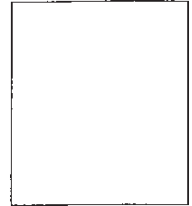




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 13th May 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

Bar Ambassador, 308-310 London Road, Sheffield, S2 4NA

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

Category of Report: OPEN

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

Ref No 33 / 13

LICENSING ACT 2003

Bar AmbassadorPL, 308-310 London Road, Sheffield, S2 4NA

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 applicant is Miss Justyna Maciezevska
- 2.2 The application, which was received on 6th March 2013, is attached to this report labelled Appendix 'A'. Blank pages have been omitted to save paper, but the original application will be available at the hearing.

3.0 REASONS FOR REFERRAL

- 3.1 Representations concerning the application have been received from the following:-
- | | | |
|----|---------------------------------------|--------------|
| a) | Health Protection Services | Appendix 'B' |
| b) | Sheffield Safeguarding Children Board | Appendix 'C' |
- 3.2 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 '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 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 '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

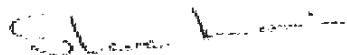
- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the applicant and those making representations against decisions of the Licensing Authority, to the Magistrates' Court.

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

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



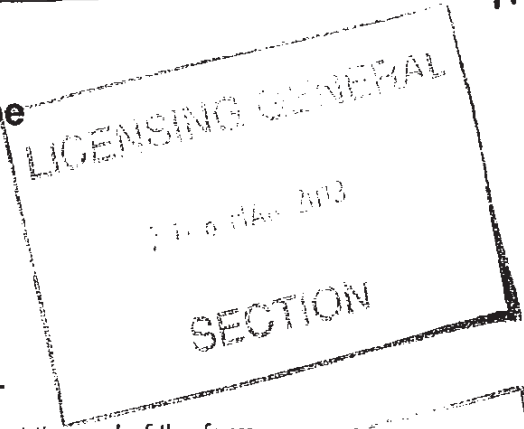
Stephen Lonnia
Chief Licensing Officer
Head of Licensing

13th May 2013

Appendix A

AI

Application for a premises licence to be granted under the Licensing Act 2003

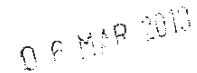


(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

(2) I/we JUSTYNA MACIEJEWSKA



apply for a premises licence under section 17 the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description 308-310 LONDON ROAD	
Post town SHEFFIELD	Post code S2 4NA

Telephone number at premises(if any)

Non-domestic rateable value of premises

£ 6000.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick ✓
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association; or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)

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

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm: Please tick ✓ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to
 - a statutory function; or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ yes

Current postal address if different from premises address

Post town Post code

Daytime contact telephone number

E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licences to start?

ASAP

Day	Month	Year					

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year					

Please give a general description of the premises (please read guidance note 1)

It will be a bar, meeting place.
 I would like ~~the~~ selling there
 pre-packed food, alcohol (beer from tab)
 There will be TV (general football)
 and some music.

(

LI
T
S
S
S

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

A4

Provision of regulated entertainment

Please tick ✓ yes

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

Provision of entertainment facilities for:

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

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

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>occasionally (polish films from CD's)</i>
Mon	16 ⁰⁰	20 ⁰⁰	
			State any seasonal variations for the exhibition of films (please read guidance note 4)
Tue			
			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	16 ⁰⁰	20 ⁰⁰	
Thur			
Fri			
Sat			
Sun			

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music of take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) CD, MP3 TRADITIONAL POP MUSIC
Mon	12 ⁰⁰	23 ³⁰	
Tue	12 ⁰⁰	23 ³⁰	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE
Wed	12 ⁰⁰	23 ³⁰	
Thur	12 ⁰⁰	23 ³⁰	Non-standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	12 ⁰⁰	23 ³⁰	
Sat	10 ⁰⁰	23 ³⁰	
Sun	10 ⁰⁰	23 ³⁰	

A7

L

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

M

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7) On the premises <input checked="" type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE
Mon	12 ⁰⁰	23 ⁰⁰	
Tue	12 ⁰⁰	23 ⁰⁰	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	12 ⁰⁰	23 ⁰⁰	
Thur	12 ⁰⁰	23 ⁰⁰	
Fri	12 ⁰⁰	23 ⁰⁰	
Sat	10 ⁰⁰	23 ⁰⁰	
Sun	10 ⁰⁰	23 ⁰⁰	

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

A8

Name JUSTYNA MACIEJEWSKA
 Address 10 WESTLAN GARDENS
 Post code SHEFFIELD S20 8ES
 Personal Licence number (if known)
 Issuing licensing authority (if known) *Soting out today*

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

O

Hours premises are open to the public			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12 00	23 30	Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Tue	12 00	23 30	
Wed	12 00	23 30	
Thur	12 00	23 30	
Fri	12 00	23 30	
Sat	10	23 30	
Sun	10	23 30	

P Describe the steps you intend to take to promote the four licensing objectives:

A9

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

CCTV cameras
propably security guard (fridays and saturday)
stop selling alcohol at 11pm.
challenge 25
only ID with photo will be accepted as a proof
of age.

--b) The prevention of crime and disorder

CCTV cameras
propably security guard (fridays and saturday)
stop selling alcohol at 11pm.
challenge 25
only ID with photo will be accepted as a proof
of age

--c) Public safety

CCTV cameras
propably security guard (fridays and saturday)
stop selling alcohol at 11pm.
challenge 25
only ID with photo will be accepted as a proof of
age

--d) The prevention of public nuisance

CCTV cameras
propably security guard (fridays and saturday)
stop selling alcohol at 11pm.
challenge 25
only ID with photo will be accepted as a proof
of age

--e) The protection of children from harm

CCTV cameras
propably security guard (fridays and saturday)
stop selling alcohol at 11pm.
challenge 25
only ID with photo will be accepted as a proof
of age.

Please tick yes

A10

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent you copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

*insert amount

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

Part 5 - Signatures (please read guidance note 10)

Signature of applicant 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 Justyna Chaciewska

Date 20/08/2012

Capacity APPLICANT

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent.
(Please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature _____

Date

Capacity

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

Consent of individual to being specified as premises supervisor

I [full name of prospective premises supervisor]
JUSTYNA MACIEJEWSKA

of [home address of prospective premises supervisor]
10 WESTLAND GARDENS
S20 8ES SHEFFIELD

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

[type of application] Grant

by

[name of applicant] JUSTYNA MACIEJEWSKA

relating to a premises licence

[number of existing licence, if any] -

for

[name and address of premises to which the application relates]
308 - 310 LONDON ROAD
S2 4NA SHEFFIELD

and any premises licence to be granted or varied in respect of this application made by

[name of applicant] JUSTYNA MACIEJEWSKA.

concerning the supply of alcohol at

[name and address of premises to which application relates]
308 - 310 LONDON RD.
SHEFFIELD
S2 4NA

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

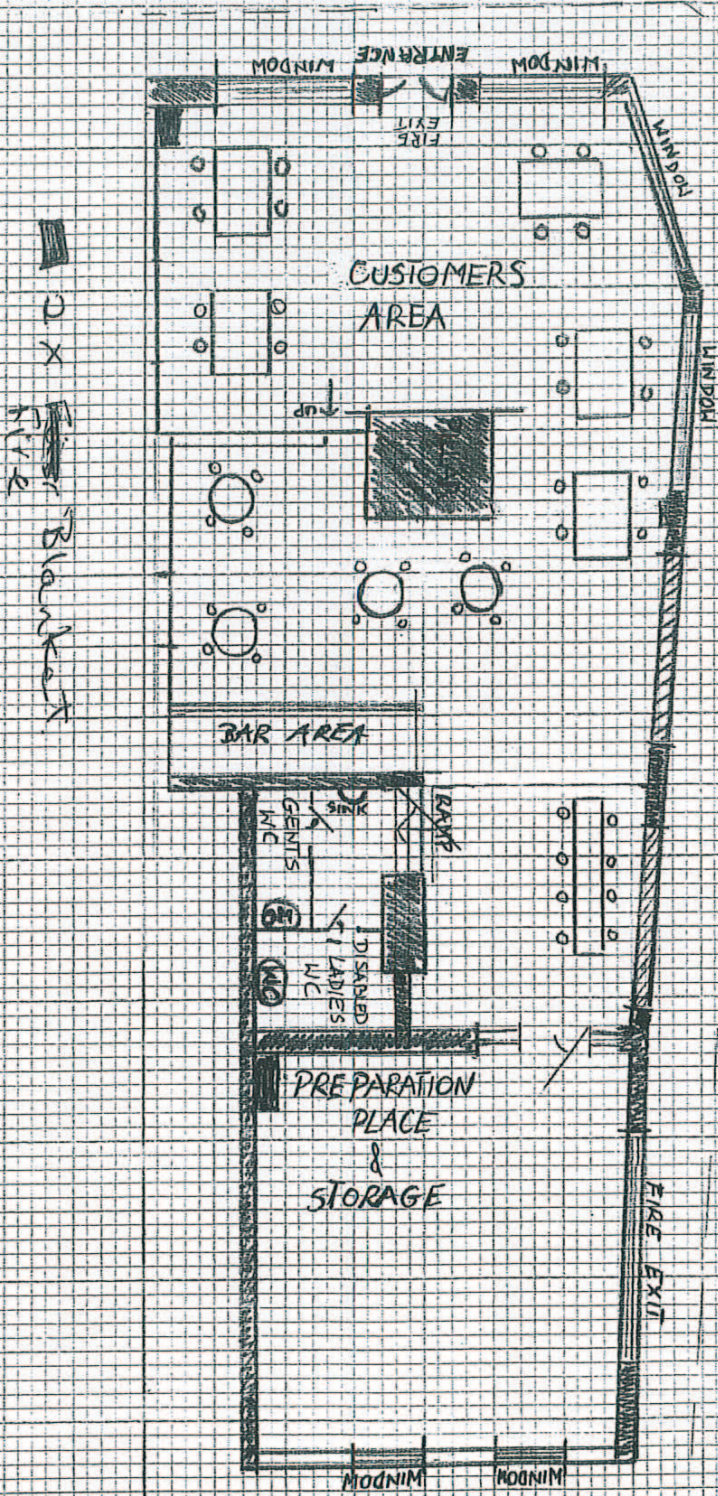
A12

Personal licence number
[insert personal licence number, if any] BCL

Personal licence issuing authority

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed Maciejarska Justyna
Name (please print) MACIEJEWSKA JUSTYNA
Date 04. III. 2013



Bar "embassador PL"
 308-310 London Road
 S2 4 NA
 Sheffield
 4-3-13

Appendix B

Business Strategy & Regulation

BI

Director of Business Strategy & Regulation: Mick Crofts
Health Protection Service
2-10 Carbrook Hall Road • Sheffield • S9 2DB
Fax No. (0114) 273 6464

Officer: Mr S Gibbons
Ref: 308 London Rd/sg

Tel: 0114 273 4616
Date: 26 March 2013

Justyna Maciejewska
308-310 London Road
Sheffield
S2 4NA

Dear Sir

Licensing Act 2003
Application for Premises Licence

Premises: 308-310 London Road, Sheffield, S2 4NA

I write with reference to the above application, my site visit on 21 March 2013, and would inform you that at this stage I have no alternative than to make a formal representation (objection) as the Responsible Authority towards public safety, due to the proposed layout and arrangements shown in the plan, which are unsatisfactory.

You, your designer or architect should contact me to discuss the proposals, in order to resolve the issues and any conditions that may be required to be placed on the licence.

If you require any further information, please do not hesitate to contact me on the telephone number shown.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

Copy Via Post Justyna Maciejewska
10 Westland Gardens
Sheffield
S20 8ES

Email Address: HealthProtection@sheffield.gov.uk
Visit us at: www.sheffield.gov.uk/environment/how-we-work/health-protection/

Large print versions of this letter
are available by telephoning **Page 23**
(0114) 273 4415/273 5774

Appendix C



CI

28.3.13

The Licensing Authority
General Licensing Section
Town Hall
Surrey Street
Sheffield S1 2HH

Address correspondence to:

Julie Hague
Sheffield Safeguarding Children
Board - Licensing Project
Floor 2
Redvers House
Union Street
Sheffield S1 2JQ
Telephone: 0114 2736753
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

**APPLICATION FOR A PREMISES LICENCE: 308 – 310 LONDON ROAD,
SHEFFIELD S2 4NA**

I am writing on behalf of the Sheffield Safeguarding Children Board to make a Representation in relation to the above application. The reason for the Representation is stated below and I would ask the Licensing Authority to consider that, if the application is granted, the proposed conditions should be attached to the premises licence for the Protection of Children from Harm, under the Licensing Act 2003.

The applicant seeks to trade as a "bar/meeting place" where football matches will be screened, pre-packed food will be sold and alcohol will be on sale from 10:00 hours until 23:00 hours at weekends and from 12:00 hours until 23:00 hours during the week. I am concerned that the applicant has not included any safeguarding measures in the operating schedule to ensure that children and young people may only access the premises when the environment is family friendly. The main trade at the premises is for the sale and consumption of alcohol and if additional safeguarding measures are not included, children may be exposed to irresponsible or dangerous adult behaviour within an adult orientated environment.

I am therefore writing to propose that the following conditions are attached to the licence, if the application is granted by the Licensing Authority:

1. The Challenge 25 proof of age scheme must include refusals records, signage and staff training records.
2. The designated premises supervisor or other such responsible person should be assigned to the role of Children's Safeguarding Coordinator. This person should act in compliance with the guidance and training provided by the Sheffield Safeguarding Children Board. (For information, I attach a description of this role and confirm that the Safeguarding Children Board provides free training to support staff assigned to this role.)
3. Children under the age of 16 years must be accompanied by a responsible adult at all times.

4. Persons under the age of 18 must be off the premises by 21:00 hours unless attending a private pre-booked family type function when the premises is closed to the general public.

C2

The above conditions should assist the applicant to provide a suitable family friendly environment.

I will liaise with the applicant to resolve the issues and notify the Licensing Authority if an agreement is reached without the need for a formal hearing.

Yours faithfully

JULIE HAGUE
Licensing Project Manager
Sheffield Safeguarding Children Board

Cc The Applicant

Appendix D

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

Ms Justyna Maciezevska
10 Westland Gardens
Sheffield
S20 8ES

The Sheffield City Council being the licensing authority, on the **6th March 2013** received your application in respect of the premises known as;

Bar AmbassadorPL, 308-310 London Road, Sheffield, S2 4NA

During the consultation period, the Council received representations from the following authorities/interested parties: Sheffield City Council Health Protection Services and Sheffield Safeguarding Children Board on the likely effect of this application and 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 **Monday 13th May 2013 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: 30th April 2013

Signed: _____
The officer appointed for this purpose
Licensing Officer

Please address any communications to:

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

Licensing.general@sheffield.gov.uk

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

Sean Gibbons
Sheffield City Council
Health Protection Service
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on the **6th March 2013** received an application in respect of the premises known as;

Bar Ambassador, 308-310 London Road, Sheffield, S2 4NA

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

- **Sheffield City Council Health Protection Service**
- **Sheffield Safeguarding Children Board**

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 **13th May 2013 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 30th April 2013

Signed: _____
The officer appointed for this purpose
Licensing Officer

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

Julie Hague
Sheffield Safeguarding Children Board
Floor 2 Redvers House
Union Street
Sheffield
S1 2JQ

The Sheffield City Council being the licensing authority, on the **6th March 2013** received an application in respect of the premises known as;

Bar Ambassador, 308-310 London Road, Sheffield, S2 4NA

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

- **Sheffield City Council Health Protection Service**
- **Sheffield Safeguarding Children Board**

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 **13th May 2013** at **10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) The representations you have made with reference to these particular premises and the four core objectives.
- 2) You may also be asked questions by the parties to the hearing, relating to your representations.

Please complete the attached form LAR1 and return it to: **Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD, within (5) working days before the day or the first day on which the hearing is to be held.**

Dated: 30th April 2013

Signed: _____
The officer appointed for this purpose
Licensing Officer

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.