



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 18th August 2016 – 11am

Subject: Licensing Act 2003

Author of Report: Georgina Hollis

Summary: To consider objections in relation to an application for a Temporary Event Notice.

Dam House, Mushroom Lane, Sheffield, S3 7NZ

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

Background Papers: Attached documents

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER
HEAD OF LICENSING TO THE LICENSING SUB-COMMITTEE

Ref No 79/16

LICENSING ACT 2003

Hearing to consider a notice of objection to a Temporary Event Notice.

Dam House, Mushroom Lane, Sheffield, S3 7NZ

1.0 PURPOSE OF REPORT

1.1 To consider a notice of objection submitted by Neal Pates, Environmental Protection Services relating to a temporary event notice for the premises known as Dam House, Mushroom Lane, Sheffield, S3 7NZ.

2.0 THE TEMPORARY EVENT NOTICE

2.1 The proposed premises user is Mr Kamaljit Singh Sangha.

2.2 The temporary event notice, which was received on 8th August 2016, along with the current copy of the premises licence is attached to this report labelled Appendix 'A'.

2.3 The event are as follows;

Use of outside Garden Patio area for licensable activities listed below. (Beer Festival with outdoor music).

2.4 The licensable activities and hours intended to be carried at the premises are:

- The sale by retail of alcohol for consumption on the premises
(10:00 until 02:00 hours the following day)
- The provision of regulated entertainment
(12:00 until 22:00 hours)
- The provision of late night refreshment
(23:00 until 02:00 hours the following day)

3.0 REASONS FOR REFERRAL

3.1 A notice was submitted by Neal Pates, Environmental Protection Service on the 11th August 2016, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.

3.2 The applicant and the objector 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 'C'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

- 5.1 A Chief Police Officer or Environmental Protection Service of the Local Authority may object to a Temporary Event Notice.
- 5.2 Where such an objection is received, the relevant licensing authority must –
- (a) hold a hearing to consider the objection notice, unless the premises user, the Chief Police Officer / Environmental Protection Service who gave the objection notice and the authority agree that a hearing is unnecessary, and
 - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the relevant licensing objective to do so.”

6.0 HEARINGS REGULATIONS

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

7.0 APPEALS

- 7.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the premises user and the chief officer of Police 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 Committee consider necessary for the promotion of the Licensing Objectives.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date as per the application.
- 9.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date with conditions.
- 9.3 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.

Steve Lonnie

Stephen Lonnie,
Chief Licensing Officer, Head of Licensing

18th August 2016.

Appendix A

The Application
Copy of Premises Licence



Sheffield
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@sheffield.gov.uk
Telephone: 0114 2734264

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*rec'd 08.08.16
serial 09.08.16*

143666

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes
- No

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes
- No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

E-mail: kamal.sangha@virgin.net
Telephone number: 01142668041
Other telephone number: 07795082860

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

- Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes No

Building number or name: Dam House
Street: Mushroom Lane
District:
City or town: Sheffield
County or administrative area:
Postcode: S3 7NZ
Country: United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither Premises licence Club premises certificate

Premises licence number: SY 2108 PR

Location Details

Provide further details about the location of the event

Garden Patio Area

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

[Empty box for description and details]

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Bar and Restaurant

Describe the nature of the event below (see also guidance on completing the form, note 5)

Beer festival with outdoor music

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event. (See also guidance on completing the form, note 7).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date 27 / 08 / 2016 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date 28 / 08 / 2016 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

10.00 - 02:00

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

499

(see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12:00- 22:00

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority Sheffield City Council

Licence number SY 4541 PER

Date of issue 09 / 02 / 2012
dd mm yyyy

Date of expiry 09 / 02 / 2022
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: Yes No
 a) Ends 24 hours or less before; or
 b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief.

* I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name
Capacity
Date / /
 dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

- 1. Save this form to your computer by clicking file/save as...
- 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/sheffield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

THE LICENSING ACT 2003

Premises Licence No: SY 2108 PR

ISSUE NO: 1.

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

Dam House
Mushroom Lane
Sheffield
S3 7NZ

Telephone Number: 07884432287

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:

Films

Indoor Sporting Events

Live Music

Recorded Music

Performances of Dance

Anything of a similar description to live music, recorded music or performances of dance

Indoors

Sunday	08:00 to 23:00 hours
Monday	08:00 to 23:00 hours
Tuesday	08:00 to 23:00 hours
Wednesday	08:00 to 23:00 hours
Thursday	08:00 to 23:30 hours
Friday	08:00 to 23:30 hours
Saturday	08:00 to 23:30 hours
New Years Eve (31.12)	10:00 to 24:00 hours
New Years Day (01.01)	00:00 to 24:00 hours

**2. Provision of entertainment facilities for:
Making Music
Facility for Dancing
Entertainment of a similar description to making music and dancing**

Indoors

Sunday	08:00 to 23:00 hours
Monday	08:00 to 23:00 hours
Tuesday	08:00 to 23:00 hours
Wednesday	08:00 to 23:00 hours
Thursday	08:00 to 23:30 hours
Friday	08:00 to 23:30 hours
Saturday	08:00 to 23:30 hours
New Years Eve (31.12)	08:00 to 24:00 hours
New Years Day (01.01)	00:00 to 24:00 hours

3. Late Night Refreshment:

Indoors

Sunday	23:00 to 23:30 hours
Monday	23:00 to 23:30 hours
Tuesday	23:00 to 23:30 hours
Wednesday	23:00 to 23:30 hours
Thursday	23:00 to 00:30 hours the following day
Friday	23:00 to 00:30 hours the following day
Saturday	23:00 to 00:30 hours the following day
New Years Eve (31.12)	23:00 to 24:00 hours
New Years Day (01.01)	23:00 to 24:00 hours

4. Sale by retail of alcohol:

a) for consumption on the premises

Sunday	08:00 to 23:30 hours
Monday	08:00 to 23:30 hours
Tuesday	08:00 to 23:30 hours
Wednesday	08:00 to 23:30 hours
Thursday	08:00 to 00:30 hours the following day
Friday	08:00 to 00:30 hours the following day
Saturday	08:00 to 00:30 hours the following day
New Years Eve (31.12)	08:00 to 24:00 hours
New Years Day (01.01)	00:00 to 24:00 hours

The opening hours of the premises are:

Sunday	08:00 to 24:00 hours
Monday	08:00 to 24:00 hours
Tuesday	08:00 to 24:00 hours
Wednesday	08:00 to 24:00 hours
Thursday	08:00 to 01:00 hours the following day

Friday	08:00 to 01:00 hours the following day
Saturday	08:00 to 01:00 hours the following day
New Years Eve (31.12)	08:00 to 24:00 hours
New Years Day (01.01)	00:00 to 24:00 hours

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:

Mr Kamal Singh Sangha
 14 Woodseats
 Grenoside
 Sheffield
 S35 8RU

Mr Simrun Badh
 40 Halifax Road
 Grenoside
 Sheffield
 S35 8PB

Telephone Number: 07795082860

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:

Mr Kamal Singh Sangha
 14 Woodseats
 Grenoside
 Sheffield
 S35 8RU

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 4541 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 3rd April 2012.

Issued on: 28th May 2012.



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Steve Lonnia
Chief Licensing Officer
Head of Licensing Services
On behalf of Sheffield City Council (issuing licensing authority)

Annex 1A – 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.

Annex 1B - Mandatory Conditions effective from 6th April 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Annex 1C - Mandatory Conditions effective from 1st October 2010:

These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that—

(a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) Customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the operating schedule

1. There shall be no 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.
2. 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 31 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
4. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
5. Children under the age of 16 shall not be permitted on the premises after 21:00 hours unless dining in the company of an adult.
6. A suitable member of staff must be designated with lead responsibility for issues relating to safeguarding children at the premises and this person must act in compliance with the guidance and training provided by the Sheffield Safeguarding Children Board.
7. The Challenge 21 scheme will be operated at the premises.
8. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
9. The Designated Premises Supervisor or a designated member of staff must take a pro active approach to noise control, checking outside the premise to ensure that noise is kept to a reasonable level from patrons using the external area and manage noise levels internally so as to be inaudible at the nearest noise sensitive property.
10. All doors and windows shall remain closed, save for access and egress, at all times whenever regulated entertainment is present in the premises, and after 22:00 hours on all days.
11. The Premises Licence Holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs.
12. Use of the external area is to cease entirely at 23:30 hours on each day and the holder of the premises licence or Designated Premises Supervisor is to take steps to advise persons to leave the area and return inside the building from 23:00 hours.
13. A satisfactory electrical certificate shall be provided for the premises.
14. A permanently fixed residual current device (RCD) must protect the electrical supply serving amplified music equipment.

15. When dancing is to take place on the premises in an area not previously approved for dancing by the Authority, at least 14 days notice must be given to Environment and Regulatory Services (Health Protection Service) and the Licensing Authority, identifying the area used which should be suitable and adequate in size as the designated dance floor for the intended use and dancing must take place in that area unless approved by the authority.

16. Indoor sporting events shall be restricted to traditional pub games.

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

1. All promotional activity, including social media, is to be approved by the DPS.
2. All music, including live music shall run through a noise limiter, the level of which will be set by the Environmental Protection Service so that the music is not audible at the nearest residential property on Harcourt Road.
3. No music, including live music is to be played outside nor are loud speakers to be placed outside.
4. The door to the terrace is to be shut at 22:30 hours.
5. At the end of every evening, the curtilage of the premises is to be cleared of litter.
6. The premises are not to be made available to hire in its entirety for the purpose of a private party.

Annex 4 – Plans

Plan Reference: Old Dam House, Mushroom Lane
July 2005

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Appendix 1

Appendix B

Objection – Environmental Protection Service

Hollis Georgina (CEX)

Subject: FW: Dam House TEN 27/28 08 2016
Attachments: Dam House TEN 27-08-2016.pdf; Dam House - app.doc
Importance: High

From: Pates Neal
Sent: 11 August 2016 10:10
To: 'kamaljit sangha' (kamal.sangha@virgin.net)
Cc: licensingservice; Round Jonathan; EPS.commercial; Health Protection; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk
Subject: Dam House TEN 27/28 08 2016
Importance: High

RE: Dam House TEN 27/28 08 2016 – NOTIFICATION OF RA OBJECTION – PUBLIC NUISANCE

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

Dear Mr Sangha,

I represent Sheffield City Council and acts as Responsible Authority for the Prevention of Public Nuisance in this matter. I am hereby notifying you of my objection to the notification submitted for this temporary event (TEN).

A similar event held at the premises over the Tramlines weekend has resulted in a number of noise complaints from residents living on Harcourt Road and backing onto Crookes Valley Park (where the premises are located, off Mushroom Lane). Residents complained of very high levels of noise intrusion, audible inside their homes even with windows shut, and preventing their enjoyment of their gardens throughout the duration of the event. Residents have also complained of increased littering of the park as a result of the event.

I am also minded of the decision made by committee when the premises licence was issued to prohibit outdoor noise and restrict use of outside areas. This was made in the context of representations received from local residents concerned about noise from the premises, particularly from music events and outdoor noise. I have attached a copy of the Committee's Notice of Determination for reference. This includes these statements in relation to noise;

"The Sub Committee considered whether or not the application to grant would undermine the licensing objectives. Their view was that the application would not undermine the licensing objectives. Members then looked at the main issue of noise and how this could be minimised. They looked at the amendments to the Operating Schedule as agreed prior to the hearing and determined to grant the licence in line with these amendments and applied modified conditions to the licence namely:

All promotional activity, including social media, to be approved by the DPS

All music, including live music, to run through a noise limiter, the level of which will be set by the Environmental Protection Service so that the music is not audible at the nearest residential property on Harcourt Road.

No music, including live music, to be played outside nor loudspeakers to be placed outside.

The door to the terrace to be shut a 22.30 hours

At the end of every evening the curtilage of the premises is to be cleared of litter"

I hope that, should this matter progress to a formal hearing, the Committee will be mindful of the intentions conveyed in this earlier Determination and will use whatever mechanisms are available to enforce them in this case.

NB* Please note that any correspondence arising from this representation should be copied to eps.admin@sheffield.gov.uk and Jonathan.Round@sheffield.gov.uk due to my impending annual leave.

Kind regards,

Neal Pates

Neal Pates
Environmental Protection Officer

Please note new address and contact details:

Sheffield City Council
Environmental Protection Service; Commercial Team
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel: +44 (0)114 273 4651
Mob: +44 (0)7795 528 038
Int: x 53588
Web: <http://www.sheffield.gov.uk/environment/environmental-health>

Did you know?

Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.
- specialist cleaning services involving the removal of bodily fluids, used needles and other noxious materials.
- pest control including individual treatments and annual contracts.
- bird proofing involving the installation of nets or spikes.

Our rates are competitive. Call 0114 2930356 now for a personalised service.

<http://www.sheffield.gov.uk/environment/environmental-health/pest-control>

Notice of determination of application for a premises licence

To: Kamaljit Singh Sangha and Simrun Badh c/o Dam House, Mushroom Lane, Sheffield, S3 7NZ.

The Sheffield City Council being the Licensing Authority under the Licensing Act 2003, on 13th February 2012, received an application for a premises licence for Dam House, Mushroom Lane, Sheffield, S3 7NZ.

Decision of the Licensing Board – 3rd April 2012 – The Dam House, Mushroom Lane, Sheffield, S3 7NZ

This was an application for a new premises licence following the lapse of the previous licence. The applicant was seeking the hours for regulated entertainment from 08:00 hours to 23:00 hours Sunday to Wednesday and 08:00 hours to 23:30 hours Thursday to Saturdays, late night refreshment from 23:00 hours to 00:00 hours Sunday to Wednesday and 01:00 hours Thursday to Saturday and for the sale of alcohol from 08:00 hours to 00:00 hours Sunday to Wednesday and 08:00 hours to 01:00 hours Thursday to Saturday.

Before the hearing the applicant agreed to amend their operating schedule and as such representations received from the Environmental Protection Service, Health protection Service, Sheffield Safeguarding Children Board and South Yorkshire Police were withdrawn.

During the hearing the Applicants amended their application for late night refreshment by 30 minutes on each day.

Written representations were received from local residents detailing a number of issues. Residents and a Local Councillor attended the hearing and made the following representations which focussed around noise nuisance and public safety:

- Concern over the nature of the premises having seen conflicting advertising and social media posts;
- The noise from the premises should it be a student bar with late night cheap alcohol and music;
- The noise from patrons as they leave the premises;
- Protecting the public park in which the premises is situated;
- Protecting the safety of patrons from the lake in the park when they leave the premises;
- Broken glass and litter in the surrounding area.

Many other issues raised are not considerations for the Licensing Committee and as such were disregarded

The applicant addressed the sub-committee and stated that:

- The premises is to be rebranded and wants to offer an affordable family setting with a lower pricing structure than previously used at the premises;
- The premises had been empty for a long time before they purchased and walls which were damp and needed replastering were also sound proofed;
- DPS and Assistant DPS will be living on the premises with their children.
- A proactive approach will be taken to problem customers;

Appendix C

Hearing Notices

**Notice of hearing of representations
in respect of the following application:
Application for a Temporary Event Notice**

Mr Kamaljit Singh Sangha
14 Woodseats
Grenoside
Sheffield
S35 8RU

Kamal.sangha@virgin.net

The Sheffield City Council being the licensing authority, on the 8th August 2016 received your application in respect of the premises known as;

Dam House, Mushroom Lane, Sheffield, S3 7NZ

During the consultation period, the Council received objections from the following authorities/interested parties on the likely effect of this application and on the promotion of the licensing objectives, should it be granted;

Sheffield City Council - Environmental Protection Service

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 **Thursday 18th August 2016 at 11:00am hours.**

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.

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

Dated: 12th August 2016

Signed: Georgina Hollis

The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

**Notice of hearing of representations
in respect of the following application:
Application for a Temporary Event Notice**

Neal Pates c/o Jonathan Round
Environmental Protection Service
Sheffield City Council
2 -10 Carbrook Hall Road
Sheffield
S9 2DB

jonathan.round@sheffield.gov.uk eps.admin@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **8th August 2016** received an application in respect of the premises known as;

Dam House, Mushroom Lane, Sheffield, S3 7NZ

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

- **Sheffield City Council Environmental Service**

on the likely effect of this application on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 18th August 2016 at 11:00am hours.**

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

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

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

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

Dated: 12th August 2016

Signed: Georgina Hollis
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

Appendix D

Hearing Notice / Regulations / Procedures

**Notice of hearing of representations
in respect of the following application:
Application for a Temporary Event Notice**

Mr Kamaljit Singh Sangha
14 Woodseats
Grenoside
Sheffield
S35 8RU

Kamal.sangha@virgin.net

The Sheffield City Council being the licensing authority, on the 8th August 2016 received your application in respect of the premises known as;

Dam House, Mushroom Lane, Sheffield, S3 7NZ

During the consultation period, the Council received objections from the following authorities/interested parties on the likely effect of this application and on the promotion of the licensing objectives, should it be granted;

Sheffield City Council - Environmental Protection Service

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 **Thursday 18th August 2016 at 11:00am hours.**

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.

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

Dated: 12th August 2016

Signed: Georgina Hollis
The officer appointed for this purpose
Licensing Officer

Please address any communications to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD.

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

Premises: Dam House, Mushroom Lane
Type of App: Temporary Event Notice
Hearing Date 18th August 2016

35

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

I Mr Kamaljit Singh Sangha

Of 14 Woodseats, Grenoside, Sheffield, S35 8RU,

EMAIL: Kamal.sangha@virgin.net

hereby confirm that I have received the Notice of Hearing dated 12th August 2016 and notify you as follows (please complete):

I intend to attend the hearing at 11:00 hours on Thursday 18th August 2016

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I consider the hearing to be unnecessary because:

.....

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

Dated:

Signed.....

Please see Regulation 8 overleaf

Please complete this form and return it to:
Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

Regulation 8

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

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

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

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

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

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