



SHEFFIELD CITY COUNCIL Committee Report

5

Report of: Chief Licensing Officer, Head of Licensing

Date: 23 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.

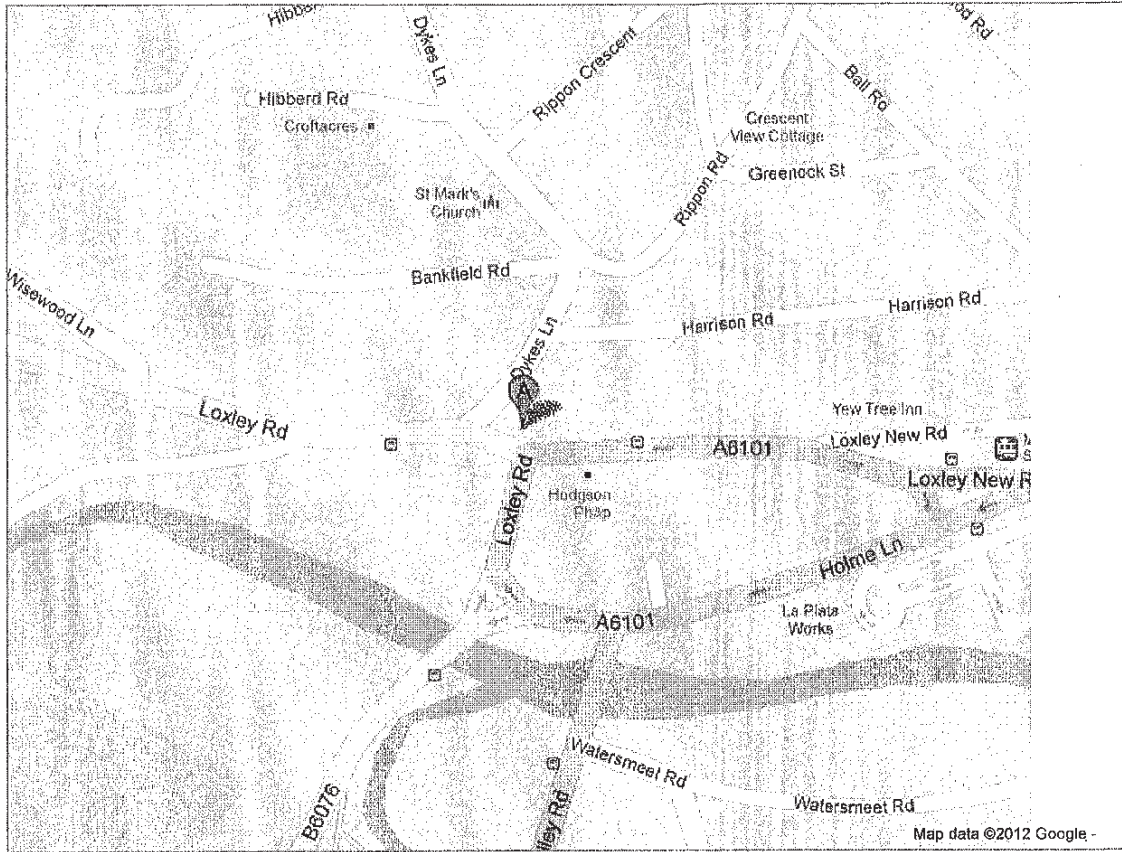
Recommendations: That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the Licensing Objectives.

Background Papers: Attached documents

Category of Report: OPEN

Google

To see all the details that are visible on the screen, use the Print link next to the map.



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

Ref No: 66/12

LICENSING ACT 2003

Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG.

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 Punch Taverns Plc.

2.2 The application, which was received on 4 July 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 :-

- South Yorkshire Police Attached at Appendix 'C'
- Environmental Protection Service 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.**

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Appendix 'A'

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.

I/We Punch Taverns PLC

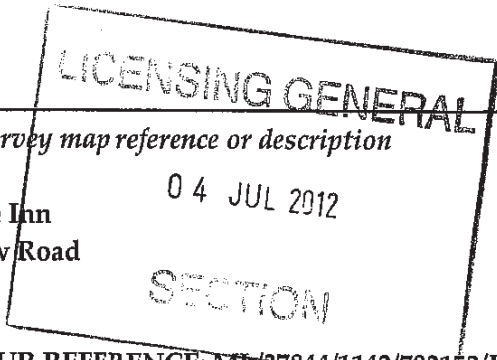
(Insert name(s) of applicant)

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

Premises licence number	SY 0846 PR
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Part 1 – Premises Details

<i>Postal address of premises or, if none, ordnance survey map reference or description</i>			
Yew Tree Inn Loxley New Road			
OUR REFERENCE: ML/27844/1142/702153/JGC			
Post town	SHEFFIELD	Post code	S 6 4NG



Telephone number at premises (if any)	
Non-domestic rateable value of premises	£38,000.00

Part 2 - Applicant details

Daytime contact telephone number	01283 501600		
E-mail address (optional)			
Current postal address if different from premises address	Jubilee House Second Avenue		
Post Town	BURTON UPON TRENT	Postcode	DE14 2WF

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

We would like the proposed variation to have effect as soon as the changes to the layout of the premises have been physically completed.

Day Month Year

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

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

Vary the layout of the premises as per the enclosed plans.
Remove outdated condition.

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

Part 4 Operating Schedule

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

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play 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			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Wed						
Thur			<u>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</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films 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			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)			
Wed						
Thur			<u>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</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

C

Indoor sporting events			<u>Please give further details</u> (please read guidance note 3)
Standard days and timings (please read			
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<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			
Sat			
Sun			

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</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			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input 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			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

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

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>			
			<u>Will the facilities for making music be 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				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	Will the entertainment facility be 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			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>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 i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

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 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 the provision of late night refreshment</u> (please read guidance note 4)		
Thur					
Fri			<u>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</u> (please read guidance note 5)		
Sat					
Sun					

M

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

N

<p>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)</p> <p>AWP machine Cigarette machine</p>
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O

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	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
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)			As per existing licence
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	11:00	00:30	

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

Conditions numbered 8 9 10 and 13 of Annex 2 of the premises licence

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

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)

As per existing premises licence

b) The prevention of crime and disorder

As per existing premises licence

c) Public safety

As per existing premises licence

d) *The prevention of public nuisance*

As per existing premises licence

e) *The protection of children from harm*

As per existing premises licence


Please tick yes

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

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

Part 5 - Signatures (please read guidance note 10)

SIGNATURE OF APPLICANT (THE CURRENT PREMISES LICENCE HOLDER) OR APPLICANT'S SOLICITOR OR OTHER DULY AUTHORISED AGENT (PLEASE READ GUIDANCE NOTE 11). IF SIGNING ON BEHALF OF THE APPLICANT PLEASE STATE IN WHAT CAPACITY.

Signature	
Date	3 July 2012
Capacity	Solicitors to 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 note12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Ford & Warren Solicitors Westgate Point Westgate			
Our Ref ML/27844/1142/702153/JGC			
Post town	LEEDS	Post code	LS1 2AX
Telephone number (if any)	0113 243 6601		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) clientmail@forwarn.com			

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Due to the size of the plans provided with the application, a copy will be available at the hearing.

Appendix 'B'



THE LICENSING ACT 2003

Premises Licence No: SY 0846 PR

ISSUE NO: 5

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

Yew Tree Inn
Loxley New Road
Sheffield
S6 4NG

Telephone Number: 0114 234 3398

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

1. Provision of regulated entertainment:

Live Music

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Recorded Music

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.



A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

2. Sale by retail of alcohol

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

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

The opening hours of the premises are

Sunday	11:00 to 00:30 hours the following day
Monday	10:00 to 00:30 hours the following day
Tuesday	10:00 to 00:30 hours the following day
Wednesday	10:00 to 00:30 hours the following day
Thursday	10:00 to 00:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours the following day
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing 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:

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DW14 2WF

Telephone Number: 01283 501 600

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

03752645

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

Mrs Sally Smith
23 Furniss Lane
Woodhouse
Sheffield
S13 9XA

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: PA10551263
Issuing Authority: Derby City Council

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

Restricted

This Premises Licence shall be in force from the Second Appointed Day

Issued on: 9th November 2005

Steve Lonnie

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**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	
Variation of DPS	5 December 2011
Transfer of Premises Licence	
Minor Variation	
Change of Name/Address	

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. Illumination is provided to the exterior areas of the premises including the rear car park.
3. Any existing CCTV will be maintained in working order, and operated when the premises are trading.
4. A burglar alarm is installed and shall be maintained on the premises.
5. The DPS will be a member of the local 'Licence Watch' (as long as it exists).
6. Anyone who appears to be under the age of 21 shall require appropriate photographic proof of age before being served alcohol.
7. The pub will actively enforce a zero tolerance policy on illegal drugs.
8. All fire fighting equipment on the premises is to be serviced annually. Certificates relating to these inspections must be kept on the premises and made available to council officers as appropriate.
9. There are current electrical and gas certificates in place. Certificates relating to these inspections must be kept on the premises and made available to council officers as appropriate.
10. Mechanical extraction is provided in both bars.
11. All full time catering staff are to hold basic food hygiene certificates.
12. Signs near the exits of the premises must clearly communicate that guests must respect the needs of local residents, and leave the premises quietly.
13. All downstairs windows are to remain closed during opening hours.
14. Children are only allowed on the premises when accompanied by an appropriate adult. This includes children in the children's play area.
15. Children are only allowed in the designated dining area and must vacate the premises by 21:00 hours.
16. The designated area for children is a no smoking area.
17. There is to be no striptease or nudity on the premises.
18. Persons shall only be allowed to remove drinks from the premises in sealed containers.

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

Annex 4 – Plans

Drawing No: 702153 001
Date: 12/11/2004

Appendix 1



LICENSING ACT 2003

Premises Licence Summary

ISSUE NO: 5

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 0846 PR

Yew Tree Inn
Loxley New Road
Sheffield
S6 4NG

Telephone Number: 0114 234 3398

Licensable activities authorised by the licence:

1. Provision of regulated entertainment:

Live Music

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

Recorded Music

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

Application Type: «activity»

Unique Flare ID: «marefno»

2. Sale by retail of alcohol

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

Sunday	11:00 to 24:00 hours
Monday	10:00 to 24:00 hours
Tuesday	10:00 to 24:00 hours
Wednesday	10:00 to 24:00 hours
Thursday	10:00 to 24:00 hours
Friday	10:00 to 01:00 hours the following day
Saturday	10:00 to 01:00 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

The opening hours of the premises are

Sunday	11:00 to 00:30 hours the following day
Monday	10:00 to 00:30 hours the following day
Tuesday	10:00 to 00:30 hours the following day
Wednesday	10:00 to 00:30 hours the following day
Thursday	10:00 to 00:30 hours the following day
Friday	10:00 to 01:30 hours the following day
Saturday	10:00 to 01:30 hours the following day
New Years Eve (31.12)	10:00 to 24:00 hours the following day
New Years Day (01.01)	00:00 to Standard Terminal Hour

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring Bank/Whitsuntide Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday, and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve and Boxing 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.

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:

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DW14 2WF

Telephone Number: 01283 501 600

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

03752645

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

Mrs Sally Smith

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

Restricted

The Premises Licence shall be in force from Second Appointed Day

Issued on: 9th November 2005



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

Appendix 'C'

Hollis Georgina (CEX)

From: Licensing(General)
Sent: 31 July 2012 09:22
To: Hollis Georgina (CEX)
Subject: FW: Objection-Application for a variation to the premises licence Yew Tree Inn, Loxley New Road

Importance: High

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

From: Lucy.Adams@southyorks.pnn.police.uk [mailto:Lucy.Adams@southyorks.pnn.police.uk]
On Behalf Of Sheffield.Liquor-Licensing@southyorks.pnn.police.uk
Sent: 30 July 2012 13:51
To: Licensing(General)
Cc: Benita.Mumby@southyorks.pnn.police.uk; Andrea.Marsden@southyorks.pnn.police.uk; Susan.Fox@southyorks.pnn.police.uk; Darren.Starkey@southyorks.pnn.police.uk
Subject: Objection-Application for a variation to the premises licence Yew Tree Inn, Loxley New Road

Sent on behalf of Sheffield Licensing, South Yorkshire Police

Licensing General

Block C

Staniforth Road Depot

609 Staniforth Road

Sheffield

S9 3GZ

Date: 30.7.12

Licensing Act 2003

Objection to the application for a variation to the premises licence

Yew Tree Inn, Loxley New Road, Sheffield S6 4NG

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

The grounds of objection are based on the prevention of crime and disorder and public safety. We have serious concerns regarding the proposed outside smoking and drinking area at the front of the premises. We have already received a number of noise complaints regarding the premises and I would consider that the proposal is likely to give rise to public nuisance.

The front of the premises is situated on a very busy road and there is little room for customers to utilise the area to the front of the premises safely. The premises already benefits from a large

outside seating and smoking area to the rear and we do not feel an additional area is necessary.

Our objection supports that already submitted by Mr Pates of the Environmental Protection Service.

In order for the objection to be withdrawn, the matters outlined must be addresses to our satisfaction.

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

"This emailed representation is made in accordance with the agreement with the Licensing Authority on 1st November 2006 to accept representations by email".

Sheffield Licensing Section
1st Floor
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD
Licensing Team

Lucy Adams 0114 2523617 internal 718617
Tracey Klein 0114 2523948 internal 718948 Andrea Marsden 0114 2523618 internal 718618
Lizzie Payne 0114 2523163 internal 718163 Jodie Fulford 0114 2523556 internal 718 556 Alicia
Marsden 0114 2523111 internal 718 111 Fax 0114 2523688 Internal 8688

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

Appendix 'D'

Hollis Georgina (CEX)

From: Pates Neal
Sent: 09 July 2012 11:02
To: 'clientmail@forwarn.com'
Cc: 'John Coen'; Licensing(General)
Subject: LAC2003 Variation: Yew Tree Inn, Sheffield S6

Importance: High

RE: Licensing Act 2003: Application to vary a premises licence: Yew Tree Inn, Loxley New Road, Sheffield S6 4NG Your Ref: ML/27844/1142/702153/JGC Our Ref: NEP/439181 Lic. Ref: 36476
Date of App: 04 July 2012 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 Sirs,

I have the following representation to make in relation to the premises licence application for the above premises. The representation is made in relation to the core objective of the prevention of public nuisance, in my capacity as Environmental Protection Officer for Sheffield City Council. Regarding the removal of Condition 13, annex 2 of the current premises licence.

The Yew Tree is located in a residential area and has a number of residential properties in close proximity. Environmental Protection, the Night Time Noise Service and Licensing have received a number of complaints regarding noise from these premises recently. As a result of follow up actions I now have the agreement of the current DPS to keep all windows closed, and doors (save for access or egress) whenever regulated entertainment is taking place on the premises. This is in conjunction with regular checks being conducted outside the premises to ensure noise is at an acceptable level. I am of the opinion that the removal of condition 13 is inappropriate in these circumstances, and contradicts the current agreement I have, and the core objective of the prevention of public nuisance.

I propose that, rather than removing condition 13, it should be revised to read as per the following wording; "All windows and doors shall be closed, save for access and egress, whenever regulated entertainment is present on the premises".

I have discussed this matter with the DPS, and she is in agreement with this proposal and feels it is not restrictive and assists in the appropriate management of noise breakout from the premises. If you are able to notify agreement of this revision to the existing proposals for the variation of the licence, I shall be happy to withdraw my representation and avoid the need for my appearance at any licensing committee hearing regarding this matter.

Please advise me how you wish to proceed at your earliest convenience.

Best 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>

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facility in your email software as soon as possible. Sheffield City Council cannot accept any responsibility for the accuracy or completeness of this message as it has been transmitted over a public network. If you suspect that the message may have been intercepted or amended please tell us as soon as possible.



Hollis Georgina (CEX)

From: (GCSX) Pates Neal
Sent: 23 July 2012 14:24
To: 'clientmail@forwarn.com'
Cc: 'John Coen'; Licensing(General); Hague Julie; Gibbons Sean (DEL); 'Sheffield.Liquor-Licensing@southyorks.pnn.police.uk'
Subject: RE: LAC2003 Variation: Yew Tree Inn, Sheffield S6
Importance: High

RE: Licensing Act 2003: Application to vary a premises licence: Yew Tree Inn, Loxley New Road, Sheffield S6 4NG Your Ref: ML/27844/1142/702153/JGC Our Ref: NEP/458628 Lic. Ref: 36476 Date of App: 04 July 2012 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 Sirs,

I have the following representation to make in relation to the premises licence variation application for the above premises. This representation is made in addition to that detailed below and follows a site visit made today. This representation is made in relation to the core objective of the prevention of public nuisance, in my capacity as Environmental Protection Officer for Sheffield City Council.

I have reviewed the detail of the site layout changes in light of my site visit today. As a result I realise that I had initially misunderstood the orientation of the plans, due in part to the omission of the upper tier of the premises, the conservatory and rear entrance from the car park. I now appreciate the proposal under consideration is to create an outside smoking and drinking area at the front of the premises. I must object to this as I consider that the proposal is likely to give rise to public nuisance.

Sheffield City Council's Environmental Protection Service have received several complaints of noise nuisance associated with these premises from local residents. I am aware that the Licensing Service have also directly received similar such complaints recently. These complaints centre on residential property directly opposite the area proposed for outdoor seating. In my opinion the seating area will cause more noise issues, due both to the activities transferred this position, and the increased capacity for noise breakout from the doors being opened more frequently whilst this area is in use. Additionally, I am of the opinion that the facilities will be subject to abuse by persons who are not actually customers of the premises, due to their ready access from the pavement. The steps outside the front door are already a focal point for young people to sit in the daytime and evening. The position is opposite a chip shop, and close to other local takeaways and shops. In the nighttime and evening there is also increased potential for rowdy and noisy behaviour due to interaction between customers using the facilities and passers by, including those moving on from other licensed establishments. The location is a very busy junction for vehicular and pedestrian traffic.

It is significant that the premises already benefit from expansive provision for outdoor seating and a smoking shelter at the rear of the building (with access via the upper tier of the pub). The proposed facilities are therefore unnecessary and unjustified. The pub management already have to deal with interior premises that are effectively split between two areas. It is fair to say that the lower tier has a more 'lively' and younger clientele. Creating a second external area accessed directly from the lower tier will make effective management of the lower section even more difficult, especially at time when staff numbers are limited. It will also present the staff with additional problems preventing the area from being used by non-customers. It is likely to result in complaints about noise and anti-social behaviour by non-customers congregating in the front external area, both during and outside of trading hours.

To conclude, I am wholly opposed to the proposal to create a formal outdoor seating area at the front of these premises. Should this aspect of the variation be pursued, I shall make such representation at any licensing committee hearing scheduled for this application.

Best Regards,

Neal Pates

Environmental Protection Officer
Sheffield City Council

Tel: (0114) 205 3588

From: Pates Neal
Sent: 09 July 2012 11:02
To: 'clientmail@forwarn.com'
Cc: 'John Coen'; Licensing(General)
Subject: LAC2003 Variation: Yew Tree Inn, Sheffield S6
Importance: High

RE: Licensing Act 2003: Application to vary a premises licence: Yew Tree Inn, Loxley New Road, Sheffield S6 4NG Your Ref: ML/27844/1142/702153/JGC Our Ref: NEP/458628 Lic. Ref: 36476
Date of App: 04 July 2012 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 Sirs,

I have the following representation to make in relation to the premises licence application for the above premises. The representation is made in relation to the core objective of the prevention of public nuisance, in my capacity as Environmental Protection Officer for Sheffield City Council. Regarding the removal of Condition 13, annex 2 of the current premises licence.

The Yew Tree is located in a residential area and has a number of residential properties in close proximity. Environmental Protection, the Night Time Noise Service and Licensing have received a number of complaints regarding noise from these premises recently. As a result of follow up actions I now have the agreement of the current DPS to keep all windows closed, and doors (save for access or egress) whenever regulated entertainment is taking place on the premises. This is in conjunction with regular checks being conducted outside the premises to ensure noise is at an acceptable level. I am of the opinion that the removal of condition 13 is inappropriate in these circumstances, and contradicts the current agreement I have, and the core objective of the prevention of public nuisance.

I propose that, rather than removing condition 13, it should be revised to read as per the following wording; "All windows and doors shall be closed, save for access and egress, whenever regulated entertainment is present on the premises".

I have discussed this matter with the DPS, and she is in agreement with this proposal and feels it is not restrictive and assists in the appropriate management of noise breakout from the premises. If you are able to notify agreement of this revision to the existing proposals for the variation of the licence, I shall be happy to withdraw my representation and avoid the need for my appearance at any licensing committee hearing regarding this matter.

Please advise me how you wish to proceed at your earliest convenience.

Best 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>

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Appendix 'E'



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

Ford and Warren Solicitors
Westgate Point
Westgate
Leeds
LS1 2AX.

The Sheffield City Council being the licensing authority, on the **4 July 2012** received an application in respect of the premises known as **Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG.**

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

- South Yorkshire Police
- Environmental Protection Services

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 **23 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:

Signed: _____
The officer appointed for this purpose
Licensing Officer, Place Portfolio

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



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

Sheffield Licensing Section
1st Floor
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD.

The Sheffield City Council being the licensing authority, on the **4 July 2012** received an application in respect of the premises known as **Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG.**

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

- South Yorkshire Police
- Environmental Protection Services

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

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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:

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.



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

Neal Pates
Environmental Protection Service

The Sheffield City Council being the licensing authority, on the **4 July 2012** received an application in respect of the premises known as **Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG**.

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

- South Yorkshire Police
- Environmental Protection Services

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

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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:

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.

Appendix 'F'



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

Ford and Warren Solicitors
Westgate Point
Westgate
Leeds
LS1 2AX.

The Sheffield City Council being the licensing authority, on the **4 July 2012** received an application in respect of the premises known as **Yew Tree Inn, Loxley New Road, Sheffield, S6 4NG**.

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

- South Yorkshire Police
- Environmental Protection Services

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 **23 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:

Signed: _____
The officer appointed for this purpose
Licensing Officer, Place Portfolio

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: Yew Tree Inn
Type of App: LA03_Application to Vary a Premises Licence
Hearing Date: 23 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**

Of **Ford and Warren Solicitors
Westgate Point
Westgate
Leeds
LS1 2AX.**

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 thatshould 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**.....

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.