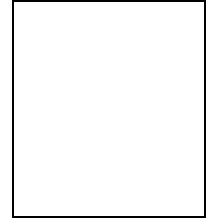




## **SHEFFIELD CITY COUNCIL Licensing Sub Committee Report**



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

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**Date:** 24<sup>th</sup> November at 3pm via zoom

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**Subject:** Licensing Act 2003 – Temporary Events Notice

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**Author of Report:** Stephen Lonnia

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**Summary:** To consider an objection in relation to a Temporary Event Notice.

**Western Park Museum, Western Bank Sheffield S10 2TP**

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

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**Background Papers:** Attached  
Licensing Act 2003 – Statement of Licensing Policy  
<https://www.sheffield.gov.uk/home/business/licences-permits-registrations/about-licences>

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**Category of Report:** OPEN

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**LICENSING ACT 2003**

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

**Western Park Museum, Western Bank Sheffield S10 2TP**

**1.0 PURPOSE OF REPORT**

- 1.1 To consider an objection submitted by Environmental Protection in relation to a Temporary Event Notice (TEN) for the premises known as Western Park Museum, Western Bank Sheffield S10 2TP

**2.0 THE TEMPORARY EVENT NOTICE**

- 2.1 The proposed premises user is, Mrs Claire Bower
- 2.2 The temporary event notice was received on the 14<sup>th</sup> November 2020 and is attached to Appendix 'A' of this report. Attached as a PDF
- 2.3 The event is described as follows:

Wedding Reception

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

Saturday 26<sup>th</sup> June 2021 16.00 to 00.00am

The licensable activities applied for are

- The sale by retail of alcohol for consumption ON the premises
- The provision of regulated entertainment

- 2.5 The Notice was served to the relevant authorities on the 14<sup>th</sup> November 2020.

**3.0 REASONS FOR REFERRAL**

- 3.1 A notice was submitted by Environmental Protection on the 19<sup>th</sup> November 2020, objecting to the temporary event notice. The notice of objection and further information from Environmental Protection is attached at Appendix 'B'.
- 3.2 The applicant and the objector 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 POLICIES AND DOCUMENTS TO CONSIDER**

- 4.1 [Sheffield City Council Licensing Policy](#)

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 THE LEGAL POSITION**

- 6.1 A Chief Police Officer or Environmental Health of the Local Authority may object to a Temporary Event Notice within 3 working days of receiving the Notice.
- 6.2 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 relevant person 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.

## **7.0 HEARING REGULATIONS**

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

## **8.0 APPEALS**

- 8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the premises user and the chief officer of Police against decisions of the Licensing Authority, to the Magistrates' Court.

## **9.0 RECOMMENDATIONS**

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

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

- 10.1 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date as per the notice submitted.

10.2 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.

A handwritten signature in black ink that reads "Steve Lonnia". The signature is written in a cursive, slightly slanted style.

Stephen Lonnia,  
Chief Licensing Officer, Head of Licensing

24<sup>th</sup> November 2020

# Appendix A

## The Temporary Events Notice

Attached as a PDF

# Appendix B

Objection – Environmental Protection

Dear Licensing Service

**Objection to TEN – Weston Park Museum**

I object to the TEN for Weston Park Museum on 26.06.2021 as the event is likely to cause a public nuisance.

There are residents living near to the museum who will be subject to noise until midnight from music and guests if the music is played outside in the proposed marquee. If the music is typical of weddings such as a live band or DJ, then this music will be loud and there is a strong possibility of the noise being a public nuisance. The marquee will not provide any sound insulation to prevent the noise travelling a long distance.

There are, to my knowledge, no music events that take place outside until midnight in this area.

I will speak to the applicant to discuss ways in which my objection could be overcome.

Regards  
Lucy

Lucy Robson  
Environmental Protection Officer  
Sheffield City Council  
Environmental Protection Service

# Appendix C

Hearing Notices / Regulations and Procedures



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

Mrs Claire Bower  
Sheffield Museums

Sent via email:

The Sheffield City Council being the licensing authority, on the 14<sup>th</sup> November 2020 received your temporary events notice in respect of the premises known as:

**Western Park Museum**

During the consultation period, the Council received an objection 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;

- **Environmental Protection**

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held virtually via ZOOM, on the **Tuesday 24<sup>th</sup> November 2020 3pm**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 105(2)(a) 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: 20<sup>th</sup> November 2020

Signed: Clive Stephenson  
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**

Lucy Robson  
Environmental Protection Officer  
Sheffield City Council  
Environmental Protection Service

Emailed to [lucy.robson@sheffield.gov.uk](mailto:lucy.robson@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 14<sup>th</sup> November 2020 received a Temporary Events notice in respect of the premises known as;

**Western Park Museum**

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

- **Environmental Protection**

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

The Council now GIVES YOU NOTICE that the review will be considered at a hearing to be held virtually via ZOOM, on the **Tuesday 24<sup>th</sup> November 2020 at 3pm**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 105(2)(a) 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:

- 3) The representations you have made with reference to these particular premises and the four core objectives.
- 4) 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: 20<sup>th</sup> November 2020

Signed: Clive Stephenson  
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.

## **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.

# Notice of actions following receipt of notice of hearing

## 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.



**Sheffield**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensing@sheffield.gov.uk](mailto: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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	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?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

**Applicant Details**

* First name	<input type="text" value="Claire"/>	
* Family name	<input type="text" value="Bower"/>	
* E-mail	<input type="text" value="REDACTED"/>	
Main telephone number	<input type="text" value="REDACTED"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader	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.
<input type="radio"/> Applying as an individual	

**Applicant Business**

Is your business registered in the UK with Companies House?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Business name	<input type="text"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Please select..."/>	

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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

Enter details of any previous names or maiden names

First name

Family name

\* 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



*Continued from previous page...*

### Correspondence Address

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

☐ Yes ☒ No

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.

Building number or name	<input type="text" value="Leader House"/>
Street	<input type="text" value="Surrey St"/>
District	<input type="text"/>
City or town	<input type="text" value="Sheffield"/>
County or administrative area	<input type="text" value="South Yorkshire"/>
Postcode	<input type="text" value="S12LH"/>
Country	<input type="text" value="United Kingdom"/>

### Additional Contact Details

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

☒ Yes ☐ No

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.

E-mail	<input type="text" value="REDACTED"/>
Telephone number	<input type="text" value="REDACTED"/>
Other telephone number	<input type="text"/>

## 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

**Continued from previous page...**

## Address

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

☒ Yes ☐ No

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.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

\* 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

## Location Details

\* Provide further details about the location of the event

The wedding reception will take place in parts of the museum to include the following galleries - Picturing Sheffield, Sheffield Stories and the Hub. The client would also like to erect a marquee immediately outside the Mappin door entrance which is still on museum property. Drinks will be sold inside the museum but not in the marquee. Music is to be played until 12am. Catering may potentially be served outside but still on our land. The toilets are located in the spine area of the building.

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](#))

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

The building is a public museum.

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

The event is a wedding ceremony and reception.



Continued from previous page...

## 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

([See also guidance on completing the form, note 7](#)).

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 8](#)).

### 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 9](#))

Event start date

/  /   
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

/  /   
dd mm yyyy

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

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

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

Note that the maximum number of people cannot exceed 499.

([see also guidance on completing the form, note 11](#))

**Continued from previous page...**

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

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
- ☐ Off the premises only
- ☐ Both

#### Section 5 of 9

##### **RELEVANT ENTERTAINMENT** [\(See also guidance on completing the form, note 13\)](#)

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

Between 16:00pm - 00:00am

#### Section 6 of 9

##### **PERSONAL LICENCE HOLDERS** [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? ☐ Yes ☒ No

#### Section 7 of 9

##### **PREVIOUS TEMPORARY EVENT NOTICES** [\(See also guidance on completing the form, note 15\)](#)

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

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** [\(See also guidance on completing the form, note 16\)](#)

*Continued from previous page...*

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  
b) Begins 24 hours or less after the event period proposed in this notice?
- ☐ Yes ☒ No

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:

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?
- ☐ Yes ☒ No

## Section 9 of 9

### CONDITION [\(See also guidance on completing the form, note 18\)](#)

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 [\(See also guidance on completing the form, note 19\)](#)

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

**Continued from previous page...**

- \* 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 summary conviction for such an offence to a fine of any amount; and
  - \* (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) 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

Full name

Capacity

\* Date  /  /   
dd mm yyyy

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"/>

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