

## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** Tuesday 6<sup>th</sup> September 2022 – 10:30am

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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 vary a premises licence made under the Licensing Act 2003.

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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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: 130/22**

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

**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 Mitchells & Butlers Leisure Retail Limited.

2.2 The application was received by the Licensing Service on the 12<sup>th</sup> July 2022, and is attached to Appendix 'A' of this report.

2.3 A copy of the current Premises Licence is attached at Appendix 'B'.

**3.0 REASONS FOR REFERRAL**

3.1 Outstanding representations concerning the application have been received from the following interested parties/Responsible Authorities and are attached at Appendix 'C'.

**1 x Health Protection Service**

**13 x Local Residents**

3.2 The applicant and objectors who made 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 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.

*Stephen Lonnia*

Stephen Lonnia  
Chief Licensing Officer & Head of Licensing

6<sup>th</sup> September 2022

# **Appendix 'A'**

## **The Application**

# **Appendix 'B'**

## **Current Premises Licence**

# Appendix 'C'

**Representations:**

Health Protection Service, Sheffield City Council

13 x Local Residents

## **RESIDENT OBJECTIONS**

To whom it may concern,

I am emailing regarding the application made by the Nursery Tavern to vary the current layout of the premises. I understand that their plan is to extend down the side of the premises and I would like to take the opportunity to say that I object to this proposal, and to outline my reasons for this.

I have been a resident of [REDACTED]

Over the last 2 summers in particular I have submitted several noise complaints (ref no for most recent complaint: 201000823492) to the council as I have found that the Nursery Tavern have a tendency to play loud music beyond the agreed time of 10pm and, on occasion, beyond midnight. The noise from the music has frequently interrupted my 5 year old's sleep, and has led to me regularly having to sleep on the sofa at the front of the house.

They have also turned the microphone up on their pub quiz on more than the one occasion, causing my son to worry that there is a stranger in our home as I have been trying to get him to sleep.

These experiences have led to me feeling claustrophobic and on edge in my own home.

In light of these things, I believe that the application they have made would only exacerbate the challenges that myself and other residents already face.

Since the end of the pandemic lockdowns, the atmosphere and noise levels of the beer garden tend to equate to that of a club, and I do not think that this should be brought any closer to any residential area, let alone one inhabited by young families.

I firmly believe that the voices and well-being of multiple people should be listened to over and above that of one, already busy, popular and thriving business.

Thank you for taking the time to hear my concerns.

Kind regards,

Anna Davies

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Dear Sirs,

**Application by Mitchell & Butler to vary Premises licence - Nursery tavern Ecclesall Road Sheffield S11 8PE**

I am writing to object to the above application on the basis of the prevention of a public nuisance.

The premises directly backs on to a residential street, the hours of operation of the outside of the licenced premises are without restriction and [REDACTED] we have problems with the amount of noise that emanates from the Nursery Tavern. This has increased particularly since the external area to the rear has been improved and extended (and a TV has been installed.) Hosting of large social events is encouraged and often the noise is intolerable.

This unfair (and no consideration is given) to all residents of Victoria Road, Collegiate Crescent and the surrounded area, many of which are family homes which are occupied by families with children, many of which are disturbed by the level of noise at night particularly in the summer.

This is a serious matter that should be considered before the licence is granted. The ours of operation allowing the establishment to allow their customers use the outside space should be restricted to take into account the occupants of the local area.

It is also noted at the closing time there is much more noise in the area extending form all of the licensed premises on Ecclesall Road. It would be unfair to say that this all came from the customers of the Nursery tavern, but they are certainly partially to blame.

On the basis of these points, I believe that the application should be rejected and would urge you to strongly consider the impact on the residents of the area before agreeing to any amendment.

Yours faithfully,  
Rebecca Linsell

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Hello

I would like to register my objection to the planning changes submitted by the Nursery Tavern, Ecclesall Road. I am concerned about the increased noise levels and general rowdiness from an already noisy establishment.

Fran Flannery

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Dear sir/ madam

I wish to object to the request by Mitchell and Butler to change the layout to include an enclosed seating at the side of the property. Already with the outside area we experience high level of noise pollution and therefore to extend the outside seating would only exaggerate the situation for all neighbours further. The license on numerous occasions has been pushing boundaries which have caused us in the past to lodge official complaint over the excessive noise late into the evening.

Based on the above both myself and my wife are very concerned about the impact of the proposed plans and wish that you give the application careful consideration

Kind regards  
Gordon MacKenzie



Good afternoon,

I would like to register my objection to the above application for variations of premises licence.

I live at [REDACTED] The noise from the existing outside area of the pub does vary, peaking on weekends, however as a member of the adjacent tennis club as well as a local resident - I view that an attempt to expand the outside area is likely to only increase the noise levels.

The existing noise levels do impact tennis matches, but also it can clearly be heard in the habitable areas of my house and garden. With a young baby now in the household, this is now an increasing concern.

I'm aware that the Noise Act 1996 means that local authorities must take steps to investigate complaints of noise at nighttime, which I know my neighbours have pursued. This reinforces my view that an attempt to extend the outside area is likely to only further increase noise levels given the exposure of the area's entertainment systems into the surrounding neighbourhood.

Can I please get a response to confirm acknowledgment of this objection?  
Any further clarity on the above points can be provided on request.

Thanks,  
Josh Gunnell

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Dear Sir / Madam,

I object to the proposed changes to the above premises based on the increased noise and antisocial behaviour this will bring to an already problematic situation.

The sound of loud music and the large outdoor screen already bring misery to my neighbours, not to mention the broken glass and drunk people loitering on the corner of Collegiate Crescent and Ecclesall Rd. These changes will make it all much worse.

Kind regards  
Michael Dalziel Londesborough

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**Mitchells & Butlers Leisure Retail Ltd, Nursery Tavern, 276 Eccleshall Road, Sheffield S11 8PE  
- Application to Vary Premises Licence**

I write to object to the Nursery Tavern's application to Sheffield City Council for a Variation of a Premises Licence to increase their outside licensed area.

Since moving to [REDACTED] have been surprised and

disappointed by The Nursery Tavern's unsocial behaviour towards its residential neighbours. The houses at the western end of [REDACTED] are very much affected by the noise coming from the outside area. There is an extremely big cinema type TV screen that regularly shows live sporting events, and this draws large enthusiastic noisy crowds. They have party nights in the outside area where the music level is unacceptable in a residential area. These evening events have sometimes gone on well after 11pm making it impossible to get to sleep in the back bedrooms of our house.

I would question whether they are conducting their licensable activities within the permitted hours and conditions?

I object because further extending the outside area can only add to the un-contained noise and for this reason, I am unhappy about this proposal.

Mr Philip H Dickens

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Dear the Licensing Section, Sheffield City Council,

We are writing with regard to Mitchells & Butlers Leisure Retail Ltd's application to vary the premises licence for Nursery Tavern, 276 Ecclesall Road, Sheffield S11 8PE.

They are proposing to vary the layout of the premises to enclose external seating to the side of the premises and reposition the gates leading to the rear garden.

We (Ranjan Sen and Charlotte Steenbrugge) live at [REDACTED] and the current large outdoor seating area. We would like to object strongly to the planned extension of the outdoor seating area. While we fully appreciate the value of local businesses thriving, and that Ecclesall Road is an excellent venue for social activities, we feel that these points should be balanced by the needs and wellbeing of local residents, especially as the Nursery Tavern is located adjacent to the Broomhall residential (and conservation) area, many of whom are either elderly or have young children, or have jobs where obtaining good rest is paramount (e.g. in the medical profession).

The Nursery Tavern has extended its outdoor social activities in recent years, with the addition of outdoor TV screens and speakers. These additions have very noticeably added to the noise pollution in the area on several evenings a week, often making it difficult for our children to get to sleep, particularly during large sporting occasions. Many of our neighbours have had to call the Tavern on behalf of all the residents in order to ask them politely to turn the volume level down, but there are many evenings when we all just put up with it.

The plan to extend outdoor seating and the potential for further entertainment certainly tips that balance between residents and social businesses strongly to the side of the businesses. We love the vibrant Ecclesall Road area, but also value living in a residential conservation area. Adding further noise pollution to the area - when we have already had to tolerate significant increases over the last few years - seems very much contradictory to the ethos of conservation.

Kind regards,  
Ranjan Sen and Charlotte Steenbrugge

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Dear Sirs

I live at [REDACTED]

I have serious concerns with regards to any further development of the outdoor area. This is with regards to noise and disturbances.

I have spoken with Sam the manager recently with regards to noise nuisance with music being played on outdoor speaker both during the daytime and into the evening. In addition, there is considerable noise associated with large volumes of people gathering in the garden (shouting, chatting and singing).

Sam reassured me that they regularly check the volume and put staff on the back door and that the speakers are turned off (both outside and in the back of the pub) but I would question this as I thought I could hear music being played outside on Friday until nearly midnight. I called the pub and spoke with Sam who reassured me they keep the sound down and turn the speakers off so he would make sure this shouldn't happen. He has given me his number in case of further disturbances which I appreciate.

I did then hear music coming from the outdoor speakers past 8pm yesterday evening (Saturday 6th). Whilst I don't mind some level of noise and Sam was very responsive to my issues, I have significant concern over any additional space and noise levels of the pub. More people outside will make more noise.

My children's bedrooms are at the back of my house overlooking the pub. In the summer they are unable to open their windows often due to the noise.

The trees at the back of the pub were removed a few years ago and as I mentioned to Sam I felt that the established trees did provide some barrier to the noise. There is now nothing between us and the pub garden. Sam did mention contacting his manger to discuss replanting which I really appreciate but it would take time to become established and provide a useful barrier.

Please feel free to contact me with regards to this. I would be most happy for you to visit my property to see the issues.

Many thanks  
Sue Longstaff

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Dear Sir/Madam

We would like to add our objection to the proposed expansion of the rear garden area.

There is already regular noise and light pollution with the current arrangement. The proposed changes sound as if they will make this even worse.

Please ask them to consider their neighbours and actually create a space which directs light away from the road behind and blocks the noise.

Many thanks

Yours faithfully

Drs V S Swales & B J Swales

We hereby strongly disagree to any planning application of this venue as it continues to promote loud

outside music and noise. It frequently exceeds reasonable noise levels to the extent that we cannot sit in our back garden without hearing excessive noise and it is absolutely not possible to leave our windows open at night due to the noise level.

The enormous screen is clearly visible from our house, the noise is frequently loud chattering, singing, chanting, screaming and booing (they stream live sports events on their large screen) We do not feel by extending the outside space even further than it already is, is reasonable to all residents living in the vicinity.

Our concern with a possible new extended outside area is that they have started to employ DJ's playing loud music in the outside area already. We do not believe this to be in keeping with a pub in such close proximity to a residential area as we can clearly hear when these DJ events are going on.

There is also the knock-on effect of drunk people littering the streets such as Collegiate Crescent and Victoria Road and leaving the premises late, again causing additional noise disturbance.

We are a family including professional workers and teenage children – due to take GCSE's next year, and this noise level does absolutely affect our living standard and sleep.

We see no reason whatsoever of why they need extra outside space and feel very strongly against it.

Kind regards,  
Clare & Simon Curtis

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To whom it may concern:

I am a resident of [REDACTED] Nursery Tavern on Ecclesall Road.

I am writing to state my strong opposition to the plans to vary the layout of the premises of the Nursery Tavern on Ecclesall Road to enclose external seating to the side of the premises and the repositioning of the gate. The residential houses on [REDACTED] already bear the brunt of an inordinate amount of noise from these premises. I have every reason to believe that the proposed changes will only add to this noise level.

Yours

Frances Mooney - Humphries

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Dear Sirs,

I am emailing you in connection with the application made by the Nursery Tavern, 276 Ecclesall Rd, S11 8PE for a variation of their premises licence.

I live on [REDACTED] and the Nursery Tavern has consistently caused a huge noise polluter both for us and the many people who live in the surrounding area, which is an overwhelmingly residential area. I understand that a nuisance log is maintained by Sheffield City Council which details the problems caused by the Nursery Tavern, especially at night when children are trying to sleep.

The notice of application states that they wish to extend the seating around the side of the premises.

This would result in further noise and disruption at night time and weekends for those who live within earshot of their premises. The management of the Nursery Tavern have in the past shown themselves to be unable or unwilling to address these problems. Therefore, I object to this application and request that it be refused.

Yours faithfully,

Judith Harrison

### **HEALTH PROTECTION OBJECTION**

**From:** Elaine Cresswell <[Elaine.Cresswell@sheffield.gov.uk](mailto:Elaine.Cresswell@sheffield.gov.uk)>

**Sent:** 09 August 2022 16:47

**To:** Alex Tomlinson <[a.tomlinson@popall.co.uk](mailto:a.tomlinson@popall.co.uk)>

**Cc:** licensingservice <[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)>

**Subject:** RE: SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road, Sheffield, S118PE

**This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.**

Hello Alex

RE: SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road, Sheffield, S118PE

Thank you for your emails and refer to my telephone conversation with you earlier today. I regret to inform you that as the responsible authority in respect of Public Safety at the present time I have no alternative than to make a formal representation due to the proposed layout and arrangements shown on the plan which are unsatisfactory.

I have visited the premises and am concerned there is potential impact on means of escape both from the position and size of the gates and increase in benches throughout the beer garden.

Unfortunately I have not yet been able to speak to a fire officer about this.

I also have concerns about the 'new area' being for seating in addition to the existing seating in the beer garden. The premises already regularly has up to 450 customers which is far more than the sanitary facilities in the premises were originally designed for (maximum 250). I think consideration needs to be given to both a maximum capacity for the beer garden and more facilities for the benefit of public safety.

Please ask your clients to provide more information on how the extended area is intended to be used and to consider provision of additional sanitary facilities. I would be happy to attend a site meeting.

Yours sincerely,  
Elaine Cresswell

Environmental Health Technician/Health & Safety Inspector, Environmental Regulation, Sheffield City Council, 5th Floor North, Howden

House, 1 Union Street, Sheffield, S1 2SH  
**Tel: 0114 474 1449 (currently working out of office – please use email)**  
Email: [elaine.cresswell@sheffield.gov.uk](mailto:elaine.cresswell@sheffield.gov.uk)  
Fax: 0114 273 6464  
[www.sheffield.gov.uk](http://www.sheffield.gov.uk)

<http://www.sheffield.gov.uk/content/sheffield/home/business/health-and-safety-enforcement.html>

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**From:** Alex Tomlinson <[a.tomlinson@popall.co.uk](mailto:a.tomlinson@popall.co.uk)>  
**Sent:** 09 August 2022 14:30  
**To:** Elaine Cresswell <[Elaine.Cresswell@sheffield.gov.uk](mailto:Elaine.Cresswell@sheffield.gov.uk)>  
**Subject:** RE: SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road, Sheffield, S118PE

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Elaine,  
I am just checking that you don't require any further information on the below?  
Many thanks  
Alex

AlexTomlinson

**Poppleston Allen**

E:[a.tomlinson@popall.co.uk](mailto:a.tomlinson@popall.co.uk)|T:0115 9349 180|M:07949 879190|W:[www.popall.co.uk](http://www.popall.co.uk)  
Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS

### **Coronavirus - Important Information**

Business continues as usual. A number of our team continue to work securely from home and remain available via email or phone. Where possible, all correspondence will be dealt with electronically and there may be a delay in sending out hard copy documents by post.

**Cybercrime notification:** Our bank account details will NOT change during the course of a transaction. Please speak to us before transferring any money. We will not take responsibility if you transfer money to an incorrect bank account. If you receive an email from Poppleston Allen requesting your bank details or purporting to amend our bank details, please contact us, or your solicitor, as appropriate, by telephone immediately to clarify.

Authorised and Regulated by the Solicitors Regulation Authority (SRA No: 78244). The professional rules to which we are subject are the Solicitors Code of Conduct. These rules can be viewed at [www.sra.org.uk](http://www.sra.org.uk)  
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**From:** Alex Tomlinson  
**Sent:** 02 August 2022 10:21  
**To:** Elaine Cresswell <[Elaine.Cresswell@sheffield.gov.uk](mailto:Elaine.Cresswell@sheffield.gov.uk)>  
**Subject:** RE: SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road, Sheffield, S118PE

Good morning Elaine,  
Apologies for the late response, the internal occupancy figure is 217.  
Presently the gates are 4.1 meters and 2.05 m each leaf. The proposed gates are 3 meters at 1.5m each leaf.  
The site will be fire risk assessed and we are happy to add possible conditions regarding the proposed gates.

Let me know if you need anything else.  
Many thanks  
Alex

**From:** Elaine Cresswell <[Elaine.Cresswell@sheffield.gov.uk](mailto:Elaine.Cresswell@sheffield.gov.uk)>  
**Sent:** 28 July 2022 11:30  
**To:** Alex Tomlinson <[a.tomlinson@popall.co.uk](mailto:a.tomlinson@popall.co.uk)>  
**Subject:** SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road, Sheffield, S118PE

Dear Mr Tomlinson,  
SRUs 708444-5: VARIATION OF PREMISES LICENCE - Nursery Tavern, Ecclesall Road  
I represent Sheffield City Council's Health and Safety Enforcement Team in the Health Protection Service as Responsible Authority for Public Safety for this application. I have reviewed your application and would appreciate further information from you.

I have some concerns about the proposal to increase the capacity of the premises and reduce the size of the gates for exit purposes from the proposed garden area.

1. Do you have figures for the maximum capacity of the premises (internal only), as current (with licensed beer garden) and with proposed extended garden?
2. Please also send me details of the width of the current gates and proposed gates.

Kind regards  
Elaine Cresswell

Environmental Health Technician/Health & Safety Inspector, Environmental Regulation, Sheffield City Council, 5th Floor North, Howden House, 1 Union Street, Sheffield, S1 2SH  
**Tel: 0114 474 1449 (currently working out of office – please use email)**  
Email: [elaine.cresswell@sheffield.gov.uk](mailto:elaine.cresswell@sheffield.gov.uk)  
Fax: 0114 273 6464 [www.sheffield.gov.uk](http://www.sheffield.gov.uk)

# **Appendix 'D'**

## **Hearing Notices / Regulations / Procedures**





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

Elaine Cresswell  
Health Protection Service, Sheffield City Council

Sent via email: [elaine.cresswell@sheffield.gov.uk](mailto:elaine.cresswell@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Anna Davies  
Local Resident

Sent via email: [REDACTED]

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Dated: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Becky Linsell  
Local Resident

Sent via email: [REDACTED]

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Dated: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Clare Curtis  
Local Resident

Sent via email: [REDACTED]

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13 x Local Residents**

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The documents which accompany this notice are the relevant representation 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:

- 7) The representation you have made with reference to these particular premises and the four core objectives.
- 8) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Francesca Flannery  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 9) The representation you have made with reference to these particular premises and the four core objectives.
- 10) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Gordon Mackenzie  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 11) The representation you have made with reference to these particular premises and the four core objectives.
- 12) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Josh Gunsell  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 13) The representation you have made with reference to these particular premises and the four core objectives.
- 14) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Michael Dalziel  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 15) The representation you have made with reference to these particular premises and the four core objectives.
- 16) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose





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

Phil Dickins  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 17) The representation you have made with reference to these particular premises and the four core objectives.
- 18) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Ranjan Sen & Charlotte Steenbrugge  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 19) The representation you have made with reference to these particular premises and the four core objectives.
- 20) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Sue Longstaff  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 21) The representation you have made with reference to these particular premises and the four core objectives.
- 22) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Val Swales  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 23) The representation you have made with reference to these particular premises and the four core objectives.
- 24) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Judith Harrison  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 25) The representation you have made with reference to these particular premises and the four core objectives.
- 26) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Frances Mooney Humphries  
Local Resident

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received an application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

The Council now **GIVES YOU NOTICE** that the representation 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 **Tuesday 6<sup>th</sup> September 2022, 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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:

- 27) The representation you have made with reference to these particular premises and the four core objectives.
- 28) 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose



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

Alex Tomlinson  
Poppleston Allen Solicitors, on behalf of the applicant

Sent via email: [a.tomlinson@popall.co.uk](mailto:a.tomlinson@popall.co.uk)

The Sheffield City Council being the licensing authority, on the 12<sup>th</sup> July 2022 received your application in respect of the premises known as;

**Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE**

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

**1 x Health Protection Service, Sheffield City Council  
13 x Local Residents**

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 the representation 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 **Tuesday 6<sup>th</sup> September 2022 at 10:30am**; following which the Council will issue a notice of determination of the application.

The documents which accompany this notice are the relevant representation 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](mailto: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: 23<sup>rd</sup> August 2022

Signed: Jayne Gough

## **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,



(c) 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

Form LAR 1  
Regulation 8

**Premises:** Nursery Tavern, 276 Ecclesall Road, Sheffield, S11 8PE

**Type of App:** LA03 Variation of a Premises Licence Application

**Hearing Date:** 6<sup>th</sup> September 2022 – 10:30am. Sheffield Town Hall

## Notice of actions following receipt of notice of hearing

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

I **Alex Tomlinson**  
of **Poppleston Allen Solicitors, on behalf of the applicant**

hereby confirm that I have received the Notice of Hearing dated 23<sup>rd</sup> August 2022 and notify you as follows **(please complete)**:

I intend to attend the hearing at 10:30am on Tuesday 6<sup>th</sup> September 2022 in Sheffield Town Hall.

I do not intend to attend the hearing

I intend to be represented at the hearing by: .....

I consider the hearing to be unnecessary because: .....

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

Dated: ..... Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:

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

[licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

## 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.

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