



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 17th August 2021 11.00am

Subject: Licensing Act 2003

Author of Report: Stephen Lonnia

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

Club Baize 14 West Street Beighton Sheffield S20 1EP

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

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

Category of Report: OPEN

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

Ref No: 54/21

Club Baize 14 West Street Beighton Sheffield S20 1EP

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

2.1 The applicants are AJA Functions Limited

2.2 The application was received by the Licensing Service on the 25th June 2021 and is attached to Appendix 'A' of this report.

2.3 An Application to grant a premises licence was due to be heard on 8th June 2021. After pre hearing negotiations a compromise was found and the objections were withdrawn.

2.4 This was granted with amendment to the application withdrawing the recorded music part of the application. It appears that this variation has added recorded music as the variation for both inside and outside of the premises. A copy of the granted licence was not available at the time of writing this report.

3.0 REASONS FOR REFERRAL

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

1 - Public Objection

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

3.3 The Licensing Officers have tried to resolve this matter between parties copies of relevant information have been attached at Appendix C

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 HEARING REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 6.3 Attached at Appendix 'D' is the following:
- a) a copy of the Notice of Hearing;
 - b) the rights of a party provided in Regulations 15 and 16;
 - c) the consequences if a party does not attend or is not represented at the hearing
 - d) the procedure to be followed at the hearing.

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To vary the premises licence in the terms requested.
- 9.2 To vary the premises licence with conditions.
- 9.3 To reject the whole or part of the application.

Steve Linn

Appendix A

Application

The full application is attached to this report as a PDF.

Appendix B

Objection:

I would like to make a formal objection regarding the applied for music license at club baize.

I live [REDACTED] to the club and have several problems over the years with the music, drugs, parking, traffic, fighting, litter etc which happen when events and functions are on.

Firstly I'd like to address the music issue, I am by no means a prude and enjoy socialising and having a good time as well as the next person but when that music is played so loud that every word of every song can be heard through closed windows as you are trying to sleep is something else altogether.

The building itself is just not suitable for having loud music, on the outside (in some areas) it is in a state of disrepair and has been for some years. There is no sound proofing whatsoever and some areas where the functions are held have thin ply board covering the windows that have been broken.

My neighbours also have problems but because it is their local they are reluctant to bring it up. I have politely had to ring the club on a number of occasions in the past to ask them to turn it down a little and their response has always been to turn it down for five minutes and then turn it up louder than before!

When I have questioned this I have been met with abuse by some members of staff and told [REDACTED] and that the owner of the club is high up in the Sheffield council so they can do what they like as they are untouchable.

Their attitude absolutely stinks sometimes, I'm all for having music played and all for having people come together to have fun but the club have absolutely zero respect for their neighbours or surroundings, this leads me on to my next point of objection, when the club hosts functions the traffic and parking is horrible, to access my private parking I have to drive down an alley at the side of the club.

This alley is often blocked by cars of people attending the functions and many a time I have had to abandon my car in the middle of the road to walk into the club to ask them to find the people responsible and get them to move their vehicles just so I can get gone after a hard day at work.

Again their response is quite confrontational and aggressive. The parking at the front of the houses is non existent when the club is open because despite having a large car park to the rear of club baize the landlord locks the gates forcing customers to park on both sides of the road and not leaving any room for the people who actually live in the houses. The gates are locked because of drug taking and drug dealing which goes on around the back of the club and down the side alleyway where groups of youths hang around to listen to the music and smoke hash etc. It is quite intimidating having to walk past them to get home. Many a time I have woken up to blood splattered on my car (and damage) where when the function is over and people vacate the premises in a drunken state they start to fight and inevitably end up smashing into my neighbours and I cars if we have been lucky enough to find a parking spot outside our houses.

The litter is horrendous and the drunk driving is unbelievable.

I honestly cannot stress enough how bad things are when that club is open and hosting events. If you could only come and see [REDACTED] for yourself you would completely understand how damaging this has been to my mental health.

I have never had to make an objection on anything before but feel really strongly about this club being granted a music license so they can continue as they did before with no regard for anyone living in the area.

Please could you acknowledge receipt of this email so I know I have sent my objection in the correct way.



Despite trying to find a solution with the managers at the last hearing absolutely nothing has been done which they promised to do. There are no signs at all saying that they actually have a car park and even the managers of the club refuse to park their vehicles in it, instead they park their cars on the main road further restricting already very limited parking, in some cases they park their cars down the side of the club in such a manner that it makes it very difficult to get my car in or out of the private access.

When people are leaving the music events they host they are obviously very worse for wear and are very loud and disorderly which creates a public nuisance.
Kind regards.

Officers note - The redacted areas are where there is personal information about the complainant or other persons.

Appendix D

Hearing Notices / Regulations / Procedures



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

AJA Functions Limited
C/O John Gaunt & Partners Solicitors
Omega Court
372 Cemetery Road
Sheffield
S11 8FT

Sent via email:

The Sheffield City Council being the licensing authority, on the 26th June 2021 received your application in respect of the premises known as;

Club Baize 14 West Street Beighton Sheffield S20 1EP

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

1 x Interested parties

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 on **17th August 2021 at 11.00am in the Town Hall Pinstone Street Sheffield;** 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, or LicensingService@sheffield.gov.uk** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 3rd August 2021

Signed: Clive Stephenson

The officer appointed for this purpose
Licensing Officer



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

██████████
Sent via email:

The Sheffield City Council being the licensing authority, on the 26th June 2021 received an application in respect of the premises known as;

Club Baize 14 West Street Beighton Sheffield S20 1EP

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

1 x Interested Party

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 **Tuesday 24th August 2021 at 11.00am** following which the Council will issue a notice of determination of the application.

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

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

- 1) The representation you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your 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, or LicensingService@sheffield.gov.uk** within five (5) working days before the day or the first day on which the hearing is to be held.

Dated: 3rd August 2021

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Officer

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

Regulation 8

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

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

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

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

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

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

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

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

This page is intentionally left blank