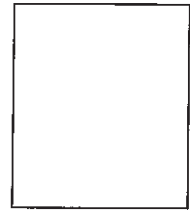




**SHEFFIELD CITY COUNCIL
Licensing Sub Committee
Report**



Report of: Chief Licensing Officer, Head of Licensing

Date: 25th February 2014

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

Fuel (fka The Boardwalk), 39 Snig Hill, Sheffield, S3 8NA

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

Background Papers: Attached documents

Category of Report: OPEN

LICENSING ACT 2003

Fuel (fka The Boardwalk), 39 Snig Hill, Sheffield, S3 8NA

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

- 2.1 The applicant is Forbidden Leisure Limited.
- 2.2 The application, which was received on 6th January 2014 is attached to this report labelled Appendix 'A'.
- 2.3 Page A2 of the application form details briefly the proposed variation. In short, it proposes to extend the terminal hour for the sale of alcohol to 6am 7 days a week. The current morning opening times of 10am are proposed to remain unchanged.
- 2.4 The current premises licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

- 3.1 Representations concerning the application for variation were received from the following :-
- | | | |
|----|---|--------------|
| a) | Sheffield City Council Environmental Protection Service | Appendix 'C' |
| b) | 2 No. Public Objections | Appendix 'D' |
- 3.2 Following discussions between the applicant and the Environmental Protection Service licence conditions were agreed and the representation was withdrawn. Relevant correspondence is attached within appendix C, with the agreed conditions at page C1.
- 3.3 As the public representations have not been resolved, the matter is referred to the Licensing Sub Committee.
- 3.4 The applicant and representatives from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

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

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

6.0 HEARINGS REGULATIONS

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

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

6.3 Also attached at Appendix 'E' is the following: -

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with modified conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer, Head of Licensing, 25th February 2014

Appendix A

The Application

Application to vary a premises licence under the Licensing Act 2003

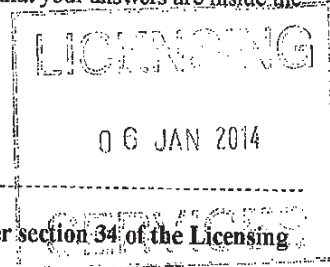


AI

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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



I/We **Forbidden Leisure Limited**
(Insert name(s) of applicant)

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

Premises licence number SY1173PR
--

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Boardwalk 39 Snig Hill			
Post town	Sheffield	Postcode	S3 8NA

Telephone number at premises (if any)	0114 268 7788
Non-domestic rateable value of premises	£16250

Part 2 – Applicant details

Daytime contact telephone number	07815 542811		
E-mail address (optional)			
Current postal address if different from premises address	Forbidden Leisure Limited c/o The Blue Lamp 2 Norfolk Street		
Post town	Hull	Postcode	HU2 9AA

A2

Part 3 - Variation

Please tick as appropriate

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

No

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

1. To extend the permitted hours for the sale by retail of alcohol and the provision of regulated entertainment until 0600 hours and the provision of late night refreshment until 0500 hours
2. To extend the opening hours of the premises to 1000-0620 hours.
3. To make changes to the internal layout of the premises as shown on the plan filed with the application.
4. To change the name of the premises to Fuel.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

A4

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon		0400	Please give further details here (please read guidance note 3)		
		1000			
Tue		0400	State any seasonal variations for the exhibition of films (please read guidance note 4)		
		1000			
Wed		0400	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
		1000			
Thur		0400			
		1000			
Fri		0400			
		1000			
Sat		0400			
		1000			
Sun		0400			
		1000			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon		0400	State any seasonal variations for indoor sporting events (please read guidance note 4)	
		1000		
Tue		0400		
		1000		
Wed		0400		
		1000		
Thur		0400		Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
		1000		
Fri		0400		
		1000		
Sat		0400		
		1000		
Sun		0400		
		1000		

D

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

E

A6

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon		0600	<u>Please give further details here (please read guidance note 3)</u>	Both	<input type="checkbox"/>		
		1000					
Tue		0600					
		1000					
Wed		0600		<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>			
		1000					
Thur		0600					
		1000					
Fri		0600			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
		1000					
Sat		0600					
		1000					
Sun		0600					
		1000					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon		0600	<u>Please give further details here (please read guidance note 3)</u>	Both	<input type="checkbox"/>		
		1000					
Tue		0600					
		1000					
Wed		0600		<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>			
		1000					
Thur		0600					
		1000					
Fri		0600			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
		1000					
Sat		0600					
		1000					
Sun		0600					
		1000					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>		
Day	Start	Finish		Outdoors	<input type="checkbox"/>		
Mon		0600	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>		
		1000					
Tue		0600					
		1000					
Wed		0600		<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
		1000					
Thur		0600					
		1000					
Fri		0600			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
		1000					
Sat		0600					
		1000					
Sun		0600					
		1000					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
Day	Start	Finish		Outdoors	<input type="checkbox"/>			
Mon		0600	<u>Please give a description of the type of entertainment you will be providing</u>	Both	<input type="checkbox"/>			
		1000						
Tue		0600		<u>Please give further details here</u> (please read guidance note 3)				
		1000						
Wed		0600						
		1000						
Thur		0600			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)			
		1000						
Fri		0600						
		1000						
Sat		0600				<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
		1000						
Sun		0600						
		1000						

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon		0500									
		2300									
Tue		0500									
		2300									
Wed		0500				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)					
		2300									
Thur		0500									
		2300									
Fri		0500							Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
		2300									
Sat		0500									
		2300									
Sun		0500									
		2300									

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon		0600						
		1000						
Tue		0600						
		1000						
Wed		0600				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
		1000						
Thur		0600						
		1000						
Fri		0600						
		1000						
Sat		0600						
		1000						
Sun		0600						
		1000						

K

A9

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

None.

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon		0620	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
		1000	
Tue		0620	
		1000	
Wed		0620	
		1000	
Thur		0620	
		1000	
Fri		0620	
		1000	
Sat		0620	
		1000	
Sun		0620	
		1000	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

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

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

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

M

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

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

Membership of local Licence Watch scheme

b) The prevention of crime and disorder

CCTV system to be installed and operated in accordance with Police requirements.
 An incident log book will be kept at the premises and made available to the Police or other responsible authorities on request.
 There will be a written drugs policy. Regular drug searches will be carried out.
 SIA registered door staff will be on duty from 2200 hours.

c) Public safety

Draught beer and cider and spirits will be supplied in polycarbonate drinking vessels
 No drinks to be taken onto the dance floor. There will be signs to this effect and the area will be monitored by staff.

d) The prevention of public nuisance

No open drinks to be taken off the premises
 Signs will be posted at exits requesting that customers leave quietly
 There will be a written dispersal policy to assist in the swift and quiet dispersal of customers

e) The protection of children from harm

No under 18s allowed on the premises after 1900 hours
 Challenge 25 policy in force. The only acceptable forms of ID will be passports and photocard driving licences.

All

Checklist:


Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	2nd January 2014
Capacity	Solicitor

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Andrew Jackson Marina Court Castle Street			
Post town	Hull	Post code	HU1 1TJ
Telephone number (if any)	01482 325242		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) jeff.swales@andrewjackson.co.uk			

Appendix B

Current Premises Licence



THE LICENSING ACT 2003

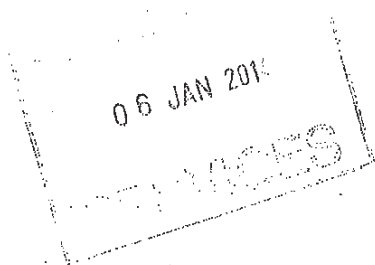
Premises Licence No: SY 1173 PR ISSUE NO: 8.

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

PART 1 – Premises details

The Boardwalk
39 Snig Hill
Sheffield
S3 8NA

Telephone Number: 0114 2687788



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

1. Provision of regulated entertainment:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

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

Indoors

Sunday - Thursday	10:00 to 24:00 hours
Friday - Saturday	10:00 to 02:00 hours the following day
Christmas Eve (24.12)	10:00 to 02:00 hours the following day
Boxing Day (26.12)	10:00 to 02:00 hours the following day
Bank Holiday Weekends (Friday to Monday inclusive)	10:00 to 02:00 hours the following day

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

Where the hours for the sale of alcohol are extended then the hours are also extended.

2. Provision of entertainment facilities for:
Facility for Making Music
Facility for Dancing

Indoors

Sunday - Thursday	10:00 to 24:00 hours
Friday - Saturday	10:00 to 02:00 hours the following day
Christmas Eve (24.12)	10:00 to 02:00 hours the following day
Boxing Day (26.12)	10:00 to 02:00 hours the following day
Bank Holiday Weekends (Friday to Monday inclusive)	10:00 to 02:00 hours the following day

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

Where the hours for the sale of alcohol are extended then the hours are also extended.

3. Late Night Refreshment:

Indoors

Sunday - Saturday	23:00 to 24:00 hours
Christmas Eve (24.12)	23:00 to 02:00 hours the following day
Boxing Day (26.12)	23:00 to 02:00 hours the following day
Bank Holiday Weekends (Friday to Monday inclusive)	23:00 to 02:00 hours the following day

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

Where the hours for the sale of alcohol are extended then the hours are also extended.

4. Sale by retail of alcohol

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

Sunday - Thursday	10:00 to 24:00 hours
Friday - Saturday	10:00 to 02:00 hours the following day
Christmas Eve (24.12)	10:00 to 02:00 hours the following day
Boxing Day (26.12)	10:00 to 02:00 hours the following day
Bank Holiday Weekends (Friday to Monday inclusive)	10:00 to 02:00 hours the following day

To permit the premises to open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours such opening times for this purpose to be confirmed upon 10 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

Where the hours for the sale of alcohol are extended then the hours are also extended.

The opening hours of the premises are

Sunday - Thursday	10:00 to 00:20 hours the following day
Friday - Saturday	10:00 to 02:20 hours the following day
Christmas Eve (24.12)	10:00 to 02:20 hours the following day
Boxing Day (26.12)	10:00 to 02:20 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 00:20 hours the following day
Bank Holiday Weekends (Friday to Monday inclusive)	10:00 to 02:20 hours the following day

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

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

PLEASE NOTE:

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

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

PART 2

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

Forbidden Leisure Limited
c/o The Gardeners Country Inn
Hull Road
Hull
HU11 5AE

Telephone Number: 07815 542811

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

08233398

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

Felicity Elizabeth O'Brien
4 Highfield Rise
Stannington
Sheffield
S6 6BT

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

Personal Licence Number: SY 0736 Per
Issuing Authority: Sheffield City Council

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

Restricted

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

Issued on: 9 January 2006.



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

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: 1 Issue Date: 28/08/2007
Variation of DPS	No: 1 Issue Date: 19/06/2008
Transfer of Premises Licence	No: 3 Issue Date: 11/10/2013
Minor Variation	
Change of Name/Address	
Amendment to Premises Licence	
Review	
Summary Review	

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

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

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory Conditions effective from 6th April 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that—
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
3. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police.
4. 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.
5. To comply with the reasonable requirements of the fire officer from time to time.
6. To comply with the reasonable requirements of the building control officer.
7. When dancing is to take place on the premises in an area not previously approved for dancing by the authority, at least 14 days notice must be given to Environmental and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area to be used which should be suitable and adequate in size as the designated dance floor for the intended use and dancing must not take place in that area unless approved by the authority.
8. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
9. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
10. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
11. A permanent fixed residual current device (RCD) must protect the electrical supply serving all amplified music equipment used for the purpose of live public music.
12. Children under the age of 16 years must be off the premises by 21:00 hours unless attending a special function or event for under 18's.
13. The designated premises supervisor, or some other such person, will be assigned to act as lead safeguarder for children's issues at the premises.

Any embedded permissions and restrictions attached to the justices on/off licence including those specified at Appendix 1.

Specific conditions converted from the Public Entertainment Licence

1. Capacity

1) The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed: -

Area	Capacity
The whole of the premises	400

B9

Appendix 1

Appendix C

Agreed Conditions

SCC Environmental Protection Service

EPS Refs: 504825 & 504828

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

Dear Licensing,

Please note the email below confirming the applicant's agreement to the following eight conditions, intended to aid in the core objective of the prevention of public nuisance, and to avoid the need for EPS to formally object to each of the above two variation applications.

Conditions:

1. The premises licence holder shall prominently display notices on all building exits reminding patrons to leave the premises and use external areas quietly, so as not to disturb neighbours.
2. Doors intended to function as part of an acoustic lobby shall not be propped open at any time.
3. The designated premises supervisor or a nominated member of staff must take a pro-active approach to noise control, regularly and frequently checking that noise from patrons using the external areas of the premises, and any breakout of internal noise to such areas, is managed so as to prevent nuisance.
4. No amplified sound shall be played except through an in-house sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of Sheffield City Council's Environmental Protection Service.
5. All ventilation outlets serving licensed areas are to be acoustically baffled.
6. Exits intended for emergency use only shall not otherwise be left open.
7. The venue door supervisors or a designated member of staff are to control noise from patrons, and those persons wishing to enter who are outside and in close proximity to the premises, so as to prevent nuisance.
8. In the event that the investigation of complaints received evidences nuisance due to noise breakout from the premises then, notwithstanding any sound attenuation works already undertaken, a further scheme of sound attenuation works capable of preventing noise nuisance from the premises shall be submitted to and approved by the Environmental Protection Service. Such further scheme of works shall then be installed as approved within an agreed timescale and shall thereafter be retained.

I would be grateful if you could 'reply to all', confirming that all these conditions will be applied to each of the varied premises licences, both 'Fuel' and 'Twist' (formerly known as The Boardwalk and Under The Boardwalk respectively).

Please also note that I have received a copy of a revised site layout, which now includes a triple lobby system to control noise breakout from both the front entrance to the upper 'Fuel' premises. I am happy that these now reflect the layout discussed and agreed during my site visit with the applicant. I anticipate that the revised copy shall now be forwarded to licensing also.

Kind Regards,

Neal Pates

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

From: Jeff Swales [<mailto:jeff.swales@andrewjackson.co.uk>]

Sent: 21 January 2014 12:13

Appendix D

Public Representations

DI

From: Dave <davestaniland@aol.com>

Date: 26 January 2014 15:30:31 GMT

To: davestaniland@aol.com

Subject: Licensing variation application Fuel aka Boardwalk

I wish to submit my response in opposing the licensing variation application by Fuel aka The Boardwalk.

My objections are that the proposal to serve alcohol into the early hours through the week and until 6 am at weekends is unreasonable and unnecessary, which could pose a very real and significant threat to the wellbeing and possible safety of persons living in my apartments at number 8 Bank Street Sheffield S1 2DS, from the point of view of excessive noise, public nuisance and possible anti social behaviour at an unreasonable hour by people entering, leaving congregating and smoking out side of the premises.

The greatest problems and inconvenience will be experienced by the people living in the ground floor apartment which has 2 bedrooms on Bank street with windows only around 500 mm from pavement level which cannot be shuttered or protected due to fire regulations and therefor are likely to attract the attention of late night drinkers trying to look into the bedrooms or banging or even breaking the windows.

It is quite ironic that, after insulating the exterior walls and windows with acoustic material, I had to commission a sound survey for the environment dept as a condition of my being granted planning permission in order to prove that any future purchaser or tenant would not be inconvenienced by external noise only to learn some weeks later that a license was being considered which will no doubt significantly increase noise levels in the area.

I am currently out of the country until the 4th of February 2014 but would welcome an opportunity to meet with you to discuss my concerns further should you wish.

Regards

David Staniland Landlord 8 Bank street Sheffield
Telephone 07773 813344
Sent from my iPad

D2

609

Please ask for: Timothy Gaubert

Our Ref: TRG/CJ

Date: 31st January 2014

Your Ref:

Obj

Also via email general.licensing@sheffield.gov.uk

The Liquor Licensing Officer
Licensing Service
Block C
Stanforth Road Depot
SHEFFIELD
S9 3HD



Dear Sir

Re: Response to Licensing Variation
Application for Fuel aka Boardwalk and Twist (previously under the Boardwalk)

We write to formally register our objection to the proposed licensing variation at the above premises. We are writing as three Partners of a firm of Solicitors who have been trading from 16 Bank Street for almost 50 years.

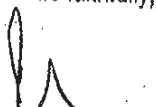
We note the proposal to open at 10.00 a.m. and close at 6.00 a.m. We are concerned in particular regarding the noise. We regularly see clients in our offices and a significant increase in noise levels during the day, when we see our clients would be distracting at best, and may well mean that we are unable to see clients in the office which is clearly unacceptable.

Given the very long hours of proposed opening, together with serving alcohol until 6.00 a.m., we would be concerned about anti-social behaviour. In particular we wonder whether there is any proposal for a smoking area? Our offices back onto the rear of the Boardwalk and if it was proposed that the smoking area were to be established at the rear of the property, we know from experience, that this would cause very significant noise problems.

We are aware that number 8 Bank Street has been redeveloped for three flats. We, together with the Landlords of 18-20 Bank Street (Mr Fred Gould and Mr Patrick Herbert), are also considering possible future re-development of these offices to residential. We are aware that there are further flats along 16 Bank Street who may also be affected by this proposed variation to the licence.

We would welcome an opportunity to meet with you to discuss our concerns.

Yours faithfully,


FAVELL SMITH & LAWSON
Email: tim@favells.co.uk

Appendix E

Hearing Notices / Regulations / Procedure

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

Forbidden Leisure Ltd
c/o Andrew Jackson Solicitors
Marina Court
Castle Street
Hull
HU1 1TJ

jeff.swales@andrewjackson.co.uk

The Sheffield City Council being the licensing authority, on the 6th January 2014 received your application in respect of the premises known as;

Fuel (fka Boardwalk), 39 Snig Hill, Sheffield

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

- 2 No. Public Objections

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 25th February at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 10th February 2014

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

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

Mr David Staniland
c/o 8 Bank Street
Sheffield
S1 1DY

davestaniland@aol.com

The Sheffield City Council being the licensing authority, on the 6th January 2014 received an application in respect of the premises known as;

Fuel (fka The Boardwalk), 39 Snig Hill, Sheffield

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

- **2 No. Members of the Public**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 25th February at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 10th February 2014

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

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

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

Mr Timothy Gaubert
Favell Smith & Lawson Solicitors
16 Bank Street
Sheffield
S1 1DY

tim@favells.co.uk

The Sheffield City Council being the licensing authority, on the 6th January 2014 received an application in respect of the premises known as;

Fuel (fka The Boardwalk), 39 Snig Hill, Sheffield

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

- **2 No. Members of the Public**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Tuesday 25th February at 10am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 10th February 2014

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

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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

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

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