday	23:00 to 02:30 hours the following day
Friday & Saturday	23:00 to 04:00 hours the following day
Sundays Proceeding a Bank Holiday	23:00 to 03:00 hours the following day
New Year's Eve (31.12)	23:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

### 4. Sale by retail of alcohol

a) for consumption of the premises

Sunday to Thursday	11:00 to 02:30 hours the following day
Friday & Saturday	11:00 to 03:30 hours the following day
Sundays Proceeding a Bank Holiday	11:00 to 03:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

### The opening hours of the premises are

Sunday to Thursday	11:00 to 03:00 hours the following day
Friday & Saturday	11:00 to 04:00 hours the following day
Sundays Proceeding a Bank Holiday	11:00 to 04:00 hours the following day
New Year's Eve (31.12)	11:00 to 24:00 hours
New Year's Day (01.01)	00:00 to end of permitted hours

At the start of British Summertime, the terminal hour for all licensable activities shall be extended by one hour.

### 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 whichever is the most restrictive permission.

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

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

Sale by retail of alcohol for consumption on the premises.

**PART 2**

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

OMG (S1) Ltd  
 454 Altair House  
 Falcon Drive  
 Cardiff  
 CF10 4RH

**Telephone Number: -**

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

09418988

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

Gary King

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

**Personal Licence Number:** 32UHA13040  
**Issuing Authority:** West Lindsay District Council

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

Prohibited

**This Premises Licence shall be in force from the 24 November 2005.**

**Issued on: 4 January 2006.**



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

<b>Sheffield City Council – For Office use only</b>	
Variation of Premises Licence	No: 9 Issue Date: 19/02/2014
Variation of DPS	No: 7 Issue Date: 22/11/2013
Transfer of Premises Licence	No: 9 Issue Date: 13/07/2015
Minor Variation	No: 3 Issue Date: 22/06/2013

## **Annex 1A – Mandatory Conditions**

### **Mandatory Condition 1 (Section 19 ss 2)**

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

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

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

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

### **Mandatory Condition 3 (Section 20)**

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

### **Mandatory Condition 4 (Section 21)**

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

## **Annex 1B - Mandatory 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.

## **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. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of images for purposes in connection with prevention and detection of crime and disorder.
2. To acquire a suitable number of radio set(s) for that premise and take the CCRAC Radio Scheme into use at all times when trading, and continue to be a user whilst this system / facility is in use in Sheffield.
3. The Designated Premises Supervisor for these premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance should be maintained.
4. A designated dance floor for the public dancing is located on the ground floor, as in agreement with the Health Protection Service, and marked on the plan - reference number 1397-101 Revision E, dated July 2012.
5. When public dancing is to take place elsewhere on the premises, in an area not previously approved for dancing by the Authority, at least 14 days notice must be given to Environment & Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use, and dancing must not take place in that area unless approved by the Authority.
6. A permanent fixed residual current device (RCD) must protect the electrical power supply serving all amplified music equipment used for the purpose of public live music.
7. All windows and doors are to be closed at all times, except for access and egress, when amplified sound is present in the premises.
8. The outside of the premises is well lit.
9. There are a minimum of two staff on duty at any one time.
10. One entrance and exit will be used in order to improve the monitoring of potential 'trouble makers' and reduce noise, crime and disorder developing in or from the venue.
11. Zero tolerance drug policy.
12. Involved with Sheffield City Centre 'Working Forum' with the Police, which involves being updated regularly on licensing / crime & disorder issues.
13. All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices.
14. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

15. Staff are trained in first aid.
16. Gas and electrical certificates are in place and appliances are tested annually.
17. An accident and incident booklet is kept on the premises.
18. Signs will be displayed in the premises stating "Please be respectful of neighbours on departure".
19. When required, staff organise taxis to transport customers home.
20. At the end of each evening a member of staff will stand at the exit door to ensure that they depart in a quiet and orderly manner.
21. Strictly over 18's.
22. ID is required where there is any doubt over a customer's age - only Passport or photo ID driving licence will be accepted.
23. A maximum of two pool cues per table are allowed in the public area at any one time, and any remaining cues are kept behind the bar. Possession of the cues should be limited to within 2 metres of the pool tables, except for when collecting from or returning them to a servery on the first floor. Notices to this effect should be displayed in prominent positions on the relevant floor where the tables are situated.
24. The applicant shall comply with the requirements of the South Yorkshire Fire & Rescue Service.
25. The varied Premises Licence shall not become effective until the premises has been inspected by a representative of the Sheffield City Council's Health Protection Service so as to ensure that the provisions made for the variation are satisfactory.
26. A queuing system will be used during busy periods to control the flow of people into the premises, so that underage people and potential trouble makers can be more easily identified by door staff. Any person found with false ID will be handed over to South Yorkshire Police.
27. The rear entrance to the premises, which is used as a smoking area, will be solely used for egress to help to limit the level of noise caused by music.
28. There shall be no 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.
29. All members of Security Staff who are on duty will wear hi-visibility distinctive clothing at all times.
30. In respect of the use of Polycarbonate drinking vessels, risk assessments will be carried out regularly by management to deem whether they are required.

31. A signing in book will be maintained, at the premises, and completed by each member of the Security Staff prior to the start of their duties each day. The entry will contain detail of name, start and finishing time in block capitals.

32. Both register and signing book shall be open for inspection at any time by any Police Officer or Authorised Officer of the Council. These records are to be kept on the premises for a period of not less than twelve months.

33. The use of door supervisors and polycarbonate glasses will be risk assessed on an event by event basis. Where engaged, door staff shall be licensed by the SIA.

34. The new main entrance to the venue will not be used until a suitable acoustic lobby has been installed to the written satisfaction on the Environmental Protection Service.

35. Music should only be played within the building such that: a) Noise breakout from the building to the street should not exceed the ambient\* noise levels by more than 3dB(A) when measured as a 15 minute LAeq.

b) Noise breakout from the building to the street should not exceed the ambient\* noise levels in any octave band centre frequency by more than 3dB when measured as a 15 minute Leq.

\* where ambient noise level is the LAeq 15mins in the absence of the specific noise source (breakout from the premises).

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

Conditions attached after a hearing by the licensing authority 19th March 2009.

1. Any increase in hours will not take effect until an internal acoustic lobby has been installed to the satisfaction of the Responsible Authorities
2. Indoors Sporting Events will be restricted to traditional pub games.
3. All amplified sound will be played through a noise limiter to be set by Environmental Protection Services.
4. No open bottles or glasses to be removed from the premises save for the consumption in the designated smoking area.

**Annex 4 – Plans**

Ground Floor:

Plan Reference: Project No: 1397

Drawing No: 101

Rev: G

Date: July 2012

1st Floor:

Plan Reference: Project No: 1397

Drawing No: 102

Rev: D

Dated: July 2012

Lower Ground Floor:

Plan Reference: Project No: 1397

Drawing No: 103

Rev: B

Date: July 2012

# Appendix C

Objections

3 Members of the Public

1 Responsible Authority – Environmental Protection Service

1 Councillor Objection

**From:** Heather Cook <heather\_cook@hotmail.com>  
**Sent:** 08 September 2015 14:31  
**To:** licensingservice  
**Subject:** OMG/Locker Room application

As a city centre resident residing at 15 Broughton House, 50 West Street, Sheffield, S1 4EX, I wish to object to the proposal to extend the opening hours at Locker Room. This is the second objection I have had to make in as many weeks and an application by another bar demonstrates a worrying trend to make Sheffield city centre a 24 hour drinking city. Surely the council does not want to encourage such a thing by granting such requests.

Locker Room is situated right in the middle of a number of apartment blocks why should council tax payers like myself have to put up with even more disturbance at night. A weekend extension to 5.30am would mean that residents are disturbed all night by people coming and going, smoking outside, taxis stopping and starting and are the police also going to have to be around 24 hours to prevent the inevitable anti social behaviour that would follow? Again at what cost to the tax payer? I like myself work throughout the week and do not wish to be disturbed any more than I am already by late night revellers until 4.30 in the morning. As it is I am up at 6 to travel to work. Much has been done to improve that area of West Street with Leopold Square and the council should be working to improve things further by tackling the late night anti social behaviour not encouraging it. In the interests of the prevention of public nuisance and crime and disorder I strongly oppose this application.

Regards  
Mrs Heather Dunn

Sent from my iPhone



**Rhodes Emma (CEX)**

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**From:** sheila sharpe <sheila.sharpe@talk21.com>  
**Sent:** 14 September 2015 21:50  
**To:** licensingservice  
**Subject:** Licensing application by Locker Room/OMG for later opening

**Categories:** Helena Palmer

I wish to object to the application by Locker Room/OMG on two criteria

- 1) The prevention of public nuisance
- 2) Public safety

I live in a flat in Westpoint opposite this club. I do not think that the opening of a club till 4.30 on Wednesdays, Thursdays and Sundays and until 05.30 on Fridays and Saturdays is a reasonable request.

The longer hours the club is open I suggest the more people will drink. I have lived with scenes of noise and mayhem interspersed with sirens when clubs closed at 3am and 4am.

Longer opening hours will just create more public nuisance. There is also the risk to the people who attend the clubs who leave noisily, inebriated, often with mobility impaired which can result in them requiring medical assistance which never arrives quietly.

Where we live is both residential and commercial and requires give and take from both sides. For the residents on West Street there appears to be no consideration for our welfare and we have to put up with public nuisance in the pursuit of commercial gain.

The government has just released plans to curb over drinking but this application is likely to stimulate more drinking and more drunken people stumbling around West Street looking for places to urinate.

I ask the council to consider very carefully the ramifications of granting this application.

regards

Sheila Sharpe  
39 West Point  
58 West Street  
S1 4EZ

Sent from my iPad

**Palmer Helena**

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**From:** Bower Claire on behalf of licensingservice  
**Sent:** 16 September 2015 13:12  
**To:** Palmer Helena  
**Subject:** FW: Correction , please ignore my previous email. Objection to extended opening hours of OMG/Locker room

**From:** Sona Mehra [mailto:sonarmehra@gmail.com]  
**Sent:** 16 September 2015 13:11  
**To:** licensingservice  
**Subject:** Correction , please ignore my previous email. Objection to extended opening hours of OMG/Locker room

As residents/owners of 10 WestPoint, 58, West Street, we strongly object to this application. This is for an hour later than the current application for Reflex/Flares. It is absolutely ridiculous even to read that in middle of so many purpose build flats and hundreds of residents we have an application for opening hours up to 5:30 am at night/morning.

We live directly opposite the premises and have to live with the impact of it on our quality life on a daily basis. We are a family of working parents with two schoolchildren and living any kind of normal life is increasingly difficult. We have to live with night time noise nuisance and anti-social behaviour all around us on the streets outside. The only certainty is that it will stop when licensed premises close at a time agreed by law and people have then been dispersed. At that time we have a very short window of uninterrupted sleep before the next day begins with the early morning noise of the city centre clean up. This application, if granted, means that window would not start until 6:00 pm on any night when OMG/ Locker room choose to open to 05.30am. I write this on 14th September 6.37 am when sunrise is at 6.01am. In June sunrise is as early as 4.36 am. This is what my family have experienced and will experience:

When the venue was open previously we saw customers queuing outside or leaving and gathering around the venue screaming and shouting, sometimes singing and chanting loudly in a drunken state , completely disrespectful and inconsiderate towards the local residents. This continues from 10 pm onwards until people finally disperse about 30 minutes after closure. They move on from the venue across the street just under our flats or via City Hall bus stop, where on many occasions I have seen them wee or vomit just where ever they can and sometimes just collapsing on the road/ floor just after that. Because of this there is a constant movement of police cars around are well with their sirens to add to everything as they try to sort this out. This fighting and screaming from taxis/people/vehicles makes it impossible for us to open any of our windows in the house no matter what the weather is.

We are trapped in our own house in hot and stuffy weather too, forced to bear the heat which is even more due to the double glazing we have. We are forced to close the windows and use room fans to cool ourselves for months – which are unhealthy and expensive. The only time we can open the windows is when the city is settled and roads are quiet outside which at the moment is around 4.30 am. Around 6 to 6.30 am the sun is glaring up and tram and cleaning services start.

The last hours are the most difficult ones. Taxis outside the venue just stop anywhere to pick people up and then other drivers behind them honk at them to move on. I have witnessed myself on various occasions when drunk persons sit on the tram track or get sick on the tracks and refuse to move even for the honking tram, sometimes for 5 minutes or more. That noise is so loud that it wakes not only us but our children as well and then we struggle to get them back to sleep. Taxis also honk to drunken customers running all over the street from one side to other without being bothered about the oncoming traffic. Being open later would mean we will have to put up with this for much longer, potentially every night if this permission is given. Finishing at 5:30 means basically we will be losing even the last window of an hour's uninterrupted sleep that we get now.

I don't know how will I cope with waking up at 6 to go to work and dropping my children off to school. How my daughter will cope – she has her GCSE's this academic year. Or my son who is only five and wonders why in the evening, although we have a balcony, he can't stand out. Why can't we watch television as a family keeping our

C4

living room windows open or enjoy a breeze of fresh air by opening the balcony door without being drowned out by the noise outside ?

We are a working class, hard working family where both parents have to get up at 6 am. Sometimes earlier at 4:30 am when my husband has to catch a 5:15 am train. Thus getting ready myself, getting my kids ready, dropping them off and then a long day at work. We need to get rest in the night for us to cope the next day. I work on Saturday too and my kids have activities clubs just like other normal children on Saturday and Sunday so the weekend routine is similar in many respects. My husband, who is sometimes on call, has felt his work and health has suffered as he has not been able to get enough sleep.

There are more families with children living here along with young professional and retired adults. They include the family of a shop owner on my floor with an eight year old son. Two families of four are on the floor below with two pre-teen children in fact under 5 too. I have spoken personally to a family with a 6 year old that used to live on the 5th floor that have moved to Crookes because their child was struggling to sleep due to early morning noise disturbance. The NHS has established a clear link between health and uninterrupted sleep for both adults and children. It affects their performance in school and at home – recently highlighted in the ITV programme “Britain's Noise Nuisance –Tonight”

I have made endless calls to report situations to the on-going noise harassment team specially in respect to this particular premises when it was open. EPS officers like Allison have been to my apartment on many occasions for noise nuisance assessment and have first hand witnessed what we go through We have been in touch with John Round, Neil Peats from the EPS team about problems from this premises. These reports have often been made when the venue already has extra permissions to open an hour later when the students arrive back in September and October – which I dread. This could be the EPS team check the 101 calls I have made to verify this. These are the worst nights to live in my house and an extension of opening times means this could be a permanent feature in our lives.

As if this was not enough, the viewing balcony of the premises is straight in line of vision with my house that means every one can see through straight into my apartment. I therefore lose all my privacy as soon as that premises opens and it stays that way until it closes. I have to draw my curtains for all the rooms doors and windows as they face the venue. If this application was successful that could mean nearly all night on some days of the week.

Kind Regards  
Sona Mehra/Rajiv Mehra  
10 west point  
58 west street  
sheffield s1 4ez

**Palmer Helena**

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**From:** Bower Claire on behalf of licensingservice  
**Sent:** 16 September 2015 12:00  
**To:** Palmer Helena  
**Subject:** FW: OMG (s1) Limited

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**From:** Murphy Robert (GN CLLR)  
**Sent:** 16 September 2015 11:55  
**To:** licensingservice  
**Subject:** OMG (s1) Limited

<b>Applicant:</b>	<b>OMG (s1) Limited</b>
<b>Premises:</b>	<b>OMG</b>
<b>Address:</b>	<b>53-59 West street , Sheffield, S1 4EQ</b>
<b>Type of Premises:</b>	<b>BAR</b>

Please accept the following submission as an objection to the above new application from myself and Cllr Smalley.

Regards, Rob

"We ask the committee to consider the many people who live in the blocks close to and opposite the venue. The premises are directly opposite 58 apartments at West Point. To the right opposite are 50 apartments at Broughton House. To the left opposite are 50 apartments at Morton House. Close by are the 55 apartments at the old Education Department next to City Hall. Residency is mixed in these apartments – we have been contacted by a concerned family with a 15 year old daughter. Residents struggle for much needed sleep free of disturbance by noise and anti-social behaviour while trying to live normal lives with 9 to 5 jobs and children at school. The opening hours should not be extended further into the night (and into early morning) leaving them a very small window of uninterrupted sleep before the early morning city centre clear up starts.

It can be difficult for residents to differentiate between activity at the side by side 53 West St and the immediately adjacent club Reflex/Flares when both have been open together in recent years. So some evidence submitted may be inadmissible despite the combined impact of the two premises on people who live nearby. We ask that evidence from the police on 101 calls and other incidents plus EPS enquiries and evidence gathering is considered very carefully in making this decision. There should be evidence that can be attributed to 53 West St and evidence that relates to evenings when it has been open and Reflex/Flares has not been open.

We note the current licensing application by Reflex/Flares requesting permission to open until 4.30am 7 days a week. Residents face the possibility of late night opening until 4.30am and beyond at both venues if these applications are successful. We suggest that the balance between residents and the night time economy will be correctly maintained by not granting this application."

CB

Cllr Robert Murphy, Speaker for the Green Group, Sheffield City Council, Town Hall, Sheffield S1 2HH.

Tel: 0787 501 5354, Email: [robert.murphy@sheffield.gov.uk](mailto:robert.murphy@sheffield.gov.uk)

**From:** Pates Neal  
**Sent:** 04 September 2015 15:41  
**To:** a.gardner@popall.co.uk; licensingservice  
**Cc:** mathew.causon <mathew.causon@impactleisuregroup.com>  
**Subject:** LAC2003 Premises Licence Variation Application – OMG (FKA Locker Room/Steelhouse), 53-59 West St, Sheffield S1 4EQ

**RE: LAC2003 Premises Licence Variation Application – OMG (FKA Locker Room/Steelhouse), 53-59 West St, Sheffield S1 4EQ**

Date: 04/09/2015  
 EPS REF: 555495/NEP

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

Dear Ms Gardner,

I represent Sheffield City Council's Environmental Protection Service as Responsible Authority for the Prevention of Public Nuisance for this application. I have reviewed the application submitted on behalf of your clients, OMG (S1) Ltd, and make the following representation.

The premises at 53-59 West St are overlooked by multiple residential properties, and form one of many other licensed premises which combine to characterise this area's busy and thriving nighttime economy. Environmental Protection Service receive many complaints and service requests in relation to premises in this part of West Street, both directly and via our Night Time Noise Service. We have numerous complaints of noise nuisance on file relating to these specific premises, and more generally to night time noise issues associated with the late night operations of premises in the immediate locality. EPS therefore seek to control such public nuisance issues, both by implementation of conditions on the licences of specific premises, and by limiting any attrition of established trading hours in this area. Having said that, this portion of West St, along with the nearby Carver Street, already enjoy some of the latest trading hours currently permitted in the city centre. Nevertheless, our approach is protect the remaining 'quieter periods', particularly on nights/early mornings preceding working weekdays.

This current application seeks to extend the current hours available for licensable activities on these premises, and it is of particular concern that these extensions include the Sunday to Thursday period. The proposed hours for Friday & Saturday also exceed the established terminal hours available to other comparable premises in the immediate vicinity.

EPS are mindful that the proposed changes to points of entry past 23:00 hours offer some protection for local residents, and that the applicant has been open and cooperative with Responsible Authorities in preceding discussions. However, in light of the concerns outlined above, EPS are minded to seek a reduction in the extended hours. **I must therefore make a formal objection to the application in its current form.** However, if agreement can be reached regarding the following recommendations, I shall be pleased to withdraw my objection.

**Hours – Recommended Revision:**

<u>Licensable Activities:</u>	Sun - Thurs;	11:00 to 03:00
	Fri & Sat;	11:00 to 04:00
<u>Opening Hours:</u>	Sun - Thurs;	11:00 to 03:30
	Fri & Sat;	11:00 to 04:30

The retention of the existing non-standard timings is not disputed. In addition to this, EPS are happy to agree additional non-standard timings such that, on any Sunday preceding a Public Holiday Monday, timings for licensable activities and opening hours may be extended by one hour. Also, on any Thursday preceding a Public Holiday Friday, timings for licensable activities and opening hours may also be extended by one hour.

**Conditions:**

Extensive deletions and revisions are listed on the application. EPS will limit comments to those conditions identified as being wholly or partly relevant to the Prevention of Public Nuisance. The following conditions are identified (as numbered in existing licence issue no.19):

- Annex 2; Nos. 7, 10, 18, 19, 20, 27, 34, 35
- Annex 3; Nos. 1, 2, 3, 4.

So, dealing with these in turn –

Annex 2; No. 7: Proposed for retention with amended wording;

"Other than in case of emergency, all windows and doors serving licensable areas or forming acoustic lobbies are to be closed at all times, except for access and egress, whenever regulated entertainment is present in the premises."

Annex 2; No.10: Understood to be agreed with Steve Pitts (SCC; HPS) to be retained with amended wording;

"Except for wheelchair users, access to and egress from the premises shall be via West Street (front) prior to 23:00 hours, and via West Street Lane (rear) after 23:00 hours only. Except for wheelchair users, access and egress via West Street shall be via the Holly Lane end door only."

Annex 2; No.18: Revision of wording is agreed, as per wording proposed;

"Prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly."

Annex 2; No.19: Deletion agreed.

Annex 2; No.20: Deletion agreed.

Annex 2; No.27: Deletion agreed.

Annex 2; No.34; Proposed for retention with amended wording;

"Regulated Entertainment shall not take place on the premises unless and until suitable acoustic lobbies have been installed at each public entrance, to the written satisfaction of the SCC Environmental Protection Service. Once installed, lobbies shall be allowed to function as such, with no doors being propped or fixed open at any time, other than in case of emergency."

Annex 2; No.35; Deletion agreed.

Annex 3; No.1: Deletion agreed.

Annex 3; No.2: Deletion agreed.

Annex 3; No.3: Proposed for retention with amended wording;

"No amplified sound shall be played except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamperproof manner. The design and setting of the limiter shall have received the prior written approval of Sheffield City Council's Environmental Protection Service prior to any regulated entertainment taking place on the premises."

Annex 3; No.4: Proposed for retention with amended wording;

"No Open bottles or glasses are to be removed from the premises at any time, nor drinks permitted in any designated smoking area."

In addition to the above listed conditions, proposed for deletion or amendment on the application form, EPS would also request the addition of the following conditions, to assist with the prevention of public nuisance:

"A management plan shall be held on site detailing the importance of monitoring and controlling the behaviour of customers in the immediate vicinity of the premises (including smokers), and the dispersion of customers towards the close of trading. Staff shall be suitably trained to implement the management plan and a copy of the plan and any referenced policies shall be made available upon request by the Licensing Authority."

"All ventilation outlets serving the licensed area are to be acoustically baffled."

I look forward to receiving your comments regarding this representation.

C9

Kind Regards,

**Neal Pates**

Neal Pates  
Environmental Protection Officer  
Environmental Protection Service  
Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB  
Tel: +44 (0)114 205 3588  
Fax: +44 (0)114 273 6464  
web: <http://www.sheffield.gov.uk/environment/environmental-health>



# Appendix D

Hearing Notices / Regulations / Procedures



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

Angela Gardner  
Poppleston Allen Solicitors  
37 Stoney Street  
The Lace Market  
Nottingham  
NG1 1LS

[a.gardner@popall.co.uk](mailto:a.gardner@popall.co.uk)

The Sheffield City Council being the licensing authority, on the 20<sup>th</sup> August 2015 received your application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

**1 Environmental Protection Service representation  
3 public representations / objections  
1 Councillor representation / objection**

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 **Monday 12th October at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24th September 2015

Signed: Emma Rhodes  
The officer appointed for this purpose  
Licensing Officer

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

Neal Pates  
Environmental Protection Service  
Sheffield City Council  
2 -10 Carbrook Hall Road  
Sheffield  
S9 2DB

[neal.pates@sheffield.gov.uk](mailto:neal.pates@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the **20th August 2015** received an application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

**1 Environmental Protection Service representation  
3 public representations / objections  
1 Councillor representation / objection**

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 **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 24<sup>th</sup> September 2015

Signed: \_\_\_\_\_ Emma Rhodes \_\_\_\_\_  
The officer appointed for this purpose  
Licensing Officer

LICENSING ACT 2003

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

Cllr Robert Murphy  
Sheffield City Council  
Town Hall  
Sheffield  
S1 4EX

[robert.murphy@sheffield.gov.uk](mailto:robert.murphy@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 20<sup>th</sup> August 2015 received an application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

**1 Environmental Protection Service representation  
3 public representations / objections  
1 Councillor representation / objection**

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 **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24<sup>th</sup> September 2015

Signed: Emma Rhodes  
Page 132 The officer appointed for this purpose  
Licensing Officer

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LICENSING ACT 2003

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

Ms Heather Dunn  
15 Broughton House  
50 West Street  
Sheffield  
S1 4EX

[Heather\\_cook@hotmail.com](mailto:Heather_cook@hotmail.com)

The Sheffield City Council being the licensing authority, on the 20th August 2015 received an application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

- 1 Environmental Protection Service representation
- 3 public representations / objections
- 1 Councillor representation / objection

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 **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24<sup>th</sup> September 2015

Signed: Emma Rhodes  
The Officer appointed for this purpose  
Licensing Officer

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LICENSING ACT 2003

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

Ms Sona Mehra  
10 West Point  
58 West Street  
Sheffield  
S1

[sonarmehra@gmail.com](mailto:sonarmehra@gmail.com)

The Sheffield City Council being the licensing authority, on the 20th August 2015 received an application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

**1 Environmental Protection Service representation  
3 public representations / objections  
1 Councillor representation / objection**

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 **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24<sup>th</sup> September 2015

Signed: Emma Rhodes

The officer appointed for this purpose  
Licensing Officer

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LICENSING ACT 2003

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

Sheila Sharpe  
39 West Point  
58 West Street  
Sheffield  
S1 4EZ

sheila.sharpe@talk21.com

The Sheffield City Council being the licensing authority, on the **20th August 2015** received an application in respect of the premises known as;

**OMG, 53-59 West Street, Sheffield, S1 4EQ**

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

**1 Environmental Protection Service representation  
3 public representations / objections  
1 Councillor representation / objection**

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 **Monday 12 October 2015 at 2pm**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 24<sup>th</sup> September 2015

Signed: Emma Rhodes

The officer appointed for this purpose  
Licensing Officer

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**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

- (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.