

SHEFFIELD CITY COUNCIL

LICENSING BOARD (CASES)

Meeting to be held on Monday 13th October, 2008 at 10.00 a.m.
in the Town Hall

PUBLIC INSPECTION OF DOCUMENTS AND ACCESS TO MEETING

- (a) You can see the reports to be discussed in public at the meeting if you call at the First Stop Reception, Old Town Hall, Pinstone Street entrance. The Reception is open between 9.00 a.m. and 5.00 p.m. Monday - Thursday and between 9.00 a.m. and 4.45 p.m. on Friday, or you can ring on telephone no. 2734552. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.
- (b) A copy of the agenda and minutes of the items are available on the Council's website at www.sheffield.gov.uk.
- (c) Board meetings are normally open to the public but sometimes the Board may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.
- (d) Members of the City Council can obtain further information on any of the agenda items by speaking to Sarah Thomson on telephone no. 2734013.

A G E N D A

1. **EXCLUSION OF THE PUBLIC AND PRESS**

To identify items where resolutions may be moved to exclude the public and press.

2. **APOLOGIES FOR ABSENCE**

3. **LICENSING ACT 2003**

The Corporation, Milton Street, Sheffield, S1 4JU

Report of the Assistant Chief Executive, Legal and Governance

(Copy attached)



Committee Report

	Open
	See report
	NO
	NO

REPORTING Licensing Board

DATE RECEIVED 13/10/08

REPORTING OFFICER Assistant Chief Executive

REFERENCE 084/08

SUBJECT Licensing Act 2003

PURPOSE To consider an application to vary a premises licence.

RECOMMENDATIONS See attached report.

All details of what constitutes confidential or exempt information are available on request from the Committee Secretariat

A.S.Ruston

2037751

A.S.Ruston

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**REPORT OF THE ASSISTANT CHIEF EXECUTIVE OF
LEGAL AND GOVERNANCE TO THE LICENSING BOARD**

Ref No: 084/08

LICENSING ACT 2003

The Corporation, Milton Street, Sheffield, S1 4JQ.

1.0 PURPOSE OF REPORT

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

2.0 THE APPLICATION

- 2.1 The applicants are Mark Hobson and Rosemary Deville.
- 2.2 The application, which was received on the 20th August 2008, is attached to this report labelled Appendix 'A'.
- 2.3 Pages 19 to 22 of the report detail the proposed variation.
- 2.4 The current premises licence for the Corporation is attached at Appendix 'B'.

3.0 REASONS FOR REFERRAL

- 3.1 Representations concerning the application for variation have been received from the following responsible authorities: -
- | | |
|--|--------------|
| a) South Yorkshire Police | Appendix 'C' |
| b) Sheffield Safeguarding Children Board | Appendix 'D' |

- 3.2 As the representations have not been resolved, the matter is referred to the Licensing Board.

- 3.3 The applicant and representatives from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'E'.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising from this application. However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all these costs. The impact of these additional costs (if any) will be kept under review and may be subject of a further report during the year.

5.0 THE LEGAL POSITION

5.1 The Licensing Act 2003 at section 4 (1) requires the Licensing Authority to carry out its functions with a view to promoting the Licensing Objectives which section 4(2) sets out as: -

- a) the prevention of crime and disorder,
- b) public safety,
- c) the prevention of public nuisance,
- d) the protection of children from harm.

5.2 Section 4(3) of the Licensing Act also requires the Licensing Authority to have regard to the published statement of Licensing Policy and any guidance issued by the Secretary of State under section 182.

6.0 HEARINGS REGULATIONS

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

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

6.3 Attached at Appendix 'F' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE BOARD

9.1 To authorise the Assistant Chief Executive of Legal and Governance to vary the premises licence in the terms requested.

9.2 To authorise the Assistant Chief Executive of Legal and Governance to vary the premises licence with modified conditions.

9.3 To authorise the Assistant Chief Executive of Legal and Governance to reject the whole or part of the application.

3

Liz Basforth
Assistant Chief Executive
Legal and Governance
Chief Executive's
Town Hall
Sheffield City Council
S1 2HH

02 October 2008

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APPENDIX A

Application to vary a premises licence 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) **NWE** **MAE HOBSON** **AND** **ROSEMARY DENNIS**

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

Premises licence number

SY 1182 PR

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

COOPERATION
MILTON STREET

Post town

SHEFFIELD

Post code

S1 4JU

Telephone number at premises (if any)

0114 276 0262

Non-domestic rateable value of premises

£ 58, 000

Part 2 - Applicant details

Daytime contact telephone number

0114 276 0262

E-mail address
(optional)

—

Current postal address if different from premises address

AS AVE

Post town

Post code

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

(2) Insert name(s) of applicant

Part 3 - Variation

6

Please tick ✓ yes

Do you want the proposed variation to have effect as soon as possible?

☒

If not do you want the variation to take effect from

Day	Month	Year

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

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

Part 4 - Operating Schedule

(7)

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

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)

☐

Sale by retail of alcohol (if ticking yes, fill in box M)

☐

In all cases complete boxes N, O and P

11

A

8

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)	Day	Start	Finish
	Mon		
	Tue		
	Wed		
	Thur		
	Fri		
	Sat		
	Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for performing plays (please read guidance note 4)

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)

B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)	Day	Start	Finish
	Mon		
	Tue		
	Wed		
	Thur		
	Fri		
	Sat		
	Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for the exhibition of films (please read guidance note 4)

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)

C

9

Indoor sporting events			Please give further details here (please read guidance note 3)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fr			
Sat			
Sun			

Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)

D

Boxing or wrestling entertainments			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			
Tue			
Wed			
Thur			
Fr			
Sat			
Sun			

Please give further details here (please read guidance note 3)

State any seasonal variations for boxing or wrestling entertainment
(please read guidance note 4)

Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)

E

(10)

Live music			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 checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3) SEE ADDITIONAL INFORMATION ATTACHED. N.B. - Live Monday 13.00 - 23.00
Mon	16.00	23.00	
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			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)
Mon	16.00	23.00	
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			State any seasonal variations for the performance of live music (please read guidance note 4)
Mon	16.00	23.00	
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			State any seasonal variations for playing recorded music (please read guidance note 4)
Mon	16.00	23.00	
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			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)
Mon	16.00	23.00	
Tue			
Wed			
Thur			
Fri			
Sat			

F

Recorded music			Will the playing of recorded 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 checked="" type="checkbox"/>
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			State any seasonal variations for playing recorded music (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Standard days and timings (please read guidance note 6)			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)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			

G

(11)

Performances of dance			Will the performance of dance 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			
Wed			
			State any seasonal variations for the performance of dance (please read guidance note 4)
Thur			
Fri			
Sat			Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

H

Anything of a similar description to that falling within (e), (f) or (g)			Please give a description of the type of entertainment you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will this entertainment 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"/>
Mon			
Tue			
Wed			
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
Fri			
Sat			Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Sun			

12

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

J

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

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14

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"/>
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur			
Fri			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)
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 type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/> State any seasonal variations for the supply of alcohol (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			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)
Sat			
Sun			

N

(15)

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

Standard days and timings
(please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variation (please read guidance note 4)

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)

16

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

ANNEX 2, CONDITION 2 - THE REMOVAL OF THE SENTENCE RELAY
LEADS, 'ALCOHOL WILL NOT BE TAKEN OUT OF THAT ROOM INTO THE
MAIN ROAD ROOM'.

for additional information, see documents attached.

ANNEX 3, CONDITION 4 - THE ACTIVATION OF THE REMOVED
STAGE TIME OF 18.30. WE PROPOSE 16.00 (MON-FRI) AND
13.00 (SAT, SUN AND BANK HOLIDAY MONS.)

for additional information, see documents attached.

Please tick ☒ yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

✓

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

(17)

SEE BELOW

b) The prevention of crime and disorder

NO CHANGE

c) Public safety

SEE ADDITIONAL INFORMATION

d) The prevention of public nuisance

SEE ADDITIONAL INFORMATION

e) The protection of children from harm

SEE ADDITIONAL INFORMATION

(18)

Please tick ☒ yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE ^{Insert amount} 1, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

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

Signature

[Signature]

Date 18.08.08

Capacity 1st/5th licence holder

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)
If signing on behalf of the applicant please state in what capacity.

Signature

[Signature]

Date 18.08.08

Capacity 1st/5th licence holder.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

AS before

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)

APPLICATION TO VARY PREMISES LICENCE UNDER LICENSING ACT 2003

Page 6 – Section E, Additional Information

We are seeking to alter our start times, for the provision of regulated entertainment - live music. During week days, we are unable to host a live music show featuring more than 4 acts as our start time is stated as 19:00. We propose this be altered to 16:00. This would allow more acts to play on one evening and allow us to bring more national touring shows to Sheffield. We do not expect that such shows would begin until 17:00, but that the granting of 16:00, would provide flexibility. We do not expect such shows to be numerous. We expect to host no more than 10 per annum.

We do not seek to alter the provision of regulated entertainment - live music, for Saturday or Sunday.

Page 12 – Additional Information

For the avoidance of doubt, we seek to alter the conditions stated here and not remove them. Details are given below.

Annex 2. Condition 2:

We seek to remove the sentence from this condition that reads, "Alcohol will not be taken out of that room into the main band room." We have found that such a condition imposed solely on this venue has promoted and encouraged binge drinking. In the main live band area, the bars presently operate a no alcohol policy and we wish to retain this for our 14+ customers. 18+ customers, who have paid to come and see the band, purchase alcohol in a separate area, which under 18s are not allowed into. As a result of constant monitoring we have discovered that the 18+ customers will purchase drinks in the alcohol bar, then drink this very quickly in order to return to the room in which the bands are playing. In addition, children who are out of sight or care of their parent/carer, may come into contact with strangers or may be exposed to undesirable influences.

We therefore propose to combat this problem with this condition by allowing alcohol to be taken into the live music arena, as is done in the majority of venues in Sheffield.

We feel that by doing so, we will remove the incentive for binge drinking and therefore increase Public Safety and decrease the potential for Public Nuisance and allow parents and carers who accompany their children/young people to be responsible for them whilst in the live music area.

We are aware that the removal of this sentence could mean our 14+ audience could potentially be stood next to an 18+ with alcohol.

In order to make the necessary safeguarding arrangements we have considered the following risks that could arise to 14+ at the Corporation and ensure that the following control measures are in place. Staff are aware of these measures and are prepared to take necessary action.¹

Potential risk factor within the licenses environment/activity	Control measures to be taken
1 Staffing issues Inappropriate staff working with or coming into contact with children	Use safe recruitment practices: <ul style="list-style-type: none"> • References in writing are requested and followed up • Criminal Records Bureau checks are carried out for door staff, license holders and designated safeguarding children staff.
Staff lacking awareness of safeguarding issues	Raise awareness/training <ul style="list-style-type: none"> • Staff are aware of the control measures in place and are aware of their responsibilities and able to carry them out. • Corporation has a Safeguarding Children Policy in place • Training and induction takes place for all staff members • Staff are vigilant and are able to take appropriate action if they become aware of a potential risk, e.g. if children are observed in the care or presence of adults who are drunk and/or behaving inappropriately Such concerns are reported to the police and/or social care (see Corporation Safeguarding Policy for further information) • Three members of staff have been designated lead responsibility on

¹ For further details on safeguarding children and young people refer to Corporation Safeguarding Children Policy, which is reviewed annually.

	<p>safeguarding issues and have an awareness of child protection issues together with local arrangements for safeguarding children and are all CRB checked. They would advise other staff that have concerns</p> <ul style="list-style-type: none"> • These people would also ensure that safeguarding measures are implemented and monitored and, if necessary, improved. • An external Safeguarding Children consultant and trainer has been contracted to keep safeguarding policies and procedures up to date and provide staff training.
<p>Staff and members of the public unable to readily identify appropriate staff when a safeguarding concern arises</p>	<ul style="list-style-type: none"> • Security staff with clearly displayed badges and radios can be easily identified and be approached by children, or parents/carers for assistance. These staff can take necessary action and are expected to reliably observe, monitor and ensure that children are not exposed to risk.
<p>2 Premises and events issues:</p> <p>Children who are out of sight or care of their parent/carer, come into contact with strangers or may be exposed to undesirable influences, or are removed or remove themselves from the appropriate area of the premises/event</p>	<ul style="list-style-type: none"> • Children are confined to the environs of the premises/event • Staff are vigilant to prevent children consuming unfinished alcohol left on tables. Glass collectors constantly monitor the premises and in addition, there are very few places in the live music area where drinks can be left unattended • Gaming machines are switched off during live performances if in the live music arena.

Children exposed to over 18 entertainment	<ul style="list-style-type: none"> • When live music finishes, house lights come on and U18's are identified by ID card and are guided out of the building. Toilets are also checked prior to the building being pronounced clear of U18's
An emergency incident occurs during a performance/event	<ul style="list-style-type: none"> • All staff are aware of the evacuation procedures and emergency exit signs are clearly marked in line with our fire evaluation procedure and Health and Safety
3 Issues relating to children's health: <ul style="list-style-type: none"> • The performance/event/ entertainment uses special effects 	<ul style="list-style-type: none"> • Signage is prominently displayed warning that special effects are included and clearly state what the special effects are. (Some special effects, such as smoke machines or haze machines, could be a potential risk for a child with asthma; strobe lighting could be a potential risk for a child with epilepsy.)

Annex 3. Condition 4:

We seek to bring this into line with our provision of regulated entertainment - live music. This would therefore alter the first sentences times from "18:30 hours to 22:30 hours" to "16:00 hours to 22:30 hours Monday to Friday (excluding Bank Holidays) and 13:00 hours to 22:30 hours Saturday and Sunday (including Bank Holidays).

APPENDIX B

THE LICENSING ACT 2003



Premises Licence No: SY 1182 PR

ISSUE NO: 3

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

PART 1 – Premises details

The Corporation
1-3 Trafalgar Court
Milton Street
SHEFFIELD S1 4JU

Telephone Number: 0114 276 0262

Where the licence is time limited, the dates:

Not applicable.

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

1. Provision of regulated entertainment: (a) live music Indoor

Sunday	13:00 to 23:00 hours
Monday	19:00 to 23:00 hours
Tuesday	19:00 to 23:00 hours
Wednesday	19:00 to 23:00 hours
Thursday	19:00 to 23:00 hours
Friday	19:00 to 23:00 hours
Saturday	13:00 to 23:00 hours

(b) recorded music

Sunday	13:00 to 03:00 hours the following day
Monday	19:00 to 03:00 hours the following day
Tuesday	19:00 to 03:00 hours the following day
Wednesday	19:00 to 03:00 hours the following day
Thursday	19:00 to 03:00 hours the following day
Friday	13:00 to 04:00 hours the following day
Saturday	13:00 to 04:00 hours the following day

(c) anything of a similar description to that falling within (a) or (b)

Sunday	19:00 to 02:30 hours the following day
Monday	19:00 to 02:30 hours the following day
Tuesday	19:00 to 02:30 hours the following day
Wednesday	19:00 to 02:30 hours the following day
Thursday	19:00 to 02:30 hours the following day
Friday	19:00 to 02:30 hours the following day
Saturday	19:00 to 00:30 hours the following day

2. Provision of entertainment facilities for:

(d) dancing

Indoor

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
13:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	13:00 to 04:00 hours the following day	13:00 to 04:00 hours the following day

3. Provision of late night refreshment:

Indoor

Sunday	23:00 to 03:00 hours the following day
Monday	23:00 to 03:00 hours the following day
Tuesday	23:00 to 03:00 hours the following day
Wednesday	23:00 to 03:00 hours the following day
Thursday	23:00 to 03:00 hours the following day
Friday	23:00 to 04:00 hours the following day
Saturday	23:00 to 04:00 hours the following day

4. Sale by retail of alcohol:

(a) for consumption on the premises

Sunday	13:00 to 03:00 hours the following day
Monday	19:00 to 03:00 hours the following day
Tuesday	19:00 to 03:00 hours the following day
Wednesday	19:00 to 03:00 hours the following day
Thursday	19:00 to 03:00 hours the following day
Friday	13:00 to 04:00 hours the following day
Saturday	13:00 to 04:00 hours the following day

The opening hours of the premises are:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
13:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	19:00 to 03:00 hours the following day	13:00 to 04:00 hours the following day	13:00 to 04:00 hours the following day

PLEASE NOTE:

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Sale by retail of alcohol for consumption on the premises.

PART 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:

Mark Jonathan Hobson
4 Huntley Road
Ecclesall
SHEFFIELD
S11 7PA

Telephone Number: 0114 2760262

Rosemary Ann De Ville
The Old Coach House
Osborne Road
Brincliffe
SHEFFIELD
S11 9BB

Telephone: 0114 276 0262

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

N/A

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

Phillip John Pearman
126 Hall Road
Handsworth
SHEFFIELD S13 9AJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:

Personal Licence Number: SY 0641 Per
Issuing Authority: Sheffield City Council

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

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

Issued on: 20th January 2006

hir *Barclay*

Assistant Chief Executive Legal and Governance
On behalf of Sheffield City Council (issuing licensing authority)

Sheffield City Council – For Office use only		
Variation of Premises Licence	1	Granted on 16 th January 2006.
Variation of DPS		
Transfer of Premises Licence		
Review	1	Effective from 2 nd August 2008.

Annex 1 – Mandatory Conditions

Mandatory Condition 1 (Section 19 ss 2)

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Mandatory Condition 2 (Section 19 ss 3)

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition 3 (Section 20)

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:

- (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).

- (b) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.

2. In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory Condition 4 (Section 21)

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

First Floor – Unit 3	320
Mezzanine – Unit 4	100
New extension/dance room	316

Specific conditions converted from the Public Entertainment Licence

1. Substantial refreshment shall be available throughout the permitted hours.

Annex 2 – Conditions consistent with the operating schedule

1. A Colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 28 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder.
2. For the band events which admit under 18's, a designated room serving alcohol will operate, to which access to under 18's will be denied. Alcohol will not be taken out of that room into the main band room. The bar in the main band room will serve soft drinks only.
3. Persons are not allowed to enter or exit the premises with drinks, either sealed or unsealed.
4. Persons will not be permitted to enter the premises after 3:00am on any night.
5. No event involving the attendance of your young people under 18 years of age will be organised or held without the prior knowledge and permission of Sheffield Police Liquor Licensing Department and Sheffield Safeguarding Children Board (Licensing Manager).
6. Police radios are used on all occasions.
7. The premises are a member of Pub/Club Watch.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
9. Notices will be displayed at all exits requesting customers to leave the premises and area quietly.
10. The holder of the premises licence shall nominate a member of staff to remove and dispose of any litter outside the premises originating from their business.

Specific conditions converted from the Public Entertainment Licence

1. Capacity

- 1) The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed:-

<u>Area</u>	<u>Capacity</u>
Whole of the premises – All areas combined	1096
Ground Floor – Unit 1	150
Ground Floor – Unit 1 raised area	50
Ground Floor – Unit 2	160

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

Review Hearing 19th June 2008

1. Each entrance to the premises is monitored by at least one member of door staff from 18.00 hours on any day the premises remain open after 23:00 hours; or from the time that the premises are open to the public on any day the premises remain open after 23:00 hours.
2. Persons under the age of 18 years will only be permitted to attend events at the premises on the production of a valid membership identity card of a type and design from time to time approved jointly by the South Yorkshire Police and Sheffield Safeguarding Children Board.
3. The premises licence holder shall, at all times, operate a Challenge 21 Scheme at the premises, in accordance with Government Guidelines.
4. The only time that persons aged 14 to 17 inclusive may be permitted to enter the premises for a regulated entertainment shall be on band nights, which are restricted to operate from 18.30 hours to 22.30 hours. For the avoidance of doubt, no person under the age of 14 years will enter the premises for licensable activity at any time.
5. A hand stamp system must be operated by door staff at live music events to identify customers over the age of 18.
6. A personal licence holder shall be on duty at all times the premises are open to the public to authorise alcohol sales. For the avoidance of doubt, this condition applies equally to private functions.

Appendix 1

APPENDIX C

Ruston Andy (CEX)

From: Sam.Wardman@southyorks.pnn.police.uk
Sent: 28 August 2008 14:21
To: Ruston Andy (CEX)
Cc: Gary.Roche@southyorks.pnn.police.uk
Subject: SYP response to variance of corporation licence
Attachments: 05-08 review corporation.doc; variation for the corporation 0808.doc

Andy,

Please find attached the objection to the application for variance for the corporations premises licence.

Sam Wardman PC398
Sheffield City Centre SNA
Yorkshire House
0114 2756630
07747115354

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find

CITIZEN FOCUS: Our commitment is to understand what the public want – so that we deliver what they need.

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Internet communications are not secure and therefore South Yorkshire Police cannot accept responsibility for any changes made to this message after it was sent. This e-mail and any attachments may be confidential. They may contain privileged information and are intended for the intended recipient, if you are not the intended recipient please notify us immediately and delete the message and any attachments from your computer. Do not disclose, distribute, or retain this e-mail or any part of it. In the case of a privately generated e-mail, the opinion expressed may not be the opinion of the South Yorkshire Police. We believe but do not warrant that this e-mail and any attachments are virus free. You must therefore take full responsibility for virus checking. South Yorkshire Police reserves the right to monitor all e-mail communications through their networks

**South Yorkshire Police Representations to the application for
Review of the Premises Licence for The Corporation, 1-3
Tatalfarg Court, Milton Street, Sheffield.**

The Corporation nightclub has been in regular contact with South Yorkshire Police over the last few years.

The police's interactions with regard to 3 of the licensing objectives have caused South Yorkshire Police no grave concerns. The area that causes the police concern is, the protection of children from harm.

The licensing objectives being.

- The prevention of Crime and Disorder.
- The prevention of Public Nuisance.
- The protection of Children from Harm.
- Public Safety

In terms of Crime and Disorder the premises has had only one notable incident when one man went berserk and glassed several people. As a result of this one incident and discussions with the police the premises has gone almost entirely glass free. This has meant that no incidents of this ilk have occurred again.

The premises is situated in the Heart of the City with new residential properties all round. However in terms of Public Nuisance complainants regarding the Corporation are minimal.

The organisation of the premises gives the police no concerns with regard Public safety with the exception of Children at the premises.

The licensing objective, which concerns the police is, the protection of children from harm. This area the police and partners have spent an inordinate amount of time trying to work with the Corporation Night-club on.

The Interactions between South Yorkshire Police with the Corporation night-club regarding children are listed below.

On Saturday the 4th of June 2005, PC 3638 Stella Hartley the area PC for Devonshire Green attended the Corporation, after finding groups of youth intoxicated in the area of Devonshire Green.

Saturday afternoons at the Corporation have children's event, which is known as 'K Corp'. At the Corporation PC Hartley found about 250 children were gathered at the club in the road. The crowd blocked the road and was disorderly. The queue was not under control and only one member of staff was supervising the situation.

PC Hartley met with Mark Hobson at the venue on the day. He agreed to bring forward the event to prevent children drinking before the event. He agreed to

increase staff at the venue and employ a female member of door staff. In order to prevent disorder outside the venue.

On the 31st of May 2007 a meeting was held with Mark Hobson at Yorkshire house. At the meeting were PC Hartley, APS Wardman and Julie Hague. This meeting was held to address the issues of Children drinking before entering the Corporation and the supply of alcohol to them.

Mark Hobson agreed to provide a cloakroom for free to prevent children bringing alcohol into the venue and prevent the theft of children's bags from the venue. He also agreed to have staff walk through Devonshire Green before the K Corp events to identify children drinking before the event and prevent them access to the venue. An earlier start time was also discussed along with a re-launch of the membership scheme.

On Saturday the 3rd of November 2007 the Police, PS Nugent, PC Wardman, PC Hartley and the safe guarding children officer Julie Hague attended the Corporation at 4pm. The purpose of the visit was to establish if the club had a membership scheme for children who attended the 'K Corp' event. This is a condition of the premise's licence. On arrival 55-60 children were waiting to enter the premises. Officers stood at the cash desk to see the children produced their membership cards.

One child entered the club but stated he had lost his card. A check of the register confirmed he was on the membership scheme. He paid his £3.50 and went into the venue. The next 12 children all stated they not members and did not know they had to be. The club then handed out membership forms to the queue and the event was closed. The only youth to get into the venue then left. The situation showed the club was not running a membership scheme for children's events. The premises therefore must have been breaching the conditions on its licence regarding children's events.

On the 26th of November 2007 a meeting was held with Mark Hobson at Yorkshire House regarding the Corporation. The situation regarding children entering the venue was discussed and the conditions on the premise's licence explained to Mark Hobson.

Following this meeting a letter was sent to the premises and Mark Hobson by Inspector Mutch stating that the situation had to change or the situation would be reported to the Licensing Board.

On Saturday the 29th of December 2007 at 00.50 a crime was reported by the Corporation night-club after a 17-year-old youth had been found in the venue. At that time the 17-year-old was writing his name on 3 walls in the toilets. This is in breach of condition 3 on the licence. No person under the age of 18 will be on the premises after 8.00pm, except for pre-booked functions, up to 10.30 pm.

On the 14th of February 2008, a couple of girls one 15 and one 16 attended the Corporation night-club, both of which became the victims of crime. The two girls reported they both had property stolen from their bags. They state the cloakroom was not open on the night and they left their bags behind the

DJ booth from where property was stolen. They attended for a party, which was booked on behalf of pupils at Tipton School. The party ran till 1 am.

This event breached the conditions on the premises licence regarding children at the venue after 10.30 pm and the condition regarding children's events and notification to the police.

Conversations regarding this incident with the DPS Pearman, found that he was unaware what the conditions on his premises licence were.

In the early hours Saturday the 1st of March 2008, PC 18 Rob Hamer attended the Corporation Night club after reports of a female heavily in drink.

On arrival he had 3 incidents to deal with one a man collapsed, an assault and a public order situation where a 16 year old female was detained. These incidents resulted in an assistance call by officers at the venue.

After these incidents were resolved PC Rob Hamer reported the incident and wrote:-

"when, these incidents were eventually cleared up there were still a lot of people milling around the area, shouting, swearing and being generally obnoxious. In my opinion most of these people were under the age of 18, to young to have attended at the club in the first place."

As can be seen from the catalogue of Police interactions and events at the venue regarding children. The situation has not improved. The venue has been informed repeatedly regarding the conditions on the premise's licence regarding children. These conditions are not being adhered to and advice is not being taken.

South Yorkshire Police have reviewed the application by Julie Hague to review the premise's licence and recommendations made.

South Yorkshire Police are in agreement with the application and the recommendations. We would make the following recommendations to the licensing board.

- 1 The premises licence to be suspended for 3 months for staff training regarding children's issues.**
- 2 The designated premises supervisor to be removed from the premise's licence.**
- 3 Children under the age of 18 to be prohibited from the premises at all times.**

APS 398 Sam Wardman
Licensing Enforcement Team
2nd floor Yorkshire House,
66 Leopold street,
Sheffield S1 3RT
0114 2523063

South Yorkshire Police Representations to the application to vary the Premises Licence for The Corporation, 1-3 Trafalgar Court, Milton Street, Sheffield.

South Yorkshire Police have reviewed the application for a variance of the premises licence for the Corporation nightclub and object to the application.

It is noted that the two conditions that have been asked to be amended are:-

Annex 2, condition 2 The removal of the sentence which reads alcohol will not be taken out of the room into the main band room.

Annex 3 condition 4 The alteration of the restricted start time of 18.30 hrs. We propose 16.00 hrs (Mon-Fri) and 13.00 hrs (Sat, Sun and Bank holidays)

In looking at this variance I am minded to consider the review hearing that was held at the Town Hall on 19th of June 2008 concerning the Corporation nightclub. At which time there was ample opportunity to discuss all the conditions on the premises licence.

In light of this previous review being pertinent, attached to this document is the review application submitted by the police. This document contains the evidence and rational behind the police decision to seek a review of the licence.

The review was heard because of:

- 1 Police and Council concerns about children at the venue.
- 2 The impact children attending the venue had on crime and disorder at the venue and in the surrounding area.

The Licensing Board's decision, following the review hearing was to place conditions on the premises licence, thus annex 3 was placed on the licence. The licence holder had the opportunity to appeal against these conditions and the findings of the board via the magistrate's court, but did not. Applying two months later for these conditions to be varied is an attempt to circumvent the decision of the Licensing Review Board. The application for the variance comes from Mark Hobson and Rosemary Deville, both were present during the hearing and heard the decision of the board

Condition 2 in annex 2 is still required to prevent children gaining access to alcohol inside the venue.

Condition 4 in annex 3 is still required. This condition was placed on the licence after evidence was presented regarding disorder at and in the vicinity of the venue in the afternoons.

MEETING OF THE LICENSING BOARD

held 19th June, 2008

PRESENT: Councillors Clive Skelton (Chair), Janet Bragg and John Robson.

.....

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. LICENSING ACT 2003

The Corporation, 1-3 Trafalgar Court, Milton Street, Sheffield, S1 4JU

The Assistant Chief Executive, Legal and Governance, submitted a report for the Board to consider an application to review a premises licence made under Section 51 of the Licensing Act 2003 in respect of The Corporation, 1-3 Trafalgar Court, Milton Street, Sheffield, S1 4JU.

Present at the meeting were Peter Bell, representing the applicant from Irwin Mitchell Solicitors, Pauline Barrett, Assistant to Peter Bell, Mark Hobson, Premises Licence Holder, Julie Hague, Sheffield Safeguarding Children Board, Acting Police Sergeant Sam Wardman, South Yorkshire Police, John Derricott, Licensing Solicitor and Kathy Stockdale, Licensing Officer.

Kathy Stockdale presented the report to the Board. Ms Stockdale stated that representations from South Yorkshire Police were detailed in appendix "C" to the report.

The applicant was Julie Hague, Sheffield Safeguarding Children Board and details of the application were attached to the report. The grounds for the review were based on the objectives of the Licensing Act 2003, namely the prevention of harm to children.

Julie Hague addressed the Board and outlined her reasons for the review. Ms Hague stated that the grounds for the review were as a result of the breach of licensing conditions that were previously attached to the licence for the protection of children from harm.

Ms Hague clarified that whilst the report referred to activities on Devonshire Green prior to 'K-Corp' events held at The Corporation premises, she did not suggest that the premises management was responsible for the behaviour of individuals in that area. She stated that reference to Devonshire Green was reported with regard to the illegal and dangerous behaviour of some individuals on Devonshire Green, as there was evidence that a number of young people had been reprimanded in the area by police and city centre ambassadors for drinking, smoking, vomiting, sniffing glue and anti-social behaviour and it had been disclosed that they were customers of K-Corp waiting for the premises to open. Ms Hague stated that children were involved in such dangerous and illegal activities prior to K-Corp, and expressed her concerns that if staff were to safely manage young customers, additional safeguarding systems were needed so that young customers, arriving intoxicated at the premises were not at risk of harm. Evidence to support these alleged allegations on 14th January 2006, during an unannounced visit

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to the premises, a police officer, Sgt Brown and Ms Hague witnessed a 15 year old boy being removed from the premises as he was clearly intoxicated. The boy was seated at the entrance and Sgt. Brown suggested that the boy's parents be contacted to collect him to ensure his safety. The boy was conscious but incoherent and smelled of alcohol. When questioned staff said that the boy appeared to be fine when he entered the premises.

Ms Hague stated that one of the conditions on the premises licence was that all children accessing K-Corp had to be members. The proposed system was that children had to obtain parental consent and provide contact telephone numbers in case of emergency. The proposed system also involved staff validating consent and telephone numbers on receipt of a membership application, to confirm the details were correct. The membership scheme was also intended for use as an incentive, for young people to behave, as anti-social or illegal behaviour would result in a suspension or revocation of their membership.

Ms Hague stated that she had written to Mr Hobson requesting that he investigate a complaint that a 12 year old child was accessing K-Corp events which should have been avoided as the membership system was in operation at that time. Unfortunately staff had failed to work to the proposed system and verify the child's details at the point of becoming a member.

On 3rd November, 2007, Ms Hague indicated that she visited the premises with South Yorkshire Police and had witnessed a number of young people outside the venue waiting to enter. Two police officers stood at the entrance to the event and of the first 13 children entering, 12 were refused entry as they were not members. Only one child had a membership card, however, the queue of approximately 50 young people clearly expected to enter the premises. Mr Hobson and his staff then proceeded to hand out membership forms to the queue and closed the event.

Ms Hague reported that she had since been notified by Peter Bell, Irwin Mitchell Solicitors, that all children's events had ceased, suggesting that the condition was no longer relevant. However the Corporation website suggested that the "K-Corp, Corporation's long running under 18's night, has been forced to close, but with public support may be brought back". Ms Hague expressed concern that, if the premises were allowed to continue to operate an under 18's event, failure to operate child protection systems would continue to put children at risk.

In conclusion, Ms Hague indicated that the Sheffield Safeguarding Children Board had aimed to implement safeguarding systems by attaching licence conditions but added that, conditions had been breached on a number of occasions by the premises licence holder and therefore, Ms Hague felt that action was required to prevent children from accessing the premises and recommended that:-

- (a) the premises licence be suspended for three months for staff training regarding children's issues;
- (b) the designated premises supervisor be removed from the premises licence; and
- (c) children under the age of 18 be prohibited from the premises at all times.

Members referred to the recommendations and the request for the premises licence to be suspended for three months for staff training regarding

children's issues, and enquired as to what the purpose of suspending the licence was. In response, Julie Hague explained that the purpose of the suspension was to enable staff to be retrained to ensure that children were not permitted inside the venue that did not have a valid membership card and/or were served alcohol where under the age of 18 years of age.

Peter Bell referred to the recommendations outlined by Julie Hague to prohibit children under the age of 18 years of age into the venue and enquired as to why it would be necessary to train staff in respect of children's issues when after 10.30 pm, over 18s only were permitted inside the venue. In response, Ms Hague stated that evidence submitted by South Yorkshire Police identified that children under the age of 18 were found inside the venue after 10.30 pm adding that, if the proposed conditions were not in place, then children under the age of 18 could be exposed to a vulnerable adult environment.

Members asked whether there was a risk for a potential proxy purchase when a mixed age audience attended events at the venue and, in response, Julie Hague stated that PC Hamer attended an event on 1st March 2008, which had been arranged for young people over the age of 14 which resulted in three incidents being reported which it was alleged were as a result of under age drinking.

In answer to questions as to whether South Yorkshire Police had evidence following the incidents reported on 1st March 2008 that the 16 year old female involved in one of the incidents had purchased alcohol inside the venue, Ms Hague stated that the evidence submitted did not specify whether the female had been drinking inside or outside the premises.

Acting Police Sergeant Sam Wardman addressed the Board and stated that the Corporation nightclub had been in regular contact with South Yorkshire Police over the last few years. He added that the police's interactions with regard to the premises related to the protection of children from harm.

Sgt. Wardman stated that PC Stella Hartley, the area PC for Devonshire Green, attended the Corporation after finding groups of youths intoxicated in the area of Devonshire Green on Saturday 4th June 2005. At the Corporation, PC Hartley found approximately 250 children gathered outside the Club blocking the road. The queue was not under control and only one member of staff was supervising the situation.

South Yorkshire Police met with Mark Hobson at the venue and agreed to bring forward the time of the event to prevent children drinking prior to the event taking place. Mr Hobson agreed to increase the number of staff working at the venue that evening and also designated a female member of door staff to prevent disorder outside the venue.

On 31st May 2007, a meeting was held with Mark Hobson at Yorkshire House to address the issues of children drinking before entering the Corporation and the supply of alcohol to them. Mr Hobson agreed to provide a cloakroom for free to prevent children bringing alcohol into the venue and prevent the theft of children's bags. Sgt. Wardman stated that Mr Hobson also agreed to have staff walk through Devonshire Green before the K-Corp events to identify children drinking before the event and prevent them access to the venue. An earlier start time was also discussed along with a re-launch of the membership scheme.

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Sgt. Wardman reported that on Saturday 3rd November 2007, three police officers and Julie Hague attended the Corporation at 4.00 pm. The purpose of the visit was to establish if the Club had a membership scheme for children who attended the K-Corp event, which he added was a condition of the premises licence. On arrival 55-60 children were waiting to enter the premises. Officers stood at the cash desk to see the children produce their membership cards, which resulted in membership forms being handed out to the children in the queue and the event was closed.

On 26th November 2007, a further meeting was held with Mark Hobson at Yorkshire House regarding the Corporation. The situation regarding children entering the venue was discussed and the conditions on the premises' licence explained to Mark Hobson. Following the meeting a letter was sent to the premises and Mark Hobson from South Yorkshire Police, stating that the situation had to change at the premises or the premises would be reported to the Licensing Board.

On 29th December 2007, a crime was reported by the Corporation night-club after a 17 year old youth had been found in the venue. At that time the 17 year old was writing his name on 3 walls in the toilets. This crime breached the licensing conditions where 'no person under the age of 18 will be on the premises after 8.00 pm, except for pre-booked functions, up to 10.30 pm.

On 14th February 2008, a couple of girls, one 15 and one 16, attended the Corporation night club. Both girls had property stolen from their bags. They reported that the cloak room was not open on the night and so they left their bags behind the DJ booth where property was stolen. The girls were attending a private party which was booked on behalf of a secondary school which ran until 1.00 am. The event breached the licensing conditions as children were at the venue after 10.30 pm.

On Saturday 1st March 2008, South Yorkshire Police attended the Corporation Night Club to deal with three incidents including a collapsed man, a drunken female and an assault and a public order situation where a 16 year old female was detained. PC Rob Harmer who was one of the officers attending the Club stated that in his opinion most of the people inside the Club were under the age of 18.

In conclusion, Sgt. Wardman stated that the situation at the Club had not improved and the premises licence holder had been informed on a number of occasions of the breach of conditions on the premises licence. Sgt. Wardman reported that South Yorkshire Police were in agreement with Sheffield Safeguarding Children Board's recommendations now reported to the Board.

Members enquired as to whether the membership scheme, if improved, would satisfy the criteria required by South Yorkshire Police. In response, Sgt Wardman explained that if a passport or driving licence was submitted for authenticity rather than a student union card the membership scheme would be more effective.

Mr. Hobson referred to his statement, indicating that, as a result of the problems, he would never be organising K-Corp events again and, in connection with the problems on Devonshire Green, he confirmed that whilst he was under no obligation to take action to stop any trouble in that area, he did so on the basis that he felt socially responsible. He confirmed that it was

very difficult to control young people outside the premises. The company had professionally qualified staff to deal with young people and reference was made to a Child Safeguarding Policy which had been prepared by two senior lecturers at Sheffield Hallam University, and which was reviewed periodically.

In response to a number of questions from Mr. Bell, Mr. Hobson stated that if any young people were seen behaving badly outside the Club, they would not be let into the premises. He stated that staff had discussed the membership scheme at the Club on a number of occasions, and it had been accepted that it was open to fraud in that it was very difficult to stop the young people passing their membership cards to their friends. The original membership scheme required people to have photographs on their cards, but too many of them lost their cards and this scheme was stopped. Mr. Hobson stated that K-Corp had not initially been planned as a money-making venture but, as an increasing number of children began attending the event, he began to see this as a business opportunity. He confirmed that the Company had a strict policy of refusing admission for children who had been drinking alcohol and if possible, staff would inform the police of where they had been buying it from.

Mr. Hobson confirmed that several pupils from Tipton School attended a private party at the venue on 20th February, 2008. The organisers had experienced problems finding a suitable venue for the party and Mr. Hobson believed that he had notified, by e-mail, both the Police and the Children's Board of the event in advance. There were a number of parents at the party and only soft drinks were on sale at the club.

In response to questions from members of the Board, Mr. Hobson stated that he accepted the fact that a 12 year old had been able to gain admission to the venue as a result of a flaw in the membership scheme and confirmed that he would never be arranging K-Corp events again at the Club, indicating that whilst there were no particular problems organising the event in itself, the problems experienced had been linked to the new licensing laws. He indicated on the floor plan of the premises which part of the Club was used for the K-Corp event and confirmed that the children attending the event would have their membership details checked prior to paying the admission fee of £3.50, which was all done in the same area of the Club. He stated that, as a result of the problems caused by children on the road outside the Club, he had employed more staff to deal with this. Whilst every effort was made to keep the children in an orderly fashion, and stop them from going on the road, he stated that it was very difficult to keep them all behind the barriers. Mr. Hobson stressed that he did not relax any of the licensing conditions at the Club and that the number of incidents was minimal in relation to the number of children who attended the K-Corp events. In response to questions relating to keeping the Police and the Children's Board informed of the events involving children at the Club, Mr. Hobson stated that he regularly e-mailed the relevant parties and, whilst he believed he had informed both the parties of the private party held at the event on 20th February, 2008, he could not confirm this and could not provide an explanation as to why the two parties had not in fact received notice. He stated that he usually kept a record of all e-mails he had sent, but was unable to locate this particular message. He also stated that he would be able to provide other evidence of sending notice of this and other children's events to the Police and the Children's Board. Acting Police

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Sergeant Sam Wardman stated that the Police accepted that K-Corp was a regular weekly event, and stated that there was an informal agreement that Mr. Hobson did not need to inform the Police about every event. Following a query by Julie Hague regarding the target age group of the Club, Mr. Hobson stated that despite the fact that in February, 2008, 16 out of 17 events advertised at the Club were targeted at children aged between 14 and 18, he did not accept that The Corporation was a "young person's club".

In response to further questions, Mr. Hobson stated that whilst there had been a number of under age drinkers found on the premises, the number was minimal. In connection with the private party held on 20th February, 2008, he stated that he charged £100 for the venue for the event, there were approximately 150 children in attendance, none of whom were members of the Club, and the entertainment comprised a DJ and music. It was pointed out to Mr. Hobson that, under the licence agreement, all children under the age of 18 attending the Club have to be members.

In response to questions from the Licensing Solicitor, Mr. Hobson stated that if only a few children attended the event, as was the case on a number of occasions, the Club would close the event for the evening. Since the implementation of the membership scheme, the attendances at K-Corp became very erratic. The Club also hosted band nights which were held between 19.30 hours and 22.30 hours., four to five days a week between September and May, to which children under 18 could attend. The Club had the same arrangements for notifying the relevant parties of the events as K-Corp. Mr. Hobson confirmed that the Club operated the Challenge 21 scheme at the premises. He also confirmed that a number of passports had been found on the premises and a number of membership cards had been taken off children attempting to get into K-Corp as a result of questions regarding the validity of the cards. A selection of passports and cards were produced to the Board. Mr. Hobson confirmed that the Club kept a record of those children turned away from the premises.

A member of the door staff provided a statement and following questions from members of the Board and the Police, stated that he had worked as a doorman at the Club for approximately 10 years and at the present time, worked one night a week. The door staff would ask for identification from all people they believed to be under 18 and would sometimes accept U cards/student cards as these were very difficult to fake. They would not accept NUS cards. He confirmed that the passports produced at the meeting had been found on the premises. He was employed by the Corporation, had a Security Industries Authority (SIA) badge and was supervised by a man called Paul Williams, who also held a SIA badge.

In summary, Julie Hague stated that two licence conditions had been breached and that it was expected that such an establishment would make every effort to safeguard children from harm. Whilst one of the licence conditions required all children to be off the premises by 22.30 hours, police evidence contradicts this, and there was no alternative but to request the Licensing Board to take the steps suggested.

Acting Police Sergeant Sam Wardman stressed that the Police were only concerned with the licence conditions in respect of the safeguarding of children and that there was a potential for danger where there was a mix of children and alcohol, and children and adults with alcohol.

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Mr. Bell concluded by stating that he accepted that children and alcohol was a dangerous mix and that it was up to the Board to determine whether there had been a breach of the licensing conditions, and to identify exactly what the breaches were. He stated that if the Board would decide to suspend the premises licence, such a suspension should relate to access to the Club by 14 to 18 year olds only. Closing the Club would deny people the pleasure of a night out, deny a number of people employment and deny the proprietors of the Club an income. Mr. Hobson took his responsibility regarding the safety of children attending his premises very seriously, as proved by the introduction of the membership system. He considered that all the concerns raised by the Police and the Safeguarding Children Board could be dealt with without suspending or revoking the premises licence.

RESOLVED: That the applicant, members of the public and officers of the City Council involved in the hearing under the provisions of the Licensing Act 2003 be excluded from the meeting before further discussions take place, on the grounds that, in view of the nature of the business to be transacted, if those persons were present there would be a disclosure to them of exempt information as described in paragraph 5 of the Local Government Act 1972, as amended.

The Licensing Solicitor reported orally, giving advice on various aspects of the application.

At this point in the proceedings, the meeting was re-opened to the press and public.

RESOLVED: That authority be given to the Assistant Chief Executive, Legal and Governance, to modify the premises licence in respect of The Corporation, 1-3 Trafalgar Court, Milton Street, Sheffield, S1 4JU, as follows:-

(i) Condition 4 of the existing licensing conditions be amended to read – Each entrance to the premises is monitored by at least one member of door staff from 18.00 hours on any day the premises remain open after 23.00 hours, or from the time that the premises are open to the public on any day the premises remain open after 23.00 hours;

(ii) Condition 7 of the existing licensing conditions be amended to read – Persons under the age of 18 years will only be permitted to attend events at the premises on the production of a valid membership identity card of a type and design from time to time approved jointly by the South Yorkshire Police and Sheffield Safeguarding Children Board; and

(iii) Additional conditions be added to the licence as follows:-

(A) The premises licence holder shall at all times operate a Challenge 21 Scheme in accordance with Government Guidelines at the premises;

(B) The only time that persons aged 14 to 17, inclusive, may be permitted to enter the premises for regulated entertainment shall be on band nights which are restricted to operate from 18.30 hours to 22.30 hours, and for the avoidance of doubt, no person under the age of 14 years shall enter the premises for licensable activity at any time;

(C) A hand stamp system must be operated by door staff at live music events to identify customers over the age of 18; and

(D) A personal licence holder shall be on duty at all times that the premises are open to the public to authorise alcohol sales, and for the avoidance of doubt, this condition applies equally to private functions.

APPENDIX D

From: Hague Julie
Sent: 17 September 2008 17:23
To: Licensing(General)
Subject: FW: REPRESENTATION IN RELATION TO THE APPLICATION TO VARY A THE PREMISES LICENCE: CORPORATION, MILTON STREET, SHEFFIELD

Importance: High

Attachments: Corporation r de ville sept 08.doc; Corporation mark hobson sept 08.doc; Corporation Rep Sep 08.doc

 Corporation r de ville sept 08...
 Corporation mark hobson sept 0...

Would you please attach the above letters to my letter for representation, for your records.

thanks

Julie Hague

From: Hague Julie
Sent: 17 September 2008 17:13
To: Licensing(General)
Subject: REPRESENTATION IN RELATION TO THE APPLICATION TO VARY A THE PREMISES LICENCE: CORPORATION, MILTON STREET, SHEFFIELD
Importance: High

 Corporation Rep Sep 08.doc (14...

For the attention of the Licensing Authority

This e'mailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by e'mail.

Please be informed that I have made a representation in relation to the above application to vary the premises licence. The grounds for the representation are set out in the attached letter to the Licensing Authority and I have informed the applicant of this representation by copy of the attached letter.

*Julie Hague
Sheffield Safeguarding Children Board
Licensing Manager*

48

① 0114 2736753

② 0114 2734628

☒ julie.hague@sheffield.gov.uk

We invite feedback about the quality of service provided by the SSCB Licensing Project. If you would like to comment about the service you have received or suggest any improvements we could make, please email your comments to: julie.hague@sheffield.gov.uk.

(49)

17th September 2008

Mark Jonathan Hobson
4 Huntley Road
Ecclesall
SHEFFIELD S11 7PA



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 Sir

**APPLICATION TO VARY THE PREMISES LICENCE: THE CORPORATION, 1 – 3
TRAFALGAR COURT, MILTON STREET, SHEFFIELD S1 4JU**

I enclose for your information a copy of my letter of representation to the Licensing Authority in respect of your application to vary the premises licence at the above address.

Yours faithfully

**JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board
Licensing Project**

(50)

17th September 2008

Rosemary Ann De Ville
The Old Coach House
Osborne Road
Brincliffe
SHEFFIELD S11 9BB



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 Madam

**APPLICATION TO VARY THE PREMISES LICENCE: THE CORPORATION, 1 – 3
TRAFALGAR COURT, MILTON STREET, SHEFFIELD S1 4JU**

I enclose for your information a copy of my letter of representation to the Licensing Authority in respect of your application to vary the premises licence at the above address.

Yours faithfully

**JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board
Licensing Project**

(51)



9th September 2008

The Licensing Authority
Sheffield City Council
Chief Executives Directorate
Legal & Administrative Services
Licensing General 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 2UQ
Telephone: 0114 2736753
Email: Julie.hague@sheffield.gov.uk
Fax: 0114 2734628

Dear Sirs

APPLICATION TO VARY THE PREMISES LICENCE – THE CORPORATION, MILTON STREET, SHEFFIELD S1 4JU

The above application has been provided to the Sheffield Safeguarding Children Board (SSCB Licensing Project) as the Responsible Authority for the Protection of Children from Harm under the Licensing Act 2003. I am writing to make a Representation under the Core Objective for the Protection of Children from Harm, on the following grounds.

1. The applicant seeks to remove a restriction within Annex 3, condition 4, to allow children aged 14+ access to the premises from 13:00 hours at weekends and Bank Holidays. If the variation is granted, the venue would be permitted to operate children's events, such as the 'K-Corp' event or live band events, on Saturday afternoons.

Historically, this type of event has raised concerns in relation to child safety, both at the venue and in its surrounding area. Saturday afternoon events at Corporation have attracted a customer base of young people, some of whom were evidenced to be engaging in risky, illegal and anti-social behaviour. During 2005 – 2007 numerous complaints and reports of concern were referred to the Safeguarding Children Board Licensing Project. These reports and concerns about the applicant's failure to comply with licence conditions for the protection of children, resulted in the Sheffield Safeguarding Children Board (Licensing Project) seeking a review of the premises licence in April 2008.

Since the venue ceased operating this type of event, I have not received any complaints or reports of concern in relation to child safety.

I am concerned that if the variation is granted, events similar to 'K-Corp' would recur, attracting young unaccompanied people who may resume engaging in unsafe, anti social and illegal activities prior to, or during, the event. The removal of this licence restriction may therefore increase the risk of harm to children.

2. With respect to the applicant's request to remove the licence restrictions at Condition 2, Annex 2 (to allow adults to consume alcohol within the main auditorium).

The provision of a separate drinking area for adults to consume alcohol is a condition to protect children from being exposed to inappropriate or dangerous adult behaviour and to assist staff in preventing proxy purchase of alcohol for under 18's; removal of this restriction may increase the risk of young people being supplied with alcohol.

I recognise that, on occasions if parents/carers do accompany their children, the variation would allow them to remain together. However, this should be balanced against the increased risk to children who, having entered the premises alone or with young friends, are not accompanied by a parent/carer and who would be unsupervised and vulnerable amongst an adult audience drinking alcohol.

I am informed by South Yorkshire Police that during a licensing check on 29.8.08, in a queue of 30 young people just one child was accompanied by an adult. The majority of 'live band nights' target an audience of unaccompanied 14+ children and live gigs can have audiences up to 1000 capacity at the unseated venue.

In the risk assessment submitted with the application, the applicant states that "Three members of staff have been designated lead responsibility on safeguarding issues" and that staff are trained. According to my records, no staff from the Corporation have attended the multi agency training scheme (provided free of charge by the Safeguarding Children Board Licensing Project, in partnership with South Yorkshire Police, Sheffield City Council Trading Standards and Licencewatch). I am concerned that the applicant has not stated that appropriately trained, designated staff must be on site when children access the venue.

Having given this application my full consideration and for the reasons set out above, it is my conclusion that the potential risks to children would increase if the restrictions contained in the current licence conditions are varied.

Yours faithfully

JULIE HAGUE
Licensing Manager
Sheffield Safeguarding Children Board

Cc SY Police

APPENDIX E

(S4)

LICENSING ACT 2003
Section 35(3)

**Notice of hearing of representations in respect
of application to vary premises licence**

Please note the change of time.

To: Mr M Hobson & Ms R DeVillie, The Corporation, Milton Street, Sheffield, S1 4JU.

The Sheffield City Council being the licensing authority, on the 20th August 2008, received an application to vary the premises licence from the holder of the premises licence in respect of premises known as **The Corporation, Milton Street, Sheffield, S1 4JU.**

In August & September 2008, the Council received representations from Sheffield Safeguarding Children Board and South Yorkshire Police on the likely effect of the Grant to Vary the Premises Licence on the promotion of the Licensing Objectives.

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 October 2008, at 10.00am**; following which the Council will issue a Notice of Determination of the Application.

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

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

- 1) 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 to vary the licence.

You should complete form LAR1 and return it to: The Licensing General Section, Sheffield City Council, Town Hall, Surrey Street, Sheffield S1 2HH, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 30th September 2008

Signed _____
The officer appointed for this purpose
Assistant Chief Executive, Legal and Governance

Please address any communications to:

The Licensing General Section
Sheffield City Council
Town Hall
S1 2HH



LICENSING ACT 2003
Section 35(3)

**Notice of hearing of representations in respect of
application to vary premises licence**

Please note the change of time.

To: PC S Wardman, Sheffield City Centre SNA, 2nd Floor Yorkshire House, 66
Leopold Street, Sheffield, S1 3RT.

The Sheffield City Council being the licensing authority, on the 20th August 2008, received an application to vary the premises licence from the holder of the premises licence in respect of premises known as **The Corporation, Milton Street, Sheffield, S1 4JU.**

In August & September 2008, the Council received representations from Sheffield Safeguarding Children Board and South Yorkshire Police on the likely effect of the Grant to Vary the Premises Licence on the promotion of the Licensing Objectives.

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

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

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

You should complete form LAR1 and return it to: The Licensing General Section, Sheffield City Council, Town Hall, Surrey Street, Sheffield S1 2HH, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 19th September 2008

Signed _____
The officer appointed for this purpose

LICENSING ACT 2003
Section 35(3)

**Notice of hearing of representations in respect of
application to vary premises licence**

Please note the change of time.

To: Julie Hague, Sheffield Safeguarding Children Board – Licensing Project,
Floor 2, Redvers House, Union Street, Sheffield, S1 2JQ.

The Sheffield City Council being the licensing authority, on the 20th August 2008, received an application to vary the premises licence from the holder of the premises licence in respect of premises known as **The Corporation, Milton Street, Sheffield, S1 4JU.**

In August & September 2008, the Council received representations from Sheffield Safeguarding Children Board and South Yorkshire Police on the likely effect of the Grant to Vary the Premises Licence on the promotion of the Licensing Objectives.

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- 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.

You should complete form LAR1 and return it to: The Licensing General Section, Sheffield City Council, Town Hall, Surrey Street, Sheffield S1 2HH, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 30th September 2008

Signed _____
The officer appointed for this purpose

APPENDIX F

Notice of hearing of representations in respect of application to vary premises licence

Please note the change of time.

To: Mr M Hobson & Ms R DeVille, The Corporation, Milton Street, Sheffield, S1 4JU.

The Sheffield City Council being the licensing authority, on the 20th August 2008, received an application to vary the premises licence from the holder of the premises licence in respect of premises known as **The Corporation, Milton Street, Sheffield, S1 4JU.**

In August & September 2008, the Council received representations from Sheffield Safeguarding Children Board and South Yorkshire Police on the likely effect of the Grant to Vary the Premises Licence on the promotion of the Licensing Objectives.

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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 to vary the licence.

You should complete form LAR1 and return it to: The Licensing General Section, Sheffield City Council, Town Hall, Surrey Street, Sheffield S1 2HH, within five (5) working days before the day or the first day on which the hearing is to be held.

Dated 30th September 2008

Signed _____
The officer appointed for this purpose
Assistant Chief Executive, Legal and Governance

Please address any communications to:

The Licensing General Section
Sheffield City Council
Town Hall
S1 2HH

Assistant Chief Executive, Legal and
Governance

Please address any communications to:

The Licensing General Section
Sheffield City Council
Town Hall
S1 2HH

NOTES

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

1. The hearing before the Council is Quasi Judicial.
2. The Chair of the Licensing Board will introduce the Board and ask officers to introduce themselves.
3. The Chair will ask the applicants to formally introduce themselves.
4. The Solicitor to the Board 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 Board 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 Board may request legal advice from the Solicitor to the Board. This advice may be given in open session or in private.
- 2) The Board Hearing will be held in public unless and in accordance with the Regulations the Board determine that the public should be excluded.

Regulation 8 (LAR 1)

**Notice of actions following receipt
of notice of hearing**

To Sheffield City Council
The Licensing General Section
Town Hall
Sheffield
S1 2HH

— of

hereby confirm that I have received the Notice of Hearing dated _____ and notify you as follows:

[[I [do not] intend to attend the hearing]

["I] [do not] 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.....

Regulation 8

(63)

(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),
- (c) paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
- (d) 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.