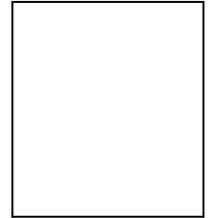




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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**Report of:** Chief Licensing Officer, Head of Licensing

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**Date:** **Monday 30<sup>th</sup> May 2022 – 10:00am**

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**Subject:** Licensing Act 2003

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**Author of Report:** Jayne Gough

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**Summary:** To consider an application to grant a premises licence made under the Licensing Act 2003 for **Olivia's, 173-179 West Street, Sheffield, S1 4EW**

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**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.

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

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**Category of Report:** OPEN

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

**Ref No 83/22**

**Olivia's, 173-179 West Street, Sheffield, S1 4EW**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

**2.0 THE APPLICATION**

2.1 The applicants are West Street Leisure Limited, who are the Landlords of the building within which the premises operates.

2.2 The application was received by the Licensing Service on the 4<sup>th</sup> October 2021 and is attached at Appendix 'A' of this report.

2.3 As the premises is already licensed and operating in the City Centre, the application is for a "shadow licence" of what is already in place, with all terms of the current licence being exactly mirrored in the application.

2.4 The landlord wishes to safeguard the premises in the event that the licence becomes at risk in the future, following an instance where a previous premises licence for the premises lapsed due to difficulties suffered by the previous operators and the licence fell away.

2.5 The current/existing premises licence has been included in this report and can be found at Appendix 'B'.

**3.0 REASONS FOR REFERRAL**

3.1 An unresolved representation concerning the application has been received from the following and is attached at Appendix 'C':

- 1 x Local Resident

3.2 Initially, there were further objections from the Environmental Protection Service (EPS) and another local resident group – Changing Sheff. These objections were made under the objective of prevention of public nuisance as there has been a history of noise complaints from the premises. The plans submitted with the application did not reflect the current layout of the premises, with an acoustic sound lobby being missing within the premises itself due to the doors opening in the incorrect direction.

3.3 It was agreed with all parties at the end of the application consultation period that the hearing for the determination of this application could be deferred to allow the works within the premises to be completed, therefore negating and resolving the objection.

3.4 Works have now been completed with EPS and Changing Sheff withdrawing their objections. The remaining resident has maintained their objection as they have kept a log of noise breakout since the works have been completed which is continuing to cause

nuisance to them.

3.5 Local residents who have raised concerns are aware of the Review process in the event that the determination is in favour of the applicant and noise issues continue.

3.6 The applicant and the objector who made a written representation have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'.

#### **4.0 POLICIES TO CONSIDER**

4.1 Sheffield City Council Statement of Licensing Policy.

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 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.

#### **6.0 THE LEGAL POSITION**

6.1 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.

6.2 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.

#### **7.0 HEARINGS REGULATIONS**

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

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

7.3 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.

#### **8.0 APPEALS**

8.1 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.

## **9.0 RECOMMENDATIONS**

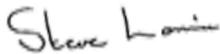
9.1 That Members carefully consider the representations made and take such steps as the Sub Committee consider appropriate for the promotion of the Licensing Objectives.

## **10.0 OPTIONS OPEN TO THE COMMITTEE**

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 30<sup>th</sup> May 2022

# Appendix 'A'

**Application & Plan**

# Appendix 'B'

**Current Premises Licence**

# Appendix 'C'

**Objection:**  
1 x Local Resident

# Appendix 'D'

## Hearing Notices and Regulations