



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 26 October 2015 at 11am

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

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

Ref No 65/ 15

Reflex/Flares, 18 Holly Street Sheffield, S1 2GT

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicant is Stonegate Pub Company Ltd.

2.2 The application, which was received on 29th July 2015, is attached to this report labelled Appendix 'A'. Any blank pages have been omitted to save paper, but the original application will be available at the hearing.

2.3 A copy of the current Premises Licence (SY 1219 PR Issue No:16) is attached at Appendix 'B'

3.0 REASONS FOR REFERRAL

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

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

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

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

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

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

6.0 HEARINGS REGULATIONS

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

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

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

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

9.1 To vary the premises licence in the terms requested.

9.2 To vary the premises licence with conditions.

9.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

21st September 2015

Appendix A

The Application

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

Premises licence number SY 1219 PR
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Reflex/Flares 18 Holly Street			
Post town	Sheffield	Post code	S1 2GT

Telephone number at premises (if any)	0114 2536521
Non-domestic rateable value of premises	£100,000.00

Part 2 – Applicant details

Daytime contact telephone number	08451262944		
E-mail address (optional)			
Current postal address if different from premises address	Porter Tun House 500 Capability Green		
Post Town	Luton	Postcode	LU1 3LS

Part 3 - Variation

Please tick yes

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

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

Day		Month		Year	

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

1. To extend the terminal hour for the Sale of Alcohol, Regulated Entertainment in the form of films, indoor sporting events, live music, recorded music and performance of dance and Late Night Refreshment to 04:00 hours the following day, seven days per week.
2. To extend the opening hours to allow the premises to close at 04:30 hours the following day, seven days per week.
3. Additional non standard timings for notable days are sought, as detailed in the application form.
4. To remove the reference to facilities for dancing and facilities for making music as they are no longer licensable.
5. To remove, amend and add conditions as detailed in the operating schedule set out below.

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of 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

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Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
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					

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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"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	No Change	0400	Please give further details here (please read guidance note 3) As existing		
Tue	No Change	0400			
Wed	No Change	0400	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	No Change	0400			
Fri	No Change	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) To retain existing Non Standard Timings as follows: <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. To amend the existing permissions Non Standard Timing for New Years Eve as follows: <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day To add the following Non Standard Timings: <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night 		
Sat	No Change	0400			
Sun	No Change	0400			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	No Change	0400	As existing
Tue	No Change	0400	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	No Change	0400	
Thur	No Change	0400	<u>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</u> (please read guidance note 5)
Fri	No Change	0400	<p>To retain existing Non Standard Timings as follows:</p> <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. <p>To amend the existing permissions Non Standard Timing for New Years Eve as follows:</p> <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day <p>To add the following Non Standard Timings:</p> <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night
Sat	No Change	0400	
Sun	No Change	0400	

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D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur			<u>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</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

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E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	No Change	0400	Please give further details here (please read guidance note 3) As existing		
Tue	No Change	0400			
Wed	No Change	0400	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	No Change	0400			
Fri	No Change	0400	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) To retain existing Non Standard Timings as follows: <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. To amend the existing permissions Non Standard Timing for New Years Eve as follows: <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day To add the following Non Standard Timings: <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night 		
Sat	No Change	0400			
Sun	No Change	0400			

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F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	No Change	0400	Please give further details here (please read guidance note 3) As existing	Both	<input type="checkbox"/>
Tue	No Change	0400			
Wed	No Change	0400	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	No Change	0400			
Fri	No Change	0400	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) To retain existing Non Standard Timings as follows: <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. To amend the existing permissions Non Standard Timing for New Years Eve as follows: <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day To add the following Non Standard Timings: <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night 		
Sat	No Change	0400			
Sun	No Change	0400			

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G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	No Change	0400	Please give further details here (please read guidance note 3) As existing		
Tue	No Change	0400			
Wed	No Change	0400	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	No Change	0400			
Fri	No Change	0400	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 (please read guidance note 5) To retain existing Non Standard Timings as follows: <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. To amend the existing permissions Non Standard Timing for New Years Eve as follows: <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day To add the following Non Standard Timings: <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night 		
Sat	No Change	0400			
Sun	No Change	0400			

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H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

AN

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 type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish		
Mon	No Change	0400	Please give further details here (please read guidance note 3)	
			As existing	
Tue	No Change	0400		
Wed	No Change	0400	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thur	No Change	0400		
Fri	No Change	0400	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat	No Change	0400	To retain existing Non Standard Timings as follows:	
Sun	No Change	0400	<ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. 	
			To amend the existing permissions Non Standard Timing for New Years Eve as follows:	
			<ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day 	
			To add the following Non Standard Timings:	
			<ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night 	

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	No Change	0430	<p>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 (please read guidance note 5)</p> <p>To retain existing Non Standard Timings as follows:</p> <ul style="list-style-type: none"> An additional hour is permitted after the standard terminal hour on the following dates: 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December An additional hour on the day when British Summer Time commences. <p>To amend the existing permissions Non Standard Timing for New Years Eve as follows:</p> <ul style="list-style-type: none"> From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day <p>To add the following Non Standard Timings:</p> <ul style="list-style-type: none"> An additional hour to the terminal hour on the following notable days: St Andrew's Day, St George's Day, Burns Night, Valentines Night, on all Bank Holiday's and the Friday's, Saturday's and Sunday's preceding all Bank Holiday's, Maundy Thursday, Christmas Day, 29th December, New Years Day and Bonfire Night
Tue	No Change	0430	
Wed	No Change	0430	
Thur	No Change	0430	
Fri	No Change	0430	
Sat	No Change	0430	
Sun	No Change	0430	

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

- To remove the following wording from the premises licence and premises licence summary as follows:
"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."

The planning and licensing regimes are separate. Stonegate take their responsibilities under both regimes seriously however we submit it is not appropriate for the premises licence to include this wording, as sanctions for breach of planning permission exist under planning legislation. Please note however that in the event

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that it is required, a planning application will be submitted.

- Annex 2 Condition 6 which reads *A copy of the SYP Violent Incident protocol to be displayed within the premises in sight of staff. This protocol should also form part of staff training and training records to reflect such input.* Stonegate have extensive training procedures in place which is trained into staff at the commencement of their employment and ongoing throughout. Such training deals with potential incidents of crime and disorder at the premises. This condition is therefore not relevant to the current operation.
- Annex 3 Condition 1 which reads *The Designated Premises Supervisor for the premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance must be maintained.* This condition has been redrafted in box M b) below.
- Annex 3 Condition 3 which reads *The premises licence Holder shall prominently display A4 notices in all external areas reminding patrons to be quiet whilst using the facilities provided and to leave the premises in a quiet and orderly fashion to respect the needs of local neighbors living in close proximity in residential accommodation.* An up to date condition has been offered in box M d) below.

Please tick yes

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

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

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

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

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

We have considered the impact of the proposed variation which allows for an additional hour for the sale of alcohol, regulated entertainment, late night refreshment and opening.

We have fully reviewed the premises licence and licensing history and steps have been taken to ensure that the proposed variation will promote the licensing objectives.

In particular, pre consultation has taken place with Sean Gibbons and Neil Pates Environmental Health Officers and Lucy Adams the Licensing Police Officer.

Stonegate Pub Company Limited have in place an extensive licensing manual detailing both company policies appropriate across the whole estate, along with procedures in place at a local level to ensure the premises operates to the highest standard and promotes the licensing objectives. These include policies regarding social responsibility, underage sales, and procedures to prevent crime and disorder and public nuisance.

The existing operating schedule has some outdated conditions which have been redrafted in Box M below. The condition regarding staff training is outdated, as Stonegate Pub Company Limited have an extensive training program which is trained into staff at the commencement of their employment and ongoing refresher training is given throughout employment.

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In addition to the existing operating schedule, as amended, new conditions have been offered in particular to deal with policies regarding noise management and customer dispersal.

b) The prevention of crime and disorder

Please see box a) above and existing operating schedule (as amended).

In addition, the following additional conditions are proposed:-

1. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
2. The need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
3. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
4. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
 - a. Any incidents of disorder
 - b. Any seizures of drugs or offensive weapons
 - c. Any ejections of patrons
5. The premises shall maintain a written dispersal policy, which shall be made available to the Police or an authorised officer of the Council upon request. Cognisance will be taken of advice from the Environmental Health Officer in the event of substantiated complaints being received.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

Please see box a) above and existing operating schedule (as amended).

In addition, the following additional conditions are proposed:-

1. Reasonable steps will be taken to recognise the rights of local residents and notices will be displayed at the premises exits requesting customers to leave quietly and reminding them that they are in a residential area.
2. The premises shall maintain a written noise management policy which shall be made available to the Police or an authorised officer of the Council upon request. Cognisance will be taken of advice from the Environmental Health Officer in the event of substantiated complaints being received.
3. All windows and doors serving licensed areas are to be closed after 23:00 hours, save for access, egress and in case of emergency.
4. Waste will not be emptied outside the premises and bins will not be moved around outside between the hours of midnight and 07:00 hours.

e) The protection of children from harm

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Please see box a) above and existing operating schedule (as amended).

In addition, the following additional condition is proposed:-

1. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	Poppleston Allen
Date	29th July 2015
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

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

Signature	
Date	
Capacity	

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Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) Helen Cardy Poppleston Allen Solicitors 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7489		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) h.cardy@popall.co.uk			

Notes for Guidance

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

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

Appendix B

Current Premises Licence

THE LICENSING ACT 2003

Premises Licence No: SY 1219 PR ISSUE NO: 16.

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

Reflex/Flares
18 Holly Street
Sheffield
S1 2GT

Telephone Number: 0114 2536520

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

Indoors

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:
Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

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

Indoors

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:
Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

3. Late Night Refreshment:

Indoors & Outdoors

Sunday - Saturday	23:00 to 03:00 hours the following day
New Years Eve (31.12)	23:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

23:00 to 03:00 hours the following day on the following dates:
Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

4. Sale by retail of alcohol

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

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:
 Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
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An additional hour on the day when British summer time commences.

The opening hours of the premises are

Sunday - Saturday	11:00 to 03:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:30 hours the following day on the following dates:
 Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
 1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

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.

B4

PART 2

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

Stonegate Pub Company Limited
Porter Tun House
500 Capability Green
Luton
Bedfordshire
LU1 3LS

Telephone Number: 0207 399 4200

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

FC029833

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

Mr Andrew Graham
63 White Croft Works
Furnace Hill
Sheffield
S3 7AH

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: CYC 12896
Issuing Authority: York 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: 14 January 2006.



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

B5

Sheffield City Council – For Office use only	
Variation of Premises Licence	No: 7 Issue Date: 29/09/2011
Variation of DPS	No: 6 Issue Date: 29/03/2012
Transfer of Premises Licence	No: 1 Issue Date: 14/11/2010
Minor Variation	
Change of Name/Address	No: 1 Issue Date: 05/03/2013
Amendment to Premises Licence	No: 1 Issue Date: 26/01/2012
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. Toughened glass where already used will continue to be used on the premises.
2. The premises will operate the companies "Challenge 21" scheme (or equivalent) requiring proof of age identification from anyone who appears under the age of 21 before served alcohol.
3. No persons under the age of 16 to be allowed on the premises at any time.
4. 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.
5. Polycarbonate drinking vessels to be used at the venue on a management risk assessed basis and through negotiation upon police advice. This is most likely to mean for example, use of polycarbonates perhaps at busy weekend times or periods, or when risk assessed by management due to the customers profile or likely demeanour.
6. A copy of the SYP Violent Incident protocol to be displayed within the premises in sight of staff. This protocol should also form part of staff training and training records to reflect such input.
7. There will be no new admissions to the premises one hour prior to the end of the sale of alcohol except for existing customers who go outside to smoke.

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

1. The Designated Premises Supervisor for the premises must be a registered member of Sheffield Licence Watch. Annual membership and meeting attendance must be maintained.
2. To acquire a suitable number of radio set(s) for the premises and take the CCRAC Radio Scheme into use at all times when trading, and continue to be a user whilst this system / facility is in use in Sheffield.
3. The premises Licence Holder shall prominently display A4 notices in all external area reminding patrons to be quiet whilst using the facilities provided and to leave the premises in a quiet and orderly fashion to respect the needs of local neighbours living in close proximity in residential accommodation.
4. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 31 days and Police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.
5. No bottle bins are to be filled or empties after Midnight.

B16

Appendix 1

LICENSING ACT 2003**Premises Licence Summary ISSUE NO: 16.**

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

Premises licence number SY 1219 PR

Reflex/Flares
18 Holly Street
Sheffield
S1 2GT

Telephone Number: 0114 2536520

Licensable activities authorised by the licence:**1. Provision of regulated entertainment:**

Films
Indoor Sporting Events
Live Music
Recorded Music
Performances of Dance

Indoors

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:
Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

An additional hour is permitted after the standard terminal hour on the following dates:
1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

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

Facility for Dancing

Indoors

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:
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An additional hour on the day when British summer time commences.

3. Late Night Refreshment:

Indoors & Outdoors

Sunday - Saturday	23:00 to 03:00 hours the following day
New Years Eve (31.12)	23:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

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An additional hour on the day when British summer time commences.

4. Sale by retail of alcohol

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

Sunday - Saturday	11:00 to 03:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:00 hours the following day on the following dates:

BIB

Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

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1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

The opening hours of the premises are

Sunday - Saturday	11:00 to 03:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.12)	00:00 to standard terminal hour

10:00 to 03:30 hours the following day on the following dates:

Sunday's Prior to a Bank Holiday, Bank Holiday Monday's, Easter Sunday, Easter Monday.

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1st January, 1st March (St David's), 17th March (St Patrick's), 31st October (Halloween), Christmas Eve (24.12), Boxing Day (26.12), 27th December, 28th December, 30th December.

An additional hour on the day when British summer time commences.

PLEASE NOTE:

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

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

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

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

B14

Name, (registered) address of holder of premises licence:

Stonegate Pub Company Limited
Porter Tun House
500 Capability Green
Luton
Bedfordshire
LU1 3LS

Telephone: 0207 3994200

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

FC029833

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Mr Andrew Graham

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

Restricted

The Premises Licence shall be in force from 24 November 2005.

Issued on: 14 January 2006.



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

Appendix C

Objections

3 Members of the Public

1 Responsible Authority – Environmental Protection Service

1 Councillor Objection

Hollis Georgina (CEX)

Also sent onto EPS for their information
25/8/15 @ 13:55 by email CEX.

obj C1

From: Sona Mehra [REDACTED]
Sent: 25 August 2015 12:35
To: licensingservice
Subject: Objection to Reflex/Flares for later opening hours
Categories: Nina Hollis

As residents/owners of [REDACTED] WestPoint, [REDACTED] West Street, we strongly object to this application. We live directly opposite the premises and have to live with the impact of it on our quality life on a daily basis. We are a family of working parents with two schoolchildren and living any kind of normal life is increasingly difficult. We have to live with night time noise nuisance and anti-social behaviour all around us on the streets outside. The only certainty is that it will stop when licensed premises close at a time agreed by law and people have then been dispersed. At that time we have a very short window of uninterrupted sleep before the next day begins with the early morning noise of the city centre clean up. This application, if granted, means that window would not start until 5am on any night when Reflex/Flares choose to open to 4.30am. I write this on August 24th when sunrise is at 6.01am. In June sunrise is as early as 4.36 am.

This is what my family have experienced and will experience :

Every night that the venue is open we see customers queuing outside or leaving and gathering around the venue screaming and shouting, sometimes singing and chanting loudly in a drunken state , completely disrespectful and inconsiderate towards the local residents. This continues from 10 pm onwards at our home till 4 am in the morning when the final ones leave. They move on from the venue across the street just under our flats or via City Hall bus stop, where on many occasions I have seen them wee or vomit just where ever they can and sometimes just collapsing on the road/ floor just after that. Because of this there is a constant movement of police cars around are well with their sirens to add to every thing as they try to sort this out

This fight and scream from taxis/ people/vehicles so making it impossible for us to open any of our windows in the house no matter what the weather is.

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

The last hours are the most difficult ones. Taxis outside the venue just stop any there to pick people up and then other drivers behind them honk at them to move on. I have witnessed myself on various occasions when a drunk person sits on the tram track or gets sick on the tracks and refuses to move even for the honking tram, sometimes for 5 minutes or more. That noise is so loud that it wakes not only us but our children as well and then we struggle to get them back to sleep. Taxis also honk to drunken customers running all over the street from one side to other without being bothered about the oncoming traffic. Being open later would mean we will have to put up with this for much longer, potentially every night if this permission is given.

I don't know how will I cope with waking up at 6 to go to work and dropping my children off to school. How my daughter will cope – she has her GCSE's this academic year. Or my son who is only five and wonders why in the evening, although we have a balcony, he can't stand out. Why can't we watch television as a family keeping our living room windows open or enjoy a breeze of fresh air by opening the balcony door without being drowned out by the noise outside ?

We are a working class, hard working family where both parents have to get up at 6 am. Sometimes earlier at 4:30 am when my husband has to catch a 5:15am train. Thus getting ready myself, getting my kids ready, dropping them off and then a long day at work. We need to get rest in the night for us to cope the next day. I work on Saturday too

and my kids have activities clubs just like other normal children on Saturday and Sunday so the weekend routine is similar in many respects. My husband, who is sometimes on call, has felt his work and health has suffered as he has not been able to get enough sleep. CL

There are more families with children living here along with young professional and retired adults. They include the family of a shop owner on my floor with an eight year old son. Two families of four are on the floor below with two pre teen children in fact under 5 too. I have spoken personally to a family with a 6 year old that used to live on 5th floor that have moved to Crookes because the child was struggling to sleep due to early morning noise disturbance.

I have made endless calls to report situations to the on-going noise harassment team. These reports have often been made when the venue already has permission to open an hour later when the students arrive back in September and October – which I dread. Please could the EPS team check the 101 calls I have made to verify this. These are the worst nights to live in my house and an extension of opening times means this could be a permanent feature in our lives.

Regards
Sona Mehra /Rajiv Mehra
West point

Finch Shimla (CEX)

From: Philip Kirkham [REDACTED]
Sent: 14 August 2015 15:35
To: licensingservice
Subject: Reflex/Flares, 18 Holly Street, S1 2GT - Proposed extension of opening hours

I would like to object to the proposed increase in opening hours of Reflex/Flares to 4.30 am on the grounds of Prevention of Public Nuisance.

As an owner of an apartment in West Point which faces onto West Street, the Reflex club is directly opposite our property. Both bedrooms on the apartment are on the frontage which faces Reflex. The noise from the establishment already disturbs sleeping and with an extension to 4.30am this will only make matters worse for the residents in West Point, with the music broadcasting and people leaving the premises and laughing/talking basically directly outside our bedroom window until after 4.30-5.00 am.

We feel that this extension to hours should be rejected.

Regards

Philip Kirkham

Subject: Licensing Application Reflex/Fares extension in opening hours

C4

I wish to oppose the application Reflex have made for an extension of their opening hours with regards to the prevention of public nuisance.

The bar is located in a residential part of West Street with apartment blocks all round it. Residents already have to put up with noise in the street with people leaving such establishments in the early hours waiting for taxis. 3.30am is late enough, extending to 4.30am would mean residents are putting up with noise around the clock all through the week which is unacceptable. As a city centre resident paying council tax I already put up with noise, rubbish and anti-social behaviour. The council should be working to address such problems and not be encouraging more by granting applications like this.

Regards
Heather Dunn

Working with doctors Working for patients

The General Medical Council helps to protect patients and improve medical education and practice in the UK by setting standards for students and doctors. We support them in achieving (and exceeding) those standards, and take action when they are not met.

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General Medical Council

3 Hardman Street, Manchester M3 3AW

Regents Place, 350 Euston Road, London NW1 3JN

The Tun, 4 Jacksons Entry, Holyrood Road, Edinburgh EH8 8AE

4th Floor, Caspian Point 2, Caspian Way, Cardiff Bay CF10 4DQ

9th Floor, Bedford House, 16-22 Bedford Street, Belfast BT2 7FD

The GMC is a charity registered in England and Wales (1089278) and Scotland (SC037750)



From: Murphy Robert (GN CLLR)
Sent: 25 August 2015 16:15
To: licensingservice
Subject: Stonegate Pub Company Application

Applicant:	Stonegate Pub Company Limited
Premises:	Reflex/Flares
Address:	18 Holly Street Sheffield S1 2GT

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

Regards, Rob

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

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

We note the current licensing application for 53 West St to open until 5.30am on Fridays and Saturdays and 4.30 am on Sunday, Wednesday and Thursday. Residents face the possibility of late night opening until 4.30am and beyond at both venues if these applications are successful. We suggest that the balance between residents and the night time economy will be correctly maintained by not granting this application.

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

Tel: 0787 501 5354, Email: robert.murphy@sheffield.gov.uk

Palmer Helena

EPB
06

From: Harper Craig on behalf of licensingservice
Sent: 17 August 2015 11:43
To: Palmer Helena
Subject: FW: Flares / Reflex, Sheffield (Variation of Premises Licence - Draft Application)

Helena,

Can you put the below email thread with the application please and mark for action if necessary.

Ta!

From: Pates Neal
Sent: 17 August 2015 11:24
To: 'Helen Cardy'; licensingservice
Cc: Round Jonathan
Subject: RE: Flares / Reflex, Sheffield (Variation of Premises Licence - Draft Application)

RE: LAC2003 Premises Licence Variation – Reflex/Flares; 18 Holly Street, Sheffield S1 2GT

Date Rcv'd: 30/07/2015

EPS Ref: 553138

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 Helen,

As you are aware from our correspondence prior to this application, I represent Sheffield City Council's Environmental Protection Service as Responsible Authority for the Prevention of Public Nuisance for this application. Upon receipt of the formal submission of this variation I note that the weekday hours and multiple non-standard timings which we did not reach agreement over are retained. The correspondence below details outstanding EPS concerns, along with those points which were agreed..

I must therefore advise you now of EPS's formal objection to this application.

To clarify, the EPS approach has been to review the premises licences and adopted trading hours for several nearby premises. EPS have been mindful of the volume and regularity of complaints received from residents in this area of the city regarding noise from licensed premises. This includes noise breakout, but also noise in the streets from people and vehicles associated with the nighttime economy. EPS are therefore also mindful that granting additional hours has a tendency to result in a more widespread pushing back of established terminal hours across nearby premises. To avoid such 'creep' the Service remains keen not to set such a precedent for longer hours than those available to neighbouring premises in this case, whilst remaining mindful that it is not reasonable to constrain these premises in terms of permitted trading times, relative to its immediate comparators.

Our review of nearby premises has highlighted that Reflex/Flares premises already enjoys some of the longer opening times relative to its immediate neighbours. Nevertheless EPS would be happy to agree the following extension to existing hours:

- Increase Licensable Activities hours to 04:00 hours, with 04:30 hours closing on Fridays and Saturdays (as per the application)
- Increase Licensable Activities hours to 03:00 hours, with 03:30 hours closing on Sundays to Thursdays

Regarding the Non-Standard Timings, EPS remain of the opinion that the extra hour on all additional days applied for is excessive. As applied for, these additional days total 35 days per year when licensable activities and the opening time are extended by a further hour. EPS seek to agree the reduction of these requested additional days, by;

- Removing the Fridays and Saturdays prior to Bank Holidays (other than those falling on dates otherwise specified, such as over Xmas/New Year)
- Removing Maundy Thursday.

C7

The above advice is consistent with that offered in response to your pre-application consultation, as detailed in my email of 8th July 2015 (below).

I acknowledge the agreement of the conditions offered in response to EPS concerns (as detailed on the application) numbered 1 to 4 under 'The Prevention of Public Nuisance', along with condition 5 under 'The Prevention of Crime and Disorder'. These are all as discussed and agreed. EPS do not seek any additional controls via conditions applied, and have no objections to those identified to be removed.

If you are prepared to agree the changes listed above I shall withdraw my representation forthwith. Please do feel free to contact me directly to discuss this advice further.

Kind Regards,

Neal Pates

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

Appendix D

Hearing Notices / Regulations / Procedures

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

Stonegate Pub Company Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS

C/O Poppleston Allen

@popall.co.uk

The Sheffield City Council being the licensing authority, on the 29th July 2015 received your application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

- 4 No. public representations / objections**
- 1 No. Environmental Protection Service / Objections**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26th October at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 23rd September 2015

Signed: Emma Rhodes

The officer appointed for this purpose
Licensing Officer

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

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

neal.pates@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **29th July 2015** received an application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

- 4 No. public representations / objections**
1 No. Environmental Protection Service Objection

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26 October 2015 at 11.00am**, 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 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: 23rd September 2015

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

LICENSING ACT 2003

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

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

[REDACTED]

The Sheffield City Council being the licensing authority, on the 29th July 2015 received an application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

**4 No. public representations / objections
1 No. Environmental Protection Service Objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26 October 2015 at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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- 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: 23rd September 2015

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

D4



LICENSING ACT 2003

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

Ms Sona Mehra
West Point
West Street
Sheffield
S1

[REDACTED]

The Sheffield City Council being the licensing authority, on the 29th July 2015 received an application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

- 4 No. public representations / objections**
- 1 No. Environmental Protection Service Objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26th October at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 23rd September 2015

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

DS



LICENSING ACT 2003

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

Mr Philip Kirkham
Appt West Point
west Street
Sheffield

~~_____~~
The Sheffield City Council being the licensing authority, on the 29th July 2015 received an application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

- 4 No. public representations / objections**
- 1 No. Environmental Protection Service Objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26 October at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 23rd September 2015

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



LICENSING ACT 2003

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

Ms Heather Dunn
Broughton House
Sheffield

[REDACTED]

The Sheffield City Council being the licensing authority, on the 29th July 2015 received an application in respect of the premises known as;

Reflex/Flares 18 Holly Street Sheffield S1 2GT

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

- 4 No. public representations / objections**
- 1 No. Environmental Protection Service Objection**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Monday 26th October at 11am**; following which the Council will issue a notice of determination of the application.

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

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

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

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

Dated: 23rd September 2015

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

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Regulation 8

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

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

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

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

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

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

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

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