

Licensing Sub-Committee (Statutory)

Monday 19 June 2023 at 10.00 am

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

The Press and Public are Welcome to Attend

Membership

**Councillors David Barker (Chair), Karen McGowan and Maroof Raouf
Vickie Priestley (Reserve)**

PUBLIC ACCESS TO THE MEETING

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

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

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. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

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

If you require any further information please contact John Turner on 0114 474 1947 or email john.turner@sheffield.gov.uk

FACILITIES

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

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

**LICENSING SUB-COMMITTEE AGENDA
19 JUNE 2023**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**
To approve the minutes of meetings of the Sub-Committee held on 9th January, 7th and 21st February, 14th March and 24th April, 2023
- 6. Licensing Act 2003 - The Herd, 5 Holmhirst Road, Sheffield, S8 0GU**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, 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 David Hollis, Interim Director of Legal and Governance by emailing david.hollis@sheffield.gov.uk.

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Licensing Sub-Committee (Statutory)

Meeting held 9 January 2023

PRESENT: Councillors Jayne Dunn (Chair), Henry Nottage and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Ann Woolhouse attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - OLIVE GROVE SPORTS CLUB, HEELEY BANK ROAD, SHEFFIELD, S2 3GE

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a summary review of a premises licence in respect of Olive Grove Sports Club, Heeley Bank Road, Sheffield S2 3GE (Ref. No. 03/23).

4.2 Present at the meeting were James Ketteringham and Catherine Jarvis (South Yorkshire Police, Applicants), Chris Grunert (John Gaunt, Solicitors, for the premises), Kerry Naylor (Designated Premises Supervisor), Paul Rodgers (Chairman) and Peter Sutton (Secretary/Treasurer) (Olive Grove Sports Club), Callum Westney (Member of the Club, in support of the application), Jayne Gough (Licensing Policy and Strategy Officer), Emma Rhodes-Evans (Licensing Service), Carol Curtin and Jack Risely Boyt (Legal Services) and John Turner (Democratic Services).

4.3 Jack Risely-Boyt outlined the procedure to be followed during the hearing.

- 4.4 Jayne Gough presented the report, and it was noted that representations had been received from five members of the public, in support of the premises, and from the Licensing Service, in support of the application, and were attached at Appendix "E" to the report. Ms Gough stated that the police had requested an expedited review in respect of the premises, and that had been held, as an informal hearing, on 9th December, 2022, at which it was determined that, in the light of serious crime and disorder, the licence be suspended with immediate effect.
- 4.5 James Ketteringham reported on the reasons for why the police had requested the summary review, indicating that the premises were, in their opinion, associated with serious crime and serious disorder. He referred to each of the incidents, and how the premises management had acted in response, indicating that the police did not have confidence that the current management were competent to be able to manage the venue appropriately. Mr Ketteringham also reported on what the police considered breaches in respect of the premises licence.
- 4.6 Emma Rhodes-Evans made representations on behalf of the Licensing Service.
- 4.7 James Ketteringham and Catherine Jarvis responded to questions raised by Members of the Sub-Committee and Chris Grunert.
- 4.8 Emma Rhodes-Evans responded to questions raised by Chris Grunert.
- 4.9 Chris Grunert put the case on behalf of the premises, referring to each of the incidents and providing an explanation as to how management acting in the circumstances. He also addressed the issue regarding the alleged breaches of the conditions of the premises licence.
- 4.10 Chris Grunert responded to questions raised by Members of the Sub-Committee and Jayne Gough.
- 4.11 James Ketteringham and Chris Grunert summarised their respective cases.
- 4.12 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Carol Curtin reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.15 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, regarding the premises licence in respect of the premises known as Olive Grove Sports Club, Heeley Bank Road, Sheffield, S2 3GE (Ref. No. 03/23), the

Sub-Committee:-

- (a) agrees that the interim steps imposed at the informal meeting of the Sub-Committee held on 9th December, 2022, be lifted; and
- (b) requests that:
 - (i) the following conditions be added to the premises licence:-
 - (A) Vehicular access to the front of the building will be prohibited after 21:00 hours, whenever a private or ticketed event is held at the site, save for disability access;
 - (B) The premises will not accept bookings for private/ticketed events which clash with another booking after 21:00 hours. Two simultaneous private/ticketed events will not be permitted at the venue which concludes after 21:00 hours;
 - (C) Whenever a private/ticketed event is held at the venue which concludes after 21:00 hours, and at which alcohol is supplied or sold, a minimum of two Security Industry Association (SIA) door supervisors will be employed from the scheduled start time of the event until 30 minutes after the scheduled end time or until all guests have dispersed from the grounds;
 - (D) Whenever a private/ticketed event is held at the venue which concludes after 22:00 hours, and at which alcohol is supplied or sold, metal detecting wands shall be utilised by door staff. Door staff shall carry out searches on a risk-assessed basis;
 - (E) A current copy of the Olive Grove Club Rules shall be lodged with Sheffield Licensing Authority and updated within 21 days of any rule changes that may be implemented by the Club;
 - (F) The CCTV system shall cover all external areas surrounding the premises, and all images from the system, both internal and external, shall be instantly recoverable; and
 - (G) There shall only be one private/ticketed event held on the premises after 18:00 hours; and
 - (ii) Licensing Enforcement Officers attend the premises, unannounced, and on at least four occasions in a period of one year, to undertake a full licensing compliance check.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

5. LICENSING ACT 2003 - ZABKA MINI MARKET, 712 ATTERCLIFFE ROAD, SHEFFIELD, S9 3RP

- 5.1 The Chief Licensing Officer submitted a report to consider an application made under Section 17 of the Licencing Act 2003, for a premises licence in respect of the premises known as Zabka Mini Market, 712 Attercliffe Road, Sheffield, S9 3RP (Ref. No.10/23).
- 5.2 Present at the meeting were June Clarke (JMC Licencing Consultants, for the premises), Miran Mohammad (Applicant), David Clutterbrook and Neil Bates (Trading Standards), Jane Gough (Licencing Policy and Strategy Officer), Carol Curtin and Jack Risely- Boyt (Legal Services) and John Turner (Democratic Services).
- 5.3 Jack Risely Boyt outlined the procedure which would be followed during the hearing.
- 5.4 Jane Gough presented the report to the Sub-Committee, and it was noted that representations had been received from Trading Standards, and were attached at Appendix "B" to the report.
- 5.5 David Clutterbrook reported that on 5th November 2022, Trading Standards conducted a test purchase operation at the premises for illegal tobacco, which resulted in the sale of 20 x Richmond king size cigarettes being made at a cost of £4. The product, which was passed round for inspection by all parties at the hearing, had been confirmed to be illegal, and the cost was significantly cheaper than that of a legitimate packet of cigarettes. Mr Clutterbrook stressed that this failed test purchase had occurred just three days prior to the application for the premises licence being submitted. He referred to the problems caused by the sale of illicit tobacco, which was a national problem, and one which had increased during the current cost of living crisis. Trading Standards officers spent a considerable amount of time dealing with the problem, and it also had an adverse effect on legitimate retailers. The supply of illegal tobacco costs taxpayers around £2b a year in lost revenue. Mr Clutterbrook concluded by stating that, in the light of the failed test purchase, and the timing of such failure, he did not believe that a premises licence should be granted in this case.
- 5.6 In response to questions raised by Members of, and the legal advisor to, the Sub-Committee, and June Clarke, it was stated that Trading Standards officers did not routinely test the contents of illicit cigarettes as there had been considerable testing carried out on such goods in the past. There was only one packet of cigarettes sold during the test purchase operation at the premises. Officers could not confirm whether or not there was a link between the sale of illicit tobacco and alcohol, in terms of the supply chain, but suspected that this could well be the case. Once the cigarettes had been purchased, they were placed in an evidence bag and recorded, with no further action being taken at this stage. Whilst officers would not return to the premises directly after a test purchase, as this could identify the test purchaser, they would visit the premises sometime in the future to carry out an inspection, remove any illicit goods found there, and take any relevant

enforcement action. In terms of action against the owner of the premises, Trading Standards had traditional powers of enforcement, which included prosecution, formal caution or a warning. Under the Trade Marks Act 1994, the maximum sentence for selling illicit tobacco was a 10 year prison sentence. Whilst officers were not sure why it had taken a month for the test purchaser to write her statement following the test purchase, it was believed that such delay had been caused by the fact that she had carried out around 20 test purchases on 5th November 2022. There had only been the one test purchase carried out at the premises in the last two months and last two years. The identification of the person who sold the cigarettes was not deemed relevant for the purposes of this application. Officers also deemed the fact that the test purchaser had identified the person who sold the cigarettes as Kurdish irrelevant also. If Mr Mohammad had not been applying for a premises licence, Trading Standards would most likely be gathering further information regarding the failed test purchase, but Mr Clutterbrook could not confirm whether or not this would result in a prosecution. Whilst Trading Standards used their own enforcement legislation, they would work with the police on occasions, such as if there were breaches of the peace and where officers required protection, during visits and inspections.

- 5.7 June Clarke stated that Mr Mohammad had a strong and robust operating schedule, which fully supported the Sheffield Statement of Licensing Policy. This schedule would be supported by a set of compliance log books, including refusal, incident, CCTV, training, staff induction and age verification. In addition, all the relevant signs and notices would be displayed on the premises. Mr Mohammad took possession of the store in September 2022, and has had the help of a number of friends to work there when he was not around. Mr Mohammad was very upset about the test purchase failure on 5th November 2022, and despite his efforts, he has not been able to identify the seller. Ms Clarke referred to the lack of detail in the test purchaser's statement regarding the sale of the cigarettes, and stressed that the only identification as to the seller, on the statement, was that he appeared to be of Kurdish origin. She also questioned why the two Trading Standards officers, who were sat in a car outside the shop at the time of the sale, and who drove off straight afterwards, did not go into the shop to question the seller at that point, as this would have enabled them to identify the seller. Mr Mohammad was clear that it was not him who made the sale as he does not sell cigarettes at the shop, and wouldn't have taken the risk on the grounds that he was about to apply for a premises licence. Ms Clarke concluded by stating that Mr Mohammad had done nothing wrong, and had not committed any offence, therefore should not be penalised in this case. Mr Mohammad had spoken to everyone who had helped out in the shop, but they had all denied making the sale.
- 5.8 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee, it was stated that Mr Mohammad does not currently employ any staff, but just asks for the help of friends to run the shop when he is not around. Due to the nature of the goods on sale at the shop at the present time, it has only been necessary to provide training with regard to the operation of the tills and sale of vapes, being the only age-restricted product currently on sale. He has two training logs at the shop, one on age-restricted products, and which contained a number of detailed questions for potential staff to answer, together with a staff induction log.

Mr Mohammad had not been able to identify the seller on 5th November, 2022 using the shop's CCTV as he had only just found out about the incident, and the images were only kept for one month. He was planning to increase the system's capacity by purchasing a new external hard drive, which would enable him to store images for 12 months. If a premises licence was granted, Mr Mohammad was hoping to rely on the help of his business partner. He was also planning to get an app on his mobile phone which would enable him to view CCTV images on his phone when he was away from the shop. Mr Mohammad stated that he had received the help of around 12 friends since taking ownership of the shop. He accepts that he should have been more careful in terms of the people he had asked to help him out. In terms of the future operation, if a premises licence was granted, the present operating schedule would need to be complied with, there were a number of training books relating to the various proposed conditions on the licence, and Ms Clarke would provide him with advice and offer training. Mr Mohammad had been under a lot of pressure setting up the business, but now realised where mistakes had been made, and would be more responsible in the future. He planned to have one or two members of staff working for him in the shop, who would be fully trained. Mr Mohammad has already made the decision that he will not be selling cigarettes at the shop.

- 5.9 Further to additional comments made by June Clarke, who stated that people had visited and searched the shop three times since 5th November 2022, Neil Bates stated that whilst he was not sure who these people were, he confirmed that they were not Trading Standards officers.
- 5.10 June Clarke summarised the case on behalf of the applicant.
- 5.11 Mr Clutterbrook summarised the case on behalf of Trading Standards and, as part of his summary, offered the two following conditions to the Sub-Committee if it was minded to grant the application, of which the applicant accepted:-
- (a) All tobacco products on the premises are to be stored either (i) in the cigarette gantry behind the sales counter or (ii) in a specifically designated area of the storeroom which is immediately visible on entry; and
 - (b) Receipts for all alcoholic, tobacco and nicotine containing products are to be retained on the premises, and will be made available to authorised officers of Sheffield City Council or South Yorkshire Police for inspection as required.
- 5.12 Jane Gough reported on the options available to the Sub-Committee.
- 5.13 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.14 Carol Curtin and Jack Risely Boyt reported orally, giving legal advice on various aspects of the application.
- 5.15 RESOLVED: That, in the light of the information set out in the report now submitted, the representations now made and the responses to the questions raised, the application now made for a premises licence in respect of the premises known as Zabka Mini Market, 712 Attercliffe Road, Sheffield, S9 3RP (Ref. No. 10/23) be refused as the Committee was concerned that the applicant would not be able to uphold the licensing objectives, in particular, the prevention of crime and disorder.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 7 February 2023

PRESENT: Councillors Jayne Dunn (Chair), Denise Fox and Henry Nottage

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Lewis Chinchon attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 6 on the agenda (item 5 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of meetings of the Licensing Sub-Committee (Statutory) held on 6th, 12th and 26th September, 3rd, 25th and 31st October, 7th, 14th and 22nd November and 6th and 13th December, 2023, were approved as correct records.

5. LICENSING ACT 2003 - OLIVE GROVE SPORTS CLUB, HEELEY BANK ROAD, SHEFFIELD, S2 3GE

5.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of a Club Premises Certificate in respect of Olive Grove Sports Club, Heeley Bank Road, Sheffield S2 3GE (Ref. No. 11/23).

5.2 Present at the meeting were James Ketteringham and Catherine Jarvis (South Yorkshire Police, Applicants), Chris Grunert (John Gaunt, Solicitors, for the premises), Kerry Naylor (Designated Premises Supervisor) and Peter Sutton (Secretary/Treasurer) (Olive Grove Sports Club), Maureen Hannify (Sheffield Children Safeguarding Partnership), Shimla Finch (Licensing Policy and Strategy

Officer), Carol Curtin (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

- 5.3 Carol Curtin outlined the procedure to be followed during the hearing.
- 5.4 Shimla Finch presented the report, and it was noted that representations had been received from five members of the public, in support of the premises, and from the Sheffield Children Safeguarding Partnership, in support of the application, and were attached at Appendix "D" to the report. Ms Finch stated that, following the outcome of the summary review of the premises licence, the Club had proposed a number of conditions which they were offering to add to the Certificate if the Sub-Committee was minded to allow the Club to retain their Club Premises Certificate.
- 5.5 Catherine Jarvis referred to the review hearing on 9th January 2023, stating that, in the light of the Sub-Committee's decision on that day, and consequent discussions with the premises' solicitor immediately prior to the hearing regarding a number of conditions the police wished to be added to the Certificate, South Yorkshire Police no longer wished to review the Club Premises Certificate, subject to the agreement of the conditions.
- 5.6 Maureen Hannify made representations on behalf of the Sheffield Children Safeguarding Partnership (SCSP), indicating that whilst the Partnership had not made representations as part of the review of the premises licence, she shared the police's original concerns following the incident at the premises on 4th December 2022. Ms Hannify considered that additional safeguarding measures needed to be put in place at times when persons under the age of 18 were present at the premises to ensure the premises provided a family friendly environment. Ms Hannify also requested that the premises' management attend the safeguarding training sessions arranged by the Partnership.
- 5.7 In response to a question raised by Councillor Henry Nottage, Ms Hannify stated that she considered that the conditions now proposed would help the premises to meet the licensing objectives.
- 5.8 Chris Grunert, for the premises, referred to the conditions set out in the document which he had submitted, and which had been circulated to all parties prior to the hearing, and on which further discussions had been held between himself and the police immediately prior to the hearing. Mr Grunert read through all the conditions, indicating which had been agreed, and which had been agreed, with amendments, by himself and the police.
- 5.9 Shimla Finch presented the options available to the Sub-Committee.
- 5.10 **RESOLVED:** That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.11 Carol Curtin reported orally, giving legal advice on various aspects of the application.
- 5.12 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 5.13 RESOLVED: That in the light of the information contained in the report now submitted, the further information circulated prior to the hearing, the representations now made and the responses to the questions raised, regarding the Club Premises Certificate in respect of the premises known as Olive Grove Sports Club, Heeley Bank Road, Sheffield, S2 3GE (Ref. No. 11/23), the Sub-Committee agrees to modify the conditions of the Club Premises Certificate, as agreed between all parties at the hearing, as follows:-
- (a) CP1. The use of door staff will be risk assessed on an ongoing basis by a committee member or member of bar management. Where engaged, door staff shall be licensed by the Security Industry Authority.
 - (b) CP2. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
 - (c) CP3. New members of staff who will be authorised to supply alcohol shall complete a suitable induction training (which is to cover dispute resolution and escalation) programme within two months of commencing their employment. Prior to completing their training, such members of staff shall be suitably supervised by trained members of staff.
 - (d) CP4. Staff authorised to sell alcohol will receive training regarding vulnerability awareness. The premises will implement and provide staff training for an 'Ask for Angela' scheme.
 - (e) CP5. Staff authorised to sell alcohol will receive suitable training in crime scene preservation.
 - (f) CP6. Staff authorised to supply alcohol shall complete a suitable refresher training once per calendar year, commencing the year after the date of their employment.
 - (g) CP7. A written record of the staff training outlined in conditions CP3, CP4, CP5, and CP6 shall be maintained and shall be made available to the Police and/or Licensing Authority upon request.
 - (h) CP8. There shall be a zero-tolerance policy in relation to drugs at the premises, and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
 - (i) CP9. A Challenge 25 policy shall be in operation at the premises, and staff will be suitably trained to implement this policy.

- (j) CP10. A refusals book (or equivalent) will be maintained and audited by management.
- (k) CP11. All staff shall have written authorisation from a committee member or member of bar management to permit them to sell alcohol.
- (l) CP12. An incident log will be maintained by the premises showing a detailed note of incidents that occur in the premises. The log will be inspected and signed off by a committee member (or member of bar management) at least once a week. The log book should be kept on the premises and be available for inspection at all times the premises are open by authorised officers of the Licensing Authority or the police. An incident will be defined as being one which involves violence, threats of violence (“violence” includes sexual violence and sexual harassment), disorder, ejections or when staff require parties to separate and harassment. Feedback shall be given to staff to ensure these are used on each occasion that a refusal or incident occurs at the premises. Any refusals made for alcohol service e.g. underage, will also be recorded (either in electronic or written form) and feedback given to staff as relevant. The log will be kept at the premises for a minimum of twenty-four (24) months.
- (m) CP13. CCTV to be installed with recording facilities, such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair). Footage made available with a reasonable time upon request by the police in accordance with data protection principles. The system shall accord with the requirements specified by South Yorkshire Police in their specification document ‘CCTV Systems within Licensed Premises Updated July 2019’. The CCTV system shall cover all external areas surrounding the premises, and all images from the system, both internal and external, shall be instantly recoverable.
- (n) CP14. Toughened glasses or other alternative drinking vessels will be used in the premises where appropriate.
- (o) CP15. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises. Where appropriate the licensee or a suitable staff member will monitor patrons leaving at closing time.
- (p) CP16. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
- (q) CP17. On evenings when regulated entertainment in the form of live and/or recorded music (‘events’) is provided at the premises, the management will implement a proactive scheme of noise monitoring. A written noise management policy shall be prepared and made available for inspection at the premises. The Policy shall include a pro-forma

observation form ('observation sheet') which will be completed by staff during events. The aim of the policy will be to prevent a noise nuisance arising and ensure that the nearest noise sensitive premises are not adversely impacted by the regulated activities of the premises.

- (r) CP18. The observations sheets shall be retained for a minimum of 2 months from the date of the event.
- (s) CP19. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
- (t) CP20. Children under the age of 16 shall not be permitted to remain on the premises after 22.00 hours unless dining with an adult or attending a pre-booked function under suitable adult supervision.
- (u) CP21. A committee member or member of bar management shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
- (v) CP22. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
- (w) CP23. A booking form must be used for all events. The form must set out the booking conditions for the customer and include the signature and printed name of the venue manager authorising the booking. The form must also include the name, contact details and signature of the customer who is responsible for making the booking. Such records will be retained for 6 months and made available for inspection of the authorities.
- (x) CP24. Persons under the age of 18 years are not permitted to make bookings. Age/identity checks will be undertaken at the time of booking, and a written record of these will be made.
- (y) CP25. All doors and windows shall be closed, save for access and egress of the general public and/ or than in case of emergency, when amplified sound or live music is present in the premises.
- (z) CP26. No speakers shall be fixed externally nor directed to broadcast sound outside the building at any time, save for public address purposes in connection with organised sporting activity taking place in external areas.
- (aa) CP27. A committee member or member of bar management or authorised member of staff must take a proactive approach to noise control, checking outside the premises to ensure that noise is kept to a reasonable level from patrons using the external area(s) and access and egress.
- (bb) CP28. A committee member or member of bar management or authorised member of staff shall prominently display A5 notices on all exits reminding

patrons to leave the premises in a quiet and orderly fashion to respect the local neighbour's needs.

- (cc) CP29. If deemed reasonably necessary by Sheffield EPS, upon receipt of written notification of not less than 28 days from Sheffield EPS, resulting from noise complaints to that service, the premises shall install a noise limiter to control noise breakout from the premises. Amplified sound shall then only be played within the building 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 tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Environmental Protection Service. The limiter shall impose such limits on amplified sound or live played within the building to ensure noise breakout does not exceed the prevailing ambient noise level by more than 2dB when measured at 1m from the facade of the nearest noise sensitive property;
 - a. as a 15 minute LAeq, and;
 - b. at any one third octave band centre frequency as a 15-minute LZeq.
- (dd) CP30. Managers must make a valid contact number for the club available to all local residents to mitigate any issues that may occur with the premises.
- (ee) CP31. Vehicular access to the front of the building will be prohibited after 21:00 hours whenever a ticketed event is held at the site, save for disability access.
- (ff) CP32. Whenever a ticketed event is held at the venue, which includes 60 or more guests of members, and which concludes after 21:00 hours and at which alcohol is supplied or sold, a minimum of 2 SIA door supervisors will be employed from the scheduled start time of the event until 30 minutes after the scheduled end time, or until all guests have dispersed from the grounds of the premises.
- (gg) CP33. Whenever ticketed event, which includes 60 or more guests of members, is held at the venue which concludes after 22:00 hours and at which alcohol is supplied or sold, metal detecting wands shall be utilised by door supervisors. Door supervisors will carry out searches on a risk-assessed basis.
- (hh) CP34. A current copy of the Olive Grove Club Rules shall be lodged with Sheffield City Council Licensing Service and updated within 21 days of any rule changes that may be implemented by the Club.
- (ii) CP35. There shall only be one private/ticketed event on the premises after 18:00 hours.
- (jj) CP36. When SIA registered door supervisors are on duty, the premise shall maintain a register containing the following details of all door staff engaged at the premises:

- c. Full name
 - d. Address
 - e. Date of birth
 - f. Copy of security industry licence
- (kk) CP 37. The premise shall maintain a signing in book recording the start and finish times of each person engaged in door staff duties. Both the signing in book and the door staff register shall be retained for a period of 6 months and made available for inspection.
- (ll) CP38. No later than 2nd May 2023, a written safeguarding risk assessment is undertaken at the premises for all types of trading including functions and sport events. To address issues of safeguarding including sufficient staffing, management oversight, and recording.

(NOTE: The full reasons for the Sub-Committee's decision will be included in the Written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 21 February 2023

PRESENT: Councillors David Barker (Chair), Lewis Chinchon and Maroof Raouf

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Denise Fox attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - THE BRASS MONKEY, 185 MIDDLEWOOD ROAD, SHEFFIELD, S6 4HD

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as The Brass Monkey, 185 Middlewood Road, Sheffield S6 4HD (Ref No.28/23).

4.2 Present at the meeting were Martin McGrail (Applicant), Neal Pates (Environmental Protection Officer), Shimla Finch (Licensing Strategy and Policy Officer), Carol Curtin (Legal Advisor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 The Chair outlined the procedure which would be followed during the hearing.

4.4 Shimla Finch presented the report to the Sub-Committee, and it was noted that representations had been received from the Environmental Protection Service and two local residents and were attached at Appendix 'C' to the report. The local residents had been invited to attend the meeting but had submitted their apologies as they were unable to attend. An email received from the residents setting out their objections, had been received by the Licensing Service and a copy of this was circulated to Members and a copy provided to the applicant, at the start of the meeting.

4.5 Neal Pates stated that the Environmental Protection Service main objection was to the removal of condition 5, on the basis of likely public nuisance from the playing of amplified sound being audible in the residential accommodation adjoining the premises. He said that the premises had a significant and repeated history of noise

nuisance complaints, primarily from the occupiers of the dwelling above the premises. Neal Pates said that in correspondence received from the applicant, the applicant had implied that the complaints from the current resident were oversensitive and possibly malicious. Neal Pates stated that complaints of noise nuisance had also been received from previous residents. He stated that due to the age, structure and physical aspect of the building, extensive works would need to be carried out and he was of the view that the poor sound insulation between the premises and the dwelling above meant that amplified sound could not be played on the premises without being clearly audible in adjoining premises and would, therefore, contribute to public nuisance. He said that planning consent had been granted with pre-commencement planning requirements to implement an approved scheme of sound insulation works. However, the applicant commenced trading without carrying out the works. The issue was later resolved, and a noise validation test was carried out. However, the validation report was not required to include any testing with amplified sound being played on the premises, as the premises licence required that no live or recorded music be played at the premises. Neal Pates said that the Manager of the premises had changed, and the applicant had agreed that there would be no future incidents of excessive noise. He said the applicant intended to install a sound limiter, however, the device would monitor the sound level in a room using a microphone, which could interrupt the power supply to the sound source if a pre-set threshold sound level was exceeded by customer voices and other general bar noise. He said that the applicant had suggested that the limiter would be set at 60dB, which would not be practical as the ambient sound level in the premises would cause the device to cut power erratically. By setting the trigger threshold higher, the music sound level would no longer be limited to the background music. Neal Pates felt therefore that it would not be appropriate to remove Condition 5 on the premises licence.

4.6 In response to questions from Members of the Sub-Committee, Neal Pates said that the investigation into the complaints of noise nuisance had not closed, but there had not been any more complaints over the past couple of months since there had been a change in management. Neal Pates said that complaints received in 2018 had been more of a general trading nature, doors banging, table and chairs being moved, barrels being changed etc., and the sound insulation works that had been carried out were not adequate enough to reduce noise nuisance. The floor of the flat above was just floorboards, not enough to reduce noise. With regard to noise coming from the television positioned on the wall, the wording of the Condition was quite clear stating that amplified music should not be played, which was quite different to noise emanating from a wall mounted television, However, if music was to be played via a music channel on a television, this would then constitute a breach in the condition.

4.7 Martin McGrail stated that there had never been any complaints relating to sporting events being played through the television but there had been from use of the music channel. He said that previous complaints had been made before the pre-planning sound insulation works had been carried out and that since then, he had always tried to work with local residents. He said that following the latest complaints, he had checked CCTV and found that staff were playing music through "Alexa". He had changed managers due to such matters and taken on board what the residents had said. Martin McGrail said that he had contacted the Licensing Service and had been

advised to carry out sound attenuation works and apply for a variation to the licence. He said that since September last year, he had been more “hands on” at the premises and by getting in the right staff, any problems would be alleviated.

- 4.8 In response to questions from Members of the Sub-Committee, Martin McGrail said that when the residents had approached the manager and asked him to turn the music down, the manager unfortunately thought that he could do whatever he wanted, and he has now been released due to his attitude. With regard to the tables and chairs outside the premises, Martin McGrail said they were there until 9.00 p.m. each night, and the regulation allowing this, pre-covid, was due to end possibly at the end of this year. He said he would carry out further sound attenuation works and contact by the Licensing and Environmental Protection Services for them to carry out tests. He said that he did not intend for loud music to be played, just background music. Martin McGrail summed up by stating that he wanted to work with his neighbours and was prepared to look at all options.
- 4.9 Shimla Finch reported on the options available to the Sub-Committee.
- 4.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting, and the webcast be paused, before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 Carol Curtin reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast was recommenced.
- 4.13 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the variation of a premises licence in respect of the premises known as The Brass Monkey, 185 Middlewood Road, Sheffield S6 4HD (Ref No.28/23), as follows:-
- (a) the removal of Condition 9; and
 - (b) Condition 5 to remain in place, but the Applicant be advised that he may reapply to remove Condition 5 once the sound attenuation works have been carried out to the satisfaction of the Licensing and Environmental Protection Services.
- (NOTE: The full reasons for the Sub-Committee’s decision will be included in the written Notice of Determination).

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 14 March 2023

PRESENT: Councillors David Barker (Chair), Mike Drabble and Sophie Thornton

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Henry Nottage attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Sophie Thornton declared that she was a Ward Councillor for the area in which the premises were situated.

4. LICENSING ACT 2003 - PREMIER STORE, 1 WHITE THORNS DRIVE, SHEFFIELD, S8 8EU

- 4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield Children's Safeguarding Partnership, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of Premier Store, 1 White Thorns View, Sheffield S8 8EU (Ref No. 32/23).
- 4.2 Present at the meeting were Julie Hague (Sheffield Children's Safeguarding Partnership) (Applicant), Tom Whiteley (Licensing Enforcement Officer), David Clutterbrook (Sheffield Trading Standards), Catherine Jarvis (Licensing Enforcement Officer, South Yorkshire Police), Naga Rajesh (Licensing Agent for the premises), the designated premises supervisor and his wife, Shimla Finch (Licensing Policy and Strategy Officer), Carol Curtin (Legal Advisor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 The Chair outlined the procedure to be followed during the hearing.
- 4.4 Shimla Finch presented the report, and it was noted that representations had been received from Sheffield Trading Standards, South Yorkshire Police and the Licensing Authority and were attached at Appendix "C" to the report.
- 4.5 Julie Hague reported on the grounds as to why the application had been made by Sheffield Children's Safeguarding Partnership, following multi-agency visits made

to the premises and concerns raised by those visits. Ms. Hague responded to questions raised by Members of and the legal adviser to, the Sub-Committee and also the Licensing Agent for the premises.

- 4.6 Catherine Jarvis reported on the representations made by the South Yorkshire Police and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee and also the Licensing Agent for the premises.
- 4.7 Tom Whiteley reported on the representations made by the Licensing Authority and responded to questions raised by Members of the Sub-Committee.
- 4.8 David Clutterbrook reported on the representations made by Sheffield Trading Standards and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 4.9 Naga Rajesh put forward the case on behalf of the premises, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, and also Julie Hague, Catherine Jarvis and David Clutterbrook.
- 4.10 All parties summarised their cases.
- 4.11 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Carol Curtin reported orally, giving legal advice on various aspects of the application.
- 4.13 At this point in the proceedings, the meeting was reopened to all attendees involved in the application.
- 4.14 RESOLVED: That in the light of the information contained in the report now submitted, the further information circulated prior to the hearing, the representations now made and the responses to the questions raised, in respect of the premises known as Premier Store, 1 White Thorns View, Sheffield S8 8EU (Ref. No. 32/23), the Sub-Committee agrees to remove the current Designated Premises Supervisor and modify the conditions of the Premises Licence, as agreed between all parties at the hearing, as follows:-

1. A CCTV log will be completed on a weekly basis checking the following:
 - date and time of recordings
 - all cameras are functioning correctly
 - playback facility is in working order
 - download facility is in working order
 - 28 days of recording are available to view.

Any issues to be recorded in an incident logbook and rectified within a

timely manner.

2. All staff will receive training concerning, but not limited to:
 - underage sales/Challenge 25 scheme /Proxy Sales/Fake ID's
 - Vulnerability awareness
 - Crime scene preservation (violent incident protocol from SYP or similar)
 - Drugs awareness policies
 - CCTV operation (authorised staff only)

Suitable refresher training to be completed at least once per calendar year commencing the year after their date of employment. A written record to be retained for a minimum of 12 months and shall be made available to the Police and/or Licensing Authority upon request.

3. An incident logbook shall be maintained, and on site at all times, to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident and details of the nature and names of staff involved or to whom reported. This register shall be retained for 12 months and made available for inspection by police.
4. A personal licence holder to be present at all times the premise is open to the public.
5. The Designated Premises Supervisor, or other such responsible person, should be assigned to act as the Co ordinator for safeguarding at the premises. This person must act in compliance with the guidance and training provided by the Sheffield Children's Safeguarding Partnership.
6. Receipts/invoices for tobacco/alcohol and nicotine inhaling products available for sale and /or stored on the premises shall be retained for a minimum period of 6 months and be made available upon reasonable request by the Police, Customs, or other authorised officers within a reasonable period

(NOTE: The full reasons for the Sub-Committee's decision will be included in the Written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Statutory)

Meeting held 24 April 2023

PRESENT: Councillors Jayne Dunn (Chair), Lewis Chinchon and Talib Hussain

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Denise Fox attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 No items were identified where resolutions may be passed to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SOHO, UNITS 8 AND 9, WEST ONE PLAZA, FITZWILLIAM STREET, SHEFFIELD, S1 4JB

- 4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as Soho, Units 8 and 9 West One Plaza, Fitzwilliam Street, Sheffield S1 4JB (Ref No.72/23).
- 4.2 Present at the meeting were Nick White (acting on behalf of the Applicant), Peter Sephton (Chair of Local Residents Group, Changing Sheff) (Objector), Mark Booth (Resident), Maxine Biggin (Resident), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee), Jack Riseley-Boyt (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 4.4 Jayne Gough presented the report, and it was noted that during the consultation period, the applicant had agreed conditions and changes to operating timings with both South Yorkshire Police and Sheffield City Council's Environmental Protection Service and conditions had also been agreed with the Health Protection Service and these could be found at Appendix "B" to the report. Representations had been received from a local resident group and two local residents, and were attached at Appendix "C" to the report.

- 4.5 Peter Sephton stated that in 2005, he had purchased an apartment in the city centre and referred to planning guidance on the night time economy which identified a specific area in the city centre where there was a need to provide a level of protection against noise and disturbance and recommended that a closing time of 00:30 hours be normally applied within that controlled area. He said that West One Plaza fell within that area. He said that the application was asking for a small change to its closing time to allow it to close at 01:00 hours instead of 00:30 hours. Peter Sephton said that when the Plaza had first opened, it was predominantly retail and restaurant businesses which did not form part of the night time economy. However, as retail businesses had left the area, more bars had started to move in and had created a domino effect on the surrounding area. He referred to the Vodka Revolution bar, which was situated on Fitzwilliam Street and not particularly close to the West One apartments, and he felt that should this application be granted, other businesses such as Vodka Revolution, would follow suit and apply for extended closing times. He said that there were currently 35,000 residents living within a 750-metre square radius and West One Plaza was within that radius. Peter Sephton acknowledged that if someone chose to live in the city centre, they were aware of what to expect. He said that the city council was currently expanding the availability of accommodation within the city centre, something he was more than happy to see, but not the expansion of the night time economy with it. He said that the proposed change to closing times was minor, but vital.
- 4.6 Mark Booth said that he agreed with everything that Mr. Sephton had said and that he had lived in an apartment within the West One Plaza for the past 20 years and had seen many changes since moving in. He said that in his experience, he had seen applications being granted only for the applicants to put in another application to change the operating hours shortly afterwards. He said that there was no guarantee that the applicant in this case would not return to extend the opening hours should the application be granted, and this was one of his two major concerns. He said there was a bigger issue around the fact that residents were not easily made aware of any proposed changes. He felt that notices on street posts were not enough and not easily identifiable. He asked whether notices could be posted through every letterbox within the Plaza. Mark Booth raised the issue around the applicant agreeing to the removal of Section H from the operating schedule which referred to the provision of karaoke entertainment. He said that he had studied the plans of the application and had noted that the first floor area had several function rooms, ideal for karaoke parties and asked why Section H was to be removed. Finally, Mark Booth said that part of the application referred to the holding of hen/stag parties and questioned the likelihood of “background” music for these types of functions.
- 4.7 Maxine Biggin stated that she was a resident in West One Plaza and had been there for many years. She questioned the opening hours for restaurants in the surrounding area as being permissible to remain open until 05:00 hours. She said that there were many takeaways along West Street and Division Street that did not close until 05:00 hours and that it could be as busy at that time as it was at 23:00 hours. She said that the taller buildings created a vortex for noise and that should she have visitors, she would be unable to entertain them outside on her balcony, due to the level of noise and bad language that rose up from West Street. She

said that the area was disgusting late at night with rubbish being littered everywhere.

- 4.8 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee, it was stated that when the businesses within West One Plaza were predominantly restaurants, there had never been a problem of noise emanating from them after 22:30 hours. If there had been a problem of noise coming from inside the premises, residents would ask for the doors to be closed. It was accepted that following the pandemic, when people had been shut up within their own homes, a number of outside areas had been created, however these areas were not staffed and the noise was, at times, unbearable. There also appeared to be a new trend for customers to queue outside bars which created a noise nuisance. Mark Booth said that bright lights had been installed within the Plaza and this had encouraged people to gather and stay there into the night. Maxine Biggin said that if there were incidents of noise nuisance, she would go into the premises and complain to members of staff but found that, on a number of occasions, the owners were not on the premises and the staff were reluctant to follow through her request to reduce the noise levels. She said that she had complained to the 101 service but had found that they were reluctant and unable to do anything. Jayne Gough encouraged people to contact the 101 service as, although they might be unable to do anything at the time, at least there would be a record of the complaint made and this would assist in any subsequent action being taken.
- 4.9 Nick White said that the operators wanted to run the business primarily as a restaurant and bar and that the operators were allowed to hold karaoke sessions on certain evenings. He said the ground floor to the premises would be an open restaurant/bar area, kitchen and disabled facilities and one function room, also with disabled facilities. He said on the first floor, there would be six or seven private function rooms that could be hired by small parties. He felt that the crucial issue was noise breakout, so before any other works were conducted, there was a need to get the acoustics right on the building. A noise consultant had been engaged to carry out a noise survey in the Plaza, to collect data on the background noise levels and also the internal noise breakout. The data from this was not yet known but would be shared when available. He said that the plan was to create cinema-style arrangements, the function rooms would be fitted with triple acoustic walls and ceilings to keep the sound contained, to ensure that the premises could operate without disturbance to its neighbours. Nick White referred to the planning approval which had granted the operating hours of 00:30 hours to cease licensable activities and 01:00 hours to close, which were a little bit tighter than the nearby Vodka Revolution bar. He said there were no plans for outdoor seating areas and there would be lobby entrance to keep noise breakout to a minimum.
- 4.10 In response to questions raised by Members of, and the legal adviser to, the Sub-Committee and the objectors, Nick White said that there would be door security staff engaged to ensure that doors were kept closed and staff would ask people to leave quietly. He said that it was still early days on how the operator would manage noise within the management plan and also whether hen/stag parties would be allowed, although the type of venue would be aimed towards attracting

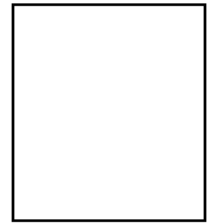
younger people. He said that there would be a booking system in place to hire the function rooms. To comply with the criteria set out by the Environmental Planning Service, to reduce noise breakout, the speakers would be placed facing in the right direction. Nick White said that there was more than one operator involved with this application, all of whom had previous experience at operating this type of venue and were working towards the right approach to tick all the boxes to operate in a responsible, right and proper way. He said that whilst he could not guarantee that, should this application be granted, the operators would not apply for longer opening hours, he could guarantee that they would operate responsibly.

- 4.11 Nick White summed up the case on behalf of the applicants and said that he would relay back to the applicants all the issues raised and comments made at the meeting.
- 4.12 Jayne Gough outlined the options available to the Sub-Committee.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant the premises licence in respect of the premises known as Soho, Units 8 and 9, West One Plaza, Fitzwilliam Street, Sheffield, S1 4JB (Ref No.72/23), subject to the terminating hour of all licensable activities being 00:30 every day, whilst premises closure was 00:30 Sunday to Thursday, and 01:00 Friday, Saturday and days before bank holidays.
- 4.14 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees, and the webcast was recommenced.
- 4.16 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, in respect of the premises known as Soho, 8 and 9 West One Plaza, Fitzwilliam Street, Sheffield S1 4JB, the Sub-Committee agrees to grant the premises licence subject to terminating hour of all licensable activities being 00:30 every day, whilst premises closure was 00:30 Sun to Thurs, and 01:00 Fri, Sat and days before bank holidays (Ref No.72/23).

(NOTE: The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination).



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: Monday 19th June 2023 – 10:00am

Subject: Licensing Act 2003

Author of Report: Jayne Gough

Summary: To consider an application to grant a premises licence made under the Licensing Act 2003 for
The Herd, 5 Holmfirst Road, Sheffield, S8 0GU

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

Background Papers: Attached documents
[Sheffield City Councils Statement of Licensing Policy](#)

Category of Report: OPEN

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

Ref No 93/23

The Herd, 5 Holmirst Road, Sheffield, S8 0GU

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 applicants are Andrew Bennet and Robert Woolhouse.

2.2 The application was received by the Licensing Service on the 14th April 2023 and is attached at Appendix 'A' of this report.

2.3 During the consultation period, the applicant has agreed conditions with South Yorkshire Police and the Environmental Protection Service, and these can be found in the report at Appendix 'B'.

3.0 REASONS FOR REFERRAL

3.1 Unresolved representations concerning the application have been received from the following and is attached at Appendix 'C':

- 2 x Individual Local Residents
- 1 x Small Petition from Local Residents

3.2 The applicant and objectors who made a written representation 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 POLICIES TO CONSIDER

4.1 Sheffield City Council Statement of Licensing Policy.

5.0 FINANCIAL IMPLICATIONS

5.1 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.

6.0 THE LEGAL POSITION

6.1 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.

6.2 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.

7.0 HEARINGS REGULATIONS

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

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

7.3 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.

8.0 APPEALS

8.1 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.

9.0 RECOMMENDATIONS

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

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.

Steve Lonnie

Stephen Lonnie
Chief Licensing Officer
Head of Licensing

Date: 19th June 2023

Appendix 'A'

Application

**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, Andrew Bennett and Robert Woolhouse, 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 | |
| Herd (Woodseats), 5 Holmhirst Road, Woodseats | |
| Post town Sheffield | Post code S8 0GU |

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

- | | | |
|---|-------------------------------------|-----------------------------|
| a) An individual or Individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an Individual* | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | 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

Bennett

First names

Andrew

Date of birth:

[REDACTED]

I am 18 years old or over

Please tick

Nationality:

British

Current postal address if different from premises address

[REDACTED]

Post Town

Sheffield

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

Second Individual Applicant (if applicable)

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

Surname

Woolhouse

First names

Robert

Date of birth:

[REDACTED]

I am 18 years old or over

Please tick

Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

[REDACTED]

Post Town

Sheffield

Postcode

[REDACTED]

Daytime contact telephone number

[REDACTED]

Email address (optional)

[REDACTED]

(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 venture (other than a body corporate), please give the name and address of each party concerned.

| |
|---|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

| | | | | | | | | | |
|---|---|---|---|--|--|--|--|--|--|
| A | S | A | P | | | | | | |
|---|---|---|---|--|--|--|--|--|--|

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 application is made to license the premises known as Herd (Woodseats), 5 Holmhirst Road, Woodseats Sheffield, S8 0GU, which will trade under the name of The Herd.

It is intended that during the day the premises will operate as a café style premises but during the evenings it will offer a more bar like atmosphere celebrating local live music acts, craft beer and a small selection of spirits and wines.

The internal area is small and will only provide minimal seating but to create an ambient area for where customers can come and enjoy a selection of food and drink and listen to live and recorded music entertainment. The details as to the layout of the premises as described on the plans annexed to this application which are as follows:

Drawing titled "The Herd (Woodseats), 5 Holmhirst Road, Woodseats, Sheffield, S8 0GU"

The Applicant seeks to apply for licensable activities as follows:

- Sale of alcohol.
- Live and recorded music.
- Performance of dance.
- Anything of a similar description.

The hours for these activities are between 09:00 and 23:30 Monday to Sunday

- Late night refreshment.

The hours for this activity are between 23:00 to 23:00 Monday to Sunday.

The Premises will close 30mins after the expiration of licensable activities.

It is not anticipated that any issues will arise in relation to the four licensing objectives and the operating schedule has been completed on this basis, specifically in response to the low level of risk that this premises poses to these objectives.

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 (please read guidance note 2)

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

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

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

In all cases complete boxes K, L and M

A

| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 3). | Indoors | |
|---|-------|--------|---|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6) | | |
| Sat | | | | | |
| Sun | | | | | |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 3). | Indoors | |
|--|-------|--------|--|----------|--|
| Day | Start | Finish | | Outdoors | |
| | | | | Both | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Thur | | | | | |
| Fri | | | 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | Please give further details (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | State any seasonal variations for indoor sporting events (please read guidance note 5) |
| Tue | | | |
| Wed | | | 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 6) |
| Thur | | | |
| Fri | | | |
| Sat | | | |
| Sun | | | |

D

| Boxing or wrestling entertainment Standard days and timings (please read guidance note 7) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick {Y}(please read guidance note 3). | Indoors | |
|---|-------|--------|--|----------|--|
| Day | Start | Finish | | Outdoors | |
| Mon | | | Please give further details here (please read guidance note 4) | Both | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5) | | |
| 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 6) | | |
| Sat | | | | | |
| Sun | | | | | |

E

| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick {Y}(please read guidance note 3). | Indoors | ✓ |
|---|-------|--------|--|---|---|
| Day | Start | Finish | | Outdoors | |
| Mon | 09:00 | 23:30 | Please give further details here (please read guidance note 4) | Both | |
| Tue | 09:00 | 23:30 | | | |
| Wed | 09:00 | 23:30 | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Thur | 09:00 | 23:30 | | N/A – save as below | |
| Fri | 09:00 | 23:30 | 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 6) | | |
| Sat | 09:00 | 23:30 | | | |
| Sun | 09:00 | 23:30 | | 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 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3). | Indoors | ✓ |
|---|-------|--------|--|----------|---|
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | | | |
| Mon | 09:00 | 23:30 | Please give further details here (please read guidance note 4) | | |
| Tue | 09:00 | 23:30 | | | |
| Wed | 09:00 | 23:30 | Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above. | | |
| Thur | 09:00 | 23:30 | State any seasonal variations for playing recorded music (please read guidance note 5) | | |
| Fri | 09:00 | 23:30 | N/A – save as below | | |
| Sat | 09:00 | 23:30 | 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 6) | | |
| Sun | 09:00 | 23:30 | | | |
| | | | 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 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 3). | Indoors | ✓ |
|--|-------|--------|---|----------|---|
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | | | |
| Mon | 09:00 | 23:30 | Please give further details here (please read guidance note 4) | | |
| Tue | 09:00 | 23:30 | | | |
| Wed | 09:00 | 23:30 | As stated in Part 3 above | | |
| Thur | 09:00 | 23:30 | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Fri | 09:00 | 23:30 | N/A – save as below | | |
| Sat | 09:00 | 23:30 | 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 6) | | |
| Sun | 09:00 | 23:30 | | | |
| | | | 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 7) | | | 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 3). | Indoors ✓ |
| | | | | Outdoors |
| Mon | 09:00 | 23:30 | | Both |
| Tue | 09:00 | 23:30 | | Please give further details here (please read guidance note 4) |
| Wed | 09:00 | 23:30 | | |
| Thur | 09:00 | 23:30 | | |
| Fri | 09:00 | 23:30 | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | |
| Sat | 09:00 | 23:30 | | |
| Sun | 09:00 | 23:30 | | |
| | | | 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 6) | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 3). | |
|--|-------|--------|---|--------------|
| Day | Start | Finish | | Indoors ✓ |
| | | | | Outdoors |
| Mon | 23:00 | 23:30 | Please give further details here (please read guidance note 4) As stated in Part 3 above | Both |
| Tue | 23:00 | 23:30 | | |
| Wed | 23:00 | 23:30 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | |
| Thur | 23:00 | 23:30 | N/A – save as below | |
| Fri | 23:00 | 23:30 | 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 6) | |
| Sat | 23:00 | 23:30 | | |
| Sun | 23:00 | 23:30 | 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 7) | | | Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8) | On the premises | |
| | | | | Off the premises | |
| Day | Start | Finish | | Both | ✓ |
| Mon | 09:00 | 23:30 | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Tue | 09:00 | 23:30 | | | |
| Wed | 09:00 | 23:30 | | | |
| Thur | 09:00 | 23:30 | 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 6) | | |
| Fri | 09:00 | 23:30 | | | |
| Sat | 09:00 | 23:30 | To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Year's Eve, New Years Day, All Saints Days and any event of national significance. | | |
| Sun | 09:00 | 23:30 | | | |
| | | | New Years Eve until 01:00 on New Year's Day – terminal hour as proposed | | |

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

Name: Matthew Stout.....

Date of Birth: [REDACTED].....

Address: [REDACTED].....

.....

Postcode: [REDACTED].....

Personal Licence number (if known): Pers5318

Issuing licensing authority (if known): Lambeth Council Licencing Team

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 9)

NONE

L

| | | | |
|--|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variation (please read guidance note 5) 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 6) The premises will close 30 minutes after the end of the non-standard timings identified in box J above. |
| Mon | 09:00 | 00:00 | |
| Tue | 09:00 | 00:00 | |
| Wed | 09:00 | 00:00 | |
| Thur | 09:00 | 00:00 | |
| Fri | 09:00 | 00:00 | |
| Sat | 09:00 | 00:00 | |
| Sun | 09:00 | 00:00 | |

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 10)

The following will be offered in the operating schedule of the premises licence application as part of the measures to be taken to promote the four licensing objectives.

b) The prevention of crime and disorder

1. Alcoholic drinks may not be removed from the premises in open containers except for consumption in external areas provided for that purpose.
2. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
3. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
4. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available within a reasonable time upon request by the police as long as the request is in accordance with data protection principles.

c) Public safety

No risks have been identified.

d) The prevention of public nuisance

1. Noise shall not emanate from the premises so as to cause a nuisance to nearby noise sensitive properties.

a) The protection of children from harm

1. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
2. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed my the plan of the premises
- I have enclosed a 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
- {Applicable to all Individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships} I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent. (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none"> • {Applicable to Individual applicants only, including those in a partnership which is not a limited liability partnership} I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
|--------------------|---|

Signature: John Gaunt & Partners 

Date: 14 April 2023

Capacity: Solicitors.....

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:

| | |
|--|-----------------------------|
| Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) | |
| John Gaunt & Partners Omega Court 372 Cemetery Road | |
| Post town Sheffield | Post code S11 8FT |
| Telephone number (if any) | 0114 2668664 |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) LSchelvis@john-gaunt.co.uk | |

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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500,

- and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. 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.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. 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.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. 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.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Schedule 11

Consent of individual to being specified as premises supervisor

I, **Matthew Stout**

of

[REDACTED]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for the grant of a premises licence by relating to a premises licence for **Herd (Woodseats), 5 Holmhirst Road, Woodseats, Sheffield, S8 0GU** and any premises licence to be granted or varied in respect of this application made by concerning the supply of alcohol at **Herd (Woodseats), 5 Holmhirst Road, Woodseats, , Sheffield, S8 0GU**.

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal Licence number. **Pers5318**.....

Personal Licence issuing authority: **Lambeth Council Licencing Team, Third Floor, Civic Centre, 6 Brixton Hill, Brixton, London, SW2 1EG tel: 020 7926 5000**.....

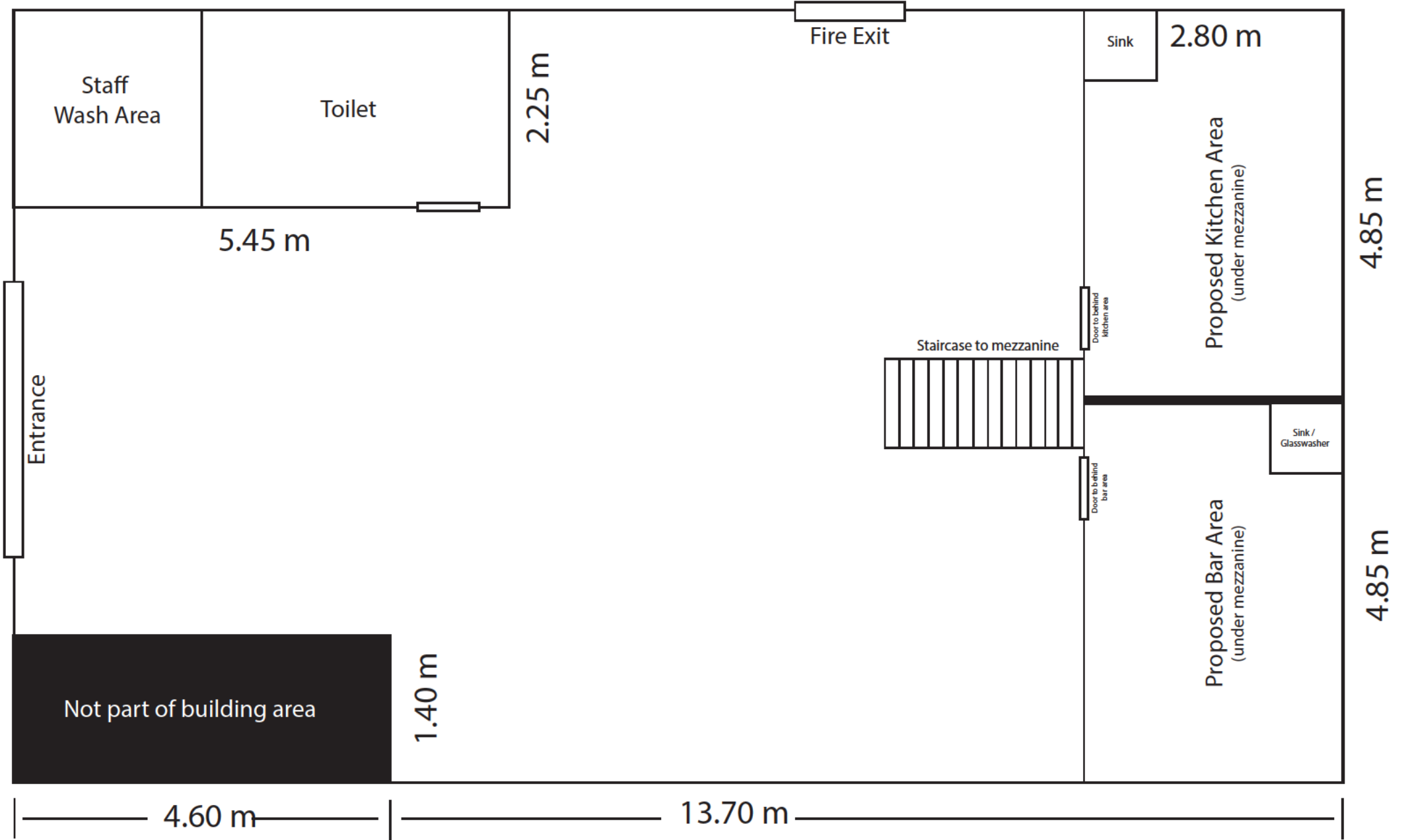
Signed: **[REDACTED]**

Name (please print): **Matthew Stout**

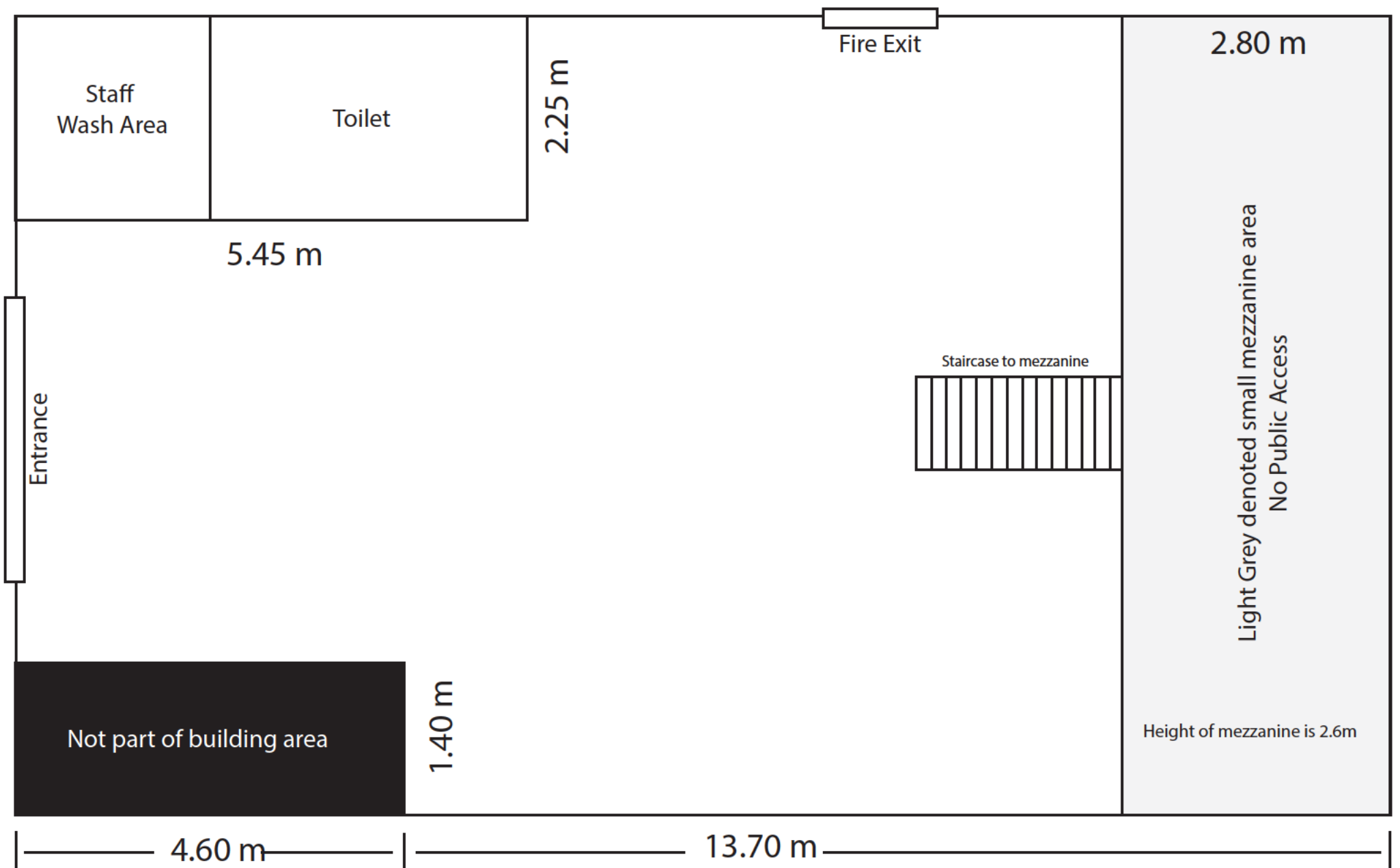
Dated: **31/3/2023**

Holmhirst Road, Woodseats S8 0GU

18.3m total length of building



18.3m total length of building



Hi

Many thanks for your email.

Please accept my apologies here, this should state as follows:

Regulated Entertainment:

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

Supply of Alcohol:

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, All Saints Days and any event of national significance.

New Years Eve until 01:00 on New Year's Day - terminal hour as proposed

I hope this clarifies matters for you.

Kind Regards

Leigh Schelvis

Senior Solicitor

LSchelvis@john-gaunt.co.uk | www.john-gaunt.co.uk

T: 0114 266 8664 | M: 07703 730 836 | F: 0114 267 9613



For more details on our services please click on the links above.

From: On Behalf Of licensingservice **Sent:** Monday, April 17, 2023 1:10 PM

To: Leigh Schelvis <LSchelvis@john-gaunt.co.uk>

Subject: Clarification of Non-Standard Timing - The Herd - 5 Holmhirst Rd

Afternoon

Please can you clarify the non-standard timing and make it more clear , it is a little confusion

Regulated Entertainment:

When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)

Supply of Alcohol:

To permit sale of alcohol and such regulated entertainment as authorised hereunder until 00:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day, New Years Eve, New Years Day, All Saints Days and any event of national significance.

New Years Eve until 01:00 on New Year's Day - terminal hour as proposed

We await your response

Kind regards

Appendix 'B'

Agreed Conditions:
South Yorkshire Police
Environmental Protection Service

Morning all,

Following receipt of the above application we have now received agreement of the following conditions:

1. *The use of door staff will be risk assessed by the license holder, premises supervisor or member of the management team. Where engaged, door staff shall be licensed by the Security Industry Authority.*
2. *The use of glass alternative drinking vessels will be risk assessed by the license holder, premises supervisor or member of the management team.*
3. *A CCTV system will be fitted, maintained and in use at all times licensable activities are being undertaken. The CCTV images will be stored for 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available to police within a reasonable time upon a reasonable request made in connection with the prevention and detection of crime and disorder, in line with data protection legislation. Members of the management team will be trained in the use of the system.*
4. *Staff authorised to sell alcohol will receive training regarding vulnerability awareness. Staff authorised to sell alcohol will receive suitable training in crime scene preservation. Staff authorised to sell alcohol shall complete a suitable refresher training once per calendar year commencing the year after their date of their employment. A written record of the staff training outlined in this condition shall be maintained and shall be made available to the Police and/or Licensing Authority upon reasonable request.*
5. *A Challenge 25 scheme must operate including a refusals log and relevant signage.*

Please place on the licence should this be granted.

Thanks.

[Redacted]

[Redacted]

South Yorkshire Police

Licensing Department

Mossway Police Station

Mossway

Sheffield

S20 7XX

Telephone number

[Redacted]

Website address - southyorks.police.uk



Licensing Team

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

8

Hello Leigh,

Thanks for your time earlier, the conditions look ok to me,

1. *If deemed reasonably necessary by Sheffield EPS, upon receipt of written notification of not less than 28 days from Sheffield EPS, resulting from noise complaints to that service, the premises shall install a noise limiter to control noise breakout from the premises. Amplified sound shall then only be played within the building 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 tamper-resistant manner, the design and settings of which shall have received the prior written approval of the Environmental Protection Service. The limiter shall impose such limits on amplified sound or live music played within the building to ensure noise breakout does not exceed the prevailing ambient noise level by more than 2dB when measured at 1m from the facade of the nearest noise sensitive property;*
 - a. *as a 15 minute LAeq, and;*
 - b. *at any one third octave band centre frequency as a 15 minute LZeq.*
2. *The premises shall be restricted to no more the 4 performances of regulated live/recorded music per calendar month, unless written consent is received from the Sheffield EPS for additional performances, prior to said performance(s).*
3. *Any External seating area shall only be used for the consumption of food and drink between 09:00hrs and 21:00hrs on any day of the week.*

Also for the convenience of the licensing officer you had previously agreed to the below condition:

No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

Regards,

Environmental Health Officer

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

Appendix 'C'

Objections:

2 x Individual Local Residents

1 x Small Petition of Local Residents

Local Resident Objection 1

I am writing to express my concern regarding the proposed licensing request of these premises. As a local resident I feel that granting this license would bring many problems to an already problematic area.

- Noise is already an issue for us from The Big tree, The Herd will just add to the noise and it's even closer! Not just from music but also from people hanging around outside the premises to smoke/vape or drink their drinks. People from the big tree often bring drinks and wander along Holmhirst road to hang around near the green gas box and leave glasses etc in this area. The Herd will just add to this.

- Drug dealing is a continuing issue along Holmhirst road/ corner Fraser Road, with numerous drug deals going on very openly during the day and night. With cars pulling up people getting in car's speeding up the road doing the deal then getting back out of the car. Having another premises serving alcohol is only going to increase this problem as well.

- At closing time, the noise is already disturbing just from the big tree, with drunk people making levels of noise which is unacceptable in a residential area. The Herd will just escalate this noise and make it even more disturbing.

- Parking is a major issue along this stretch of Holmhirst road/Fraser Crescent with vehicles constantly parking on double yellow lines in front of The Herd premises, blocking garages and causing a bottle neck so traffic builds up. It is very dangerous with people often speeding out of the Fraser Road/Holmhirst Road junction without slowing, it's an accident waiting to happen with this area being a high populated area, with children and elderly people crossing.

These are some reasons why I feel these premises are best as a daytime venue, even as this I feel something needs to be done regarding the parking situation. Maybe more double yellow lines and regular parking attendants to monitor the parking problem.

Kind regards
Concerned Local Resident

Local Resident Objection 2

P [REDACTED] Jackson

[REDACTED] Fraser Road

Sheffield S80JL

FAO Representations / Objections

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

9th May 2023

Re: Representations / Objections to Open Application 210771 – New Application for Premises Licence under the Licensing Act 2003 – The Herd, 5 Holmfirst Road, Sheffield S8 0GU

Dear Sir / Madam

I write to make representations / objections to the Application(s) above on the grounds of the following:-

The Application is contrary to the duty of the Licensing Authority to *promote* the four core objectives (“the licensing objectives”). Those objectives as you are aware –The prevention of crime and disorder; Public safety; The prevention of public nuisance; & The protection of children from harm.

Further, on its individual merits the Application will risk damaging the local community and decrease its overall wellbeing by the additional supply of alcohol into the area as well as having a negative cumulative impact on the local population. The increase in young children under 5 to the Woodseats area is particularly marked in the daytime

In relation to the objectives I make the following comments:-

The prevention of crime and disorder and the prevention of public nuisance

1. In the latest crime survey, Feb 23 for Norton Woodseats 128/163 the top 3 crimes were for Violent Crime -53, Anti-Social Behaviour -52, and Public Order -23, which all have it is submitted an association with increased alcohol availability or consumption.
2. There are currently over 10 pubs or restaurants that serve alcohol on the ½ mile stretch of Woodseats top, this is more than sufficient and is verging on oversupply for the demand. Another alcohol licence will also add yet more financial pressure to the existing businesses cited, we are in a financial; crisis and more premises that feed alcohol and its addiction can only lead to more deprivation and relationship problems in the area.

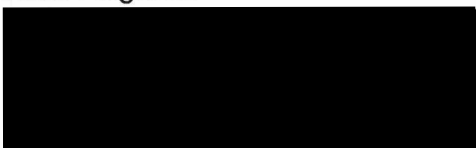
3. There are also 2 x Off Licences that cater for take outs as do Asda and Iceland. There are also currently no Cafes that serve alcohol, which shows that alcohol is not required as part of the Woodseats café culture. In fact it may be that The Herd would seek to be the first one, and on a residential street, having provided a bar at the Woodseats festival and had all along wanted a Premises licence to supply alcohol rather than just non-alcoholic refreshment. This is somewhat disingenuous and deceptive of intentions towards the residents in any event.
4. In addition, Holmhirst Road is a residential area and close to the Big Tree, which also gives rise to sufficient / existing drunken anti-social behaviour, with adults arguing and throwing up after excessive alcohol consumption that spreads onto Holmhirst Road, Fraser Road and Fraser Crescent - will only increase the already (sometimes intolerable) disturbance of neighbours at night who work most days through an exacerbation of existing noise, light and sound nuisance.

Other relevant comments

1. Further, the premises will give rise to a *negative cumulative impact* on one or more of the licensing objectives as there are sufficient premises in Woodseats for the supply of Alcohol *and* for live entertainment, including the Big Tree, The Boston Arms, The Chantrey and The Abbey. This application if granted will be the straw that breaks the camels back...
2. Also, the Applicants / DPS may have previously sold alcohol at the Herd without a valid Premises Licence and / or Temporary Event Notice (TEN) - A live music event all day as part of Woodseats Festival, and open to the public in July 2022 was held with alcohol served from a temporary 'bar', at £5 a pint. I would ask you to check if this was lawful at the time.
3. The granting of the Application would also be contrary to SHEFFIELD CITY COUNCIL'S, STATEMENT OF LICENSING POLICY Under the Licensing Act 2003, 2021 – 2025 – '*we will not tolerate any businesses or activities that place risk of damaging our communities or overall wellbeing as Sheffield residents, workers' or visitors'*. Pt1 Foreword. It is submitted that the further supply of alcohol into the area risks further damaging adult residents lives and wellbeing and risk harming children's lives directly or indirectly through an increase in alcohol availability and consumption and through the consequent anti-social behaviour that all day drinking provides.

I would in light of the above representations ask you to refuse the application for all Permitted activities sought by the Applicants. Thank you.

Kind Regards



P. Jackson

Small Petition of Local Residents

Fraser Rd
Sheffield

7th May 2023

10 MAY 2023

PERMITS
SERVICES

Dear Sr/Madam

There is an application for Premises License for the supply of Alcohol & live music made by Mr Andrew Bennett and Mr Robert Woolhouse for The Herd, currently a Café, at 5 Holmhirst Road, Woodseats, S8 0GU from 9am to Midnight on Friday Saturday and Sunday and Bank Holidays and until 11,30 Monday to Friday at The Herd, 5, Holmhirst Road, Sheffield S8 0GU and we make the following representations from a number of Residents oppose this being granted on the following grounds:

- There are more than enough pubs selling alcohol in our community / residential area - 7 in the close vicinity (The Abbey, The Big Tree, Guzzle, The Chantry, The Bulldog, Woodseats Palace, The Boston Arms). In addition to these there are several restaurants which also sell alcohol.
- This is a residential area and with 7 bars already here and we fear another one will bring noise, litter and disruption into the area,
- The live music license will mean late night music which will disturb local residents who may sleep earlier than this and may cause a public nuisance, such as antisocial behaviour, arguments, loud voices, vandalism and litter.
- Live music will attract people from outside the area which is of no benefit to local people, there are many families with small children in the area who need protecting from antisocial behaviour which could possibly follow loud music and alcohol.
- We want to live a quiet peaceful life and feel there are plenty of places for people to enjoy alcohol without the addition of this one which is much closer to where people actually live. Please help us by refusing this licence.

Thank you and please do not grant this licence
Your sincerely

Lynn Woods [Redacted] Fraser Rd Sheffield S80JL

Lynn Woods.

[Redacted] HOLMHIRST ROAD.

[Redacted] " " [Redacted] Dayh

[Redacted] Marshall Rd

Woodseats

20 W [Redacted] [Redacted] HOLMHIRST RD

[Redacted] HOLMHIRST RD

Eloyns
[Redacted] [Redacted] KOL

FRASER RD
D PEARCE
[Redacted]

Name

Address

P. Peters



Holmhurst Rd.

S. Mrs. Habersham



Holmhurst Rd

STEPHEN CORNER



TADCASTER RD

Kath Corker



Tadcaster rd.

Ruby Jackson



Fraser RD

Holly Jackson



Fraser R D

Appendix 'D'

Hearing Notices and Regulations



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

Andrew Bennett & Andrew Woolhouse
c/o Leigh Schelvis – John Gaunt and Partners

Sent via email: lschelvis@john-gaunt.co.uk

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmirst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representations will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 2023 at 10.00am**; 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: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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



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

J [REDACTED] Hill
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmfirst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representation will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 2023 at 10.00am**; 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 representation 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 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: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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

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

L [REDACTED] Woods
On behalf of a number of Local Residents

Sent via Post: [REDACTED]

The Sheffield City Council being the licensing authority, on the 14th April 2023 received an application in respect of the premises known as;

The Herd, 5 Holmhurst Road, Sheffield, S8 0GU

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

- **2 x Individual Local Residents**
- **1 x Small Petition from Local Residents**

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

The Council now **GIVES YOU NOTICE** that the representation will be considered at a hearing to be held **At Sheffield Town Hall on Monday 19th June 2023 at 10.00am**; 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 representation 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 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: 25th May 2023

Signed: Jayne Gough
The officer appointed for this purpose
Licensing Strategy and Policy 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

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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.