



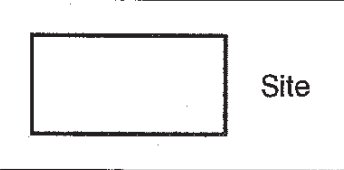
SHEFFIELD CITY COUNCIL Committee Report

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Report of:	Chief Licensing Officer, Head of Licensing
Date:	2 August 2012
Subject:	Licensing Act 2003
Author of Report:	Andy Ruston
Summary:	To consider an Application to Vary a Premises Licence made under the Licensing Act 2003.
Recommendations:	That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the Licensing Objectives.
Background Papers:	Attached documents
Category of Report:	OPEN

(1)

The York 243-247 Fulwood Road S10 3BA



Scale: 1:1,250

Sheffield City Council
Knowledge & Research Team
 Policy, Partnerships & Research Service
 Tel: (0114) 2930239

**REPORT OF THE CHIEF LICENSING OFFICER,
HEAD OF LICENSING, TO THE LICENSING COMMITTEE**

Ref No: 58/12

LICENSING ACT 2003

York, 243-247 Fulwood Road, Sheffield, S10 3BA.

1.0 PURPOSE OF REPORT

1.1 To consider an Application to Vary a Premises Licence made under the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is Forum Cafe Bars.

2.2 The application, which was received on 13 June 2012 is attached to this report labelled Appendix 'A'.

2.3 Page 2 of the application form details briefly the proposed variation.

2.4 The current premises licence is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application for variation have been received from the following :-

- Local Councillor Attached at Appendix 'C'
- Local Resident Attached at Appendix 'D'

3.2 As the representations have not been resolved, the matter is referred to the Licensing Committee.

3.3 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 'F'.
- 6.3 Attached at Appendix 'F' 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
 Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road,
 Sheffield, S9 3HD.

④

Appendix 'A'

Application to vary a premises licence under the Licensing Act 2003

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

(2) I/We

Forum Cafe Bars

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 1940 PR

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description	
The York 243-247 Fulwood Road	
Post town Sheffield	Post code S10 3BA

Telephone number at premises (if any)

0114 2664624

Non-domestic rateable value of premises

£ 38,000

Part 2 - Applicant details

Daytime contact telephone number

0114 2808228

E-mail address
(optional)

alex@forumcafebars.co.uk

Current postal address if different from premises address

Forum Cafe Bars
127-129 Devonshire Street

Post town Sheffield

Post code S3 7SB

(1) Insert name and address of relevant licensing authority and its reference number (optional)

(2) Insert name(s) of applicant

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Part 3 - Variation

Please tick ✓ yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

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

To allow the sale of alcohol, regulated entertainment and late night refreshment until 0000hrs Sunday to Thursday and 0100 Friday to Saturday and Sundays prior to Bank Holidays.

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick ✓ yes

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
Standard days and timings (please read guidance note 6)				
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
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 from those listed in the column on the left, please list (please read guidance note 5)
Sat				
Sun				

B

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

C

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

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 <input checked="" type="checkbox"/> (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			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)
Wed			
Thur			
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

E

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

F

Recorded music			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon	0900	0000	
Tue	0900	0000	State any seasonal variations for playing recorded music (please read guidance note 4)
Wed	0900	0000	
Thur	0900	0000	
Fri	0900	0000	
Sat	0000	0100	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun	0900	0000	
	0900	0000	
Sun	0000	0100	On Sunday prior to bank holiday Monday 0900 to 0100 New Year's Eve 0900 to end of hours on New Year's Day.
	0900	0000	

G

(11)

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

H

Anything of a similar description to that falling within (e), (f) or (g)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Tue			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Wed			Please give further details here (please read guidance note 3)
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 entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within J or K			Please give a description of the type of entertainment facility you will be providing
Standard days and timings (please read guidance note 6)			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (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			
			State any seasonal variations for the provision of the facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within j or k at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

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Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	2300	0000	Please give further details here (please read guidance note 3)
Tue	2300	0000	
Wed	2300	0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur	2300	0000	
Fri	2300	0000	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat	0000	0100	
	2300	0000	On Sunday prior to bank holiday Monday 2300 to 0100
Sun	0000	0100	New Year's Eve 0900 to end of hours on New Year's Day.
	2300	0000	

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input checked="" type="checkbox"/>
Mon	0900	0000	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Tue	0900	0000	
Wed	0900	0000	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur	0900	0000	
Fri	0900	0000	On Sunday prior to bank holiday Monday 0900 to 0100
		0100	New Year's Eve 0900 to end of hours on New Year's Day.
Sat	0000	0100	
	0900	0000	
Sun	0000	0100	
	0900	0000	

N

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

O

Hours premises are open to the public

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0900	0000
Tue	0900	0000
Wed	0900	0000
Thur	0900	0000
Fri	0900	0000
Sat	0000	0100
	0900	0000
Sun	0000	0100
	0900	0000

State any seasonal variation (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

On Sunday prior to bank holiday Monday 0900 to 0100

New Year's Eve 0900 to end of hours on New Year's Day.

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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 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 the premises licence

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

We will ensure that customers leave the premises quietly and disperse from the area promptly.

e) The protection of children from harm

Please tick yes

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

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

Part 5 - Signatures (please read guidance note 10)

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

Signature _____ *Zule*

Date 12th June 2012

Capacity Operations Director, Forum Cafe Bars

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

Signature _____

Date

Capacity

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

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Appendix 'B'



THE LICENSING ACT 2003

Premises Licence No: SY 1940 PR

ISSUE NO:4

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

York
243-247 Fulwood Road
Sheffield
S10 3BA

Telephone Number: Not Known

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

1. Provision of regulated entertainment: Indoors
(a) recorded music

Sunday	09:00 to 23:30 hours
Monday	09:00 to 23:30 hours
Tuesday	09:00 to 23:30 hours
Wednesday	09:00 to 23:30 hours
Thursday	09:00 to 23:30 hours
Friday	09:00 to 00:30 hours the following day
Saturday	09:00 to 00:30 hours the following day

Non-Standard Timings

On Sunday prior to Bank Holiday Monday 09:00 hours to 00:30 hours the following day & New Years Eve 09:00 to the end of permitted hours on New Years Day.

2. Late Night Refreshment: Indoors

Sunday	23:00 to 23:30 hours
Monday	23:00 to 23:30 hours
Tuesday	23:00 to 23:30 hours
Wednesday	23:00 to 23:30 hours
Thursday	23:00 to 23:30 hours
Friday	23:00 to 00:30 hours the following day
Saturday	23:00 to 00:30 hours the following day

Non-Standard Timings

On Sunday prior to Bank Holiday Monday 23:00 hours to 00:30 hours the following day & New Years Eve 23:00 to 05:00 hours New Years Day.



3. Sale by retail of alcohol

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

Sunday	09:00 to 23:30 hours
Monday	09:00 to 23:30 hours
Tuesday	09:00 to 23:30 hours
Wednesday	09:00 to 23:30 hours
Thursday	09:00 to 23:30 hours
Friday	09:00 to 00:30 hours the following day
Saturday	09:00 to 00:30 hours the following day

Non-Standard Timings

On Sunday prior to Bank Holiday Monday 09:00 hours to 00:30 hours the following day & New Years Eve 09:00 to the end of permitted hours on New Years Day.

The opening hours of the premises are

Sunday	09:00 to 23:30 hours
Monday	09:00 to 23:30 hours
Tuesday	09:00 to 23:30 hours
Wednesday	09:00 to 23:30 hours
Thursday	09:00 to 23:30 hours
Friday	09:00 to 00:30 hours the following day
Saturday	09:00 to 00:30 hours the following day

Non-Standard Timings

On Sunday prior to Bank Holiday Monday 09:00 hours to 00:30 hours the following day & New Years Eve 09:00 to the end of permitted hours on New Years 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:

Forum Cafe Bars Limited
13-17 Paradise Square
Sheffield
S1 2DE

Telephone Number: 0114 272 0569

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

4481036

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

Miss Catherine Amy Jennings
115 Machon Bank Road
Sheffield
S7 1PH

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 3858 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 27th July 2010.

Issued on: 27th July 2010.



.....
Steve Lonnie
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	0	
Variation of DPS	2	21 October 2011
Transfer of Premises Licence	0	
Minor Variation	1	1 October 2010

Annex 1A – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

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

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

Mandatory Condition 2 (Section 19 ss 3)

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

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
 - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
 - (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

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

Annex 1B - Mandatory 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. CCTV will be used throughout the premises.
3. Customers will not be allowed to leave the premises with open bottles or vessels.
4. A personal licence holder will be on site at all times.
5. Control sources of noise.
6. Ensure customers leave quietly to minimise disruption.
7. All amplified music will be played through an in house limiter.
8. No deliveries, waste sorting or waste removal will be made at times that would cause a disturbance to residents.
9. Challenge 21 scheme will be in operation.
10. Staff training to ensure no alcohol purchased or supplied to anybody under 18 years of age.
11. Any person under the age of 18 years are not allowed on the premises unaccompanied.
12. First aid equipment and trained staff will be provided.
13. The premises will have adequate and appropriate lighting.
14. Full risk assessments will be made for the premises.
15. Occupancy limits will be maintained.
16. Regular electrical and gas safety checks will be carried out.
17. No licensable activities will take place under the authority of this licence until the Authority has been notified that the premises are suitable. Any reasonable requirements of the public safety authority will be complied with in order to ensure that the premises are suitable for their intended use. The licensee will give the responsible authorities a minimum of 14 days notice of the intended opening date of the premises.
18. A Building Regulation Completion Certificate shall be submitted to the authority responsible for public safety.
19. Persons under the age of 18 must be off the premises by 21:30 hours unless dining or attending a private, prebooked function.

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

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Annex 4 – Plans

Plan Ref: 1105/8/10
January 2010

Appendix 1

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Appendix 'C'

Lonnia Stephen (CEX)

From: Dunn Jayne (LAB CLLR)
Sent: 08 July 2012 14:29
To: Lonnia Stephen (CEX); Robson John (CLLR)
Cc: Wattam Stuart (CEX CLLR)
Subject: Objection to the York Extension of Hours Application Broomhill Ward

Dear all,

I wish to object to the application for an extension of hours for the York public house on Fulwood Road in Broomhill. The application seems to have disappeared off the list of licensing applications. I understand the closing date is 11th July 2012.

My main objections are that this is a family area and an extension of hours would severely affect the quality of the suburb, e.g. noise late at night because of taxis and late night drinking. The South Seas pub is experiencing problems with anti social behaviour, loud music and alleged drug taking. The police are well aware of this. Another bar opening late on a regular basis could attract similar problems. Broomhill is a suburb and not an extension of the city centre. The York is placed in a mainly residential area, not a student part of Broomhill. Also there are resident flats above the pub itself and opposite. This culture is not welcome in Broomhill by the residents or the fellow shop owners. The York pub will most likely have known the character of the area when it opened and it seems unfair for it to wish to change it now.

In light of these concerns I would say these are not in line with at least 3 of the objectives of the Licensing Act 2003:

1. **The prevention of crime and disorder:** Taking the South Seas' problems into account I would regard this application as an unnecessary risk. Also it would most likely lead to an increase in police in Broomhill which I regard as an unnecessary drain on police resources. Other types of crime would most likely increase, such as littering, noise and alcohol induced vandalism.
2. **Public safety:** Manchester Road and Fulwood Road are very busy roads and an increase late at night on these roads which are also very residential could increase accidents and injuries. Encouraging late night drinking in a residential area where many children live could potentially increase alcohol induced crime and the type of crime allegedly related to the South Seas.
3. **Prevention of public nuisance:** Noise would increase and the culture of Broomhill could be changed to that of a late night drinking culture which would contradict the Broomhill Neighbour Action Plan and the desire to keep late night drinkers in the City Centre. The York is surrounded by residents, many with young children, and late night noise would be a nuisance to them.

I hope I have sent this email to the right place, if I have not then could you please advice me who to contact.

Many thanks and best wishes,

Jayne.

Jayne Dunn
Councillor for the Broomhill Ward.

Sheffield City Council
Town Hall
Pinstone St.
Sheffield
S1 2HH

[REDACTED] or 0114 273 5588 (Town Hall)
e: jayne.dunn@sheffield.gov.uk

Appendix 'D'

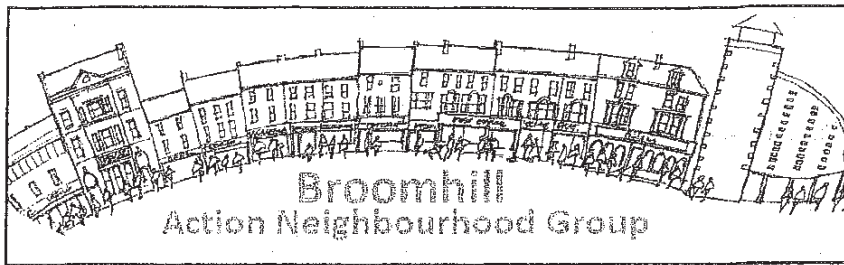
Rhodes Emma (CEX)

From: [REDACTED] on behalf of Lee kenny [secretary@thebang.org.uk]
Sent: 10 July 2012 21:31
To: Licensing(General)
Subject: Written comments on the licensing application for The York
Attachments: BANG submission on York license application.pdf

Please find attached a written submission regarding the application for an alteration to the premises license for The York public house. I would be grateful to be kept informed about when the Committee will consider this application as I may wish to attend.

Thank you,

Dr Lee Kenny
(Secretary)
Broomhill Action Neighbourhood Group



BANG
140 Manchester Rd
Sheffield
S10 5DL

Dear Mr Robson

Application to vary a premises license, The York (Forum Café Bars)

I am writing on behalf of Broomhill Action Neighbourhood Group to comment on the above application. I understand that The York has recently been granted planning permission to extend its opening hours on a trial basis for one year and that this application, if agreed, will allow them to trade during that time.

We would like the Licensing Committee to know that The York has put significant effort into developing good community relations and we have met with the owners and managers on several occasions to discuss how their impacts in the neighbourhood can be responsibly managed.

However it is still the case that many residents in Broomhill are concerned that later opening of The York, which is a very popular venue, could potentially exacerbate the problems of late night noise in the Broomhill District Centre and disturb their sleep. The district centre is a residential area as the accommodation above shops, including the York itself, has for the most part been converted into flats in recent years.

In our discussions with The York we have raised a number of practical measures that we think could help to prevent or mitigate the potential nuisances that might arise from later opening. We would like to ask the Licensing Committee to consider these points in making your decision.

1. No late night cut-price drinks promotions

The York tell us that they do not wish to attract people seeking to pre-load on their way to nightclubs and their pricing policy deters this activity. If it were possible for a 'no late-night promotions' policy to be adopted as a license condition it would give local residents added assurance that the policy would remain in place even if the venue has a change of ownership.

2. A 'winding down' period before closing time;

Turning the music off half an hour before closing time would encourage customers to finish their evening quietly and leave the premises quietly. The fact that The York has no entertainment license is helpful, but what would help even more would be for the license to restrict the hours for playing recorded music, to end half an hour before the opening hours.

3. Last food orders well before closing time;

The York tell us that the purpose of extended opening is to allow customers who have spent the evening there, particularly those who have purchased meals, to have more time to finish in a relaxed atmosphere. For this reason we would also like the hours for late night refreshment to be restricted to end at least half an hour before the opening hours.

Finally we would like to say that The York is a valued business in our district centre and is well managed. We don't feel that there is a risk of increased litter, crime or disorder if it stays open half an hour longer. We also have confidence that if there are noise impacts, we have established a constructive dialogue with the owners and managers and there is a willingness to work together to resolve problems. But we are concerned that because the license is attached to the premises rather than the current owners, it could be passed on to less responsible owners should the business change hands. This is why we would appreciate your help (where legally possible) in reinforcing responsible management practices through appropriate license conditions.

Yours Sincerely

Lee Kenny, (Secretary)
for BANG

xx July 2012

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Appendix 'E'



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

Forum Cafe Bars
127-129 Devonshire Street
Sheffield
S3 7SB.

The Sheffield City Council being the licensing authority, on the **13 June 2012** received your application in respect of the premises known as **York, 243-247 Fulwood Road, Sheffield, S10 3BA.**

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

- Local residents
- Local Councillor

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 the **2nd August 2012 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: 17/7/12

Signed: AR

The officer appointed for this purpose
Licensing Officer, Development Services

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

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

Councillor Jayne Dunn.

The Sheffield City Council being the licensing authority, on the **13 June 2012** received an application in respect of the premises known as **York, 243-247 Fulwood Road, Sheffield, S10 3BA.**

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

- Local Resident
- Local Councillor

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 the **2 August 2012 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 five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 17/7/12 Signed: *CRR*

The officer appointed for this purpose
Licensing Officer, Development Services



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

The objector.

The Sheffield City Council being the licensing authority, on the **13 June 2012** received an application in respect of the premises known as **York, 243-247 Fulwood Road, Sheffield, S10 3BA.**

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

- Local resident
- Local Councillor

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 the **2 August 2012 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: 17/7/12

Signed: 

The officer appointed for this purpose
Licensing Officer, Development Services

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

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Appendix 'F'



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

Forum Cafe Bars
127-129 Devonshire Street
Sheffield
S3 7SB.

The Sheffield City Council being the licensing authority, on the **13 June 2012** received your application in respect of the premises known as **York, 243-247 Fulwood Road, Sheffield, S10 3BA.**

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

- Local residents
- Local Councillor

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 the **2nd August 2012 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: **17/7/12**

Signed: 

The officer appointed for this purpose
Licensing Officer, Development Services

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.

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LICENSING ACT 2003

Premises: York
Type of App: LA03_Application to Vary a Premises Licence
Hearing Date: 2nd August 2012

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

I **Forum Cafe Bars Limited**

Of **Forum Cafe Bars Limited
13-17 Paradise Square
Sheffield
S1 2DE**

hereby confirm that I have received the Notice of Hearing dated and notify you as follows
(please complete):

I intend to attend the hearing

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I do not intend to be represented at the hearing by:

I consider the hearing to be unnecessary because:

I request that should appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

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.

