

Licensing Sub-Committee

Monday 22 April 2013 at 10.00 am

To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH

The Press and Public are Welcome to Attend for Items 6 and 7

Membership

Councillors John Robson (Chair), Nikki Sharpe and Geoff Smith

PUBLIC ACCESS TO THE MEETING

The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. 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.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING SUB-COMMITTEE AGENDA
22 APRIL 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Hackney Carriage and Private Hire Licensing - Individual Cases***
Report of the Chief Licensing Officer.
- 6. Licensing Act 2003 - Unit 1a, Clarence Works, Effingham Road, Sheffield S4 7YS**
Report of the Chief Licensing Officer
- 7. Licensing Act 2003 - No. 1 Oriental Buffet, Canada House, Commercial Street, Sheffield S1 2AT**
Report of the Chief Licensing Officer

*(NOTE: The report at item 5 in the above agenda is not available to the public and press because it contains exempt information described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 (as amended))

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life.

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Agenda Item 5

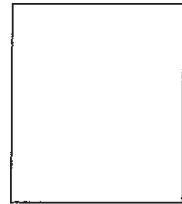
By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of:	Chief Licensing Officer, Head of Licensing
Date:	22nd April 2013
Subject:	Licensing Act 2003
Author of Report:	Matt Proctor
Summary:	To consider objections in relation to an application for a Temporary Event Notice. Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS
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 COMMITTEE

Ref No: 29 / 13

LICENSING ACT 2003

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

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Sheffield City Council Health Protection Service relating to a temporary event notice for the premises known as Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Daniel Metcalfe
- 2.2 The temporary event notice, which was received on 9th April 2013, is attached to this report labelled Appendix 'A'.
- 2.3 The event is as follows;
- from 00:01 hours to 06:00 hours on 28th April 2013.
- 2.4 The nature of the event is described in the notice as a "Music based event with international DJs and musicians".
- 2.4 The licensable activities intended to be carried on at the premises are:
- The sale by retail of alcohol
 - The provision of regulated entertainment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Sheffield City Council Health Protection Service on 10th April 2013, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.
- 3.2 The applicant and the objecting officer 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 Section 104 (2) of the Licensing Act states:
"Where a chief officer of police who receives a copy notice.... is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an "objection notice") –
(a) to the relevant licensing authority, and
(b) to the premises user."
- 5.2 Section 105 (2) states:
"The relevant licensing authority must –
(a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police 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 crime prevention 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 'C'.
- 6.3 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.

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 crime prevention objective.

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.
- 9.2 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

Appendix A



Sheffield
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
general.licensing@sheffield.gov.uk
Telephone: 0114 2734264/2734880

* required information

Section 1 of 8

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

Not Currently In Use

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

Your reference

Unit 1A Clarence Works

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

Daniel

* Family name

Metcalfe

* E-mail

danmetcalfe@hotmail.com

Main telephone number

07985264422

include country code.

Other telephone number

07985264422

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 8

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?

- 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

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

Telephone number

Other telephone number

Section 3 of 8**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?

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

Location Details

* Provide further details about the location of the event

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)

Continued from previous page...

[Empty box for continuation]

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

[Empty box for premises description]

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

Music based event with international Djs and musicians

Section 4 of 8

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)

Event Dates

There must be a period of at least 10 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.

When are you going to submit this form? 09 / 04 / 2013
dd mm yyyy

State the dates on which you intend to use these premises for licensable activities 28 / 04 / 2013
dd mm yyyy

(see also guidance on completing the form, notes 7 and 14)

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

Add another date

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

00:01 - 06:00

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

Continued from previous page...

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

250

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 8

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

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 SY1818 PER

Date of issue 18 / 06 / 2006
dd mm yyyy

Date of expiry 18 / 06 / 2016
dd mm yyyy

Any further relevant details

Section 6 of 8

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 13)

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

Continued from previous page...

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

1

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 7 of 8

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

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?

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

Continued from previous page...

Section 8 of 8**CONDITION**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
(See also guidance on completing the form, note 16)

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

ATTACHMENTS**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

- * 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)

Add another signature

Appendix B

Business Strategy & Regulation

Director of Business Strategy & Regulation: Mick Crofts

Health Protection Service

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Sean Gibbons

Tel: 0114 273 4616

Ref: Clarence/SG

Date: 10 April 2013

Daniel Metcalfe
35 Clement Mews
Kimberworth
S61 2JU

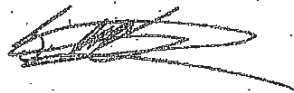
Dear Sir

**Licensing Act 2003
Temporary Event Notice****Premises: Unit 1A Clarence Works, Effingham Road, Sheffield, S4 7YS**

I write with reference to the above Temporary Event Notice and would inform you that at this stage, under the grounds of public safety, I have no alternative than to object to the temporary event as the Responsible Authority for Public Safety.

Please contact me on the telephone number shown so that a site meeting can be arranged to discuss further.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

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

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

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Appendix C

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

Mr Daniel Metcalfe
35 Clement Mews
Kimberworth
Rotherham
S61 2JU

The Sheffield City Council being the licensing authority, on the 9th April 2013 received your application in respect of the premises known as;

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

During the consultation period, the Council received objections from the following authorities/interested parties: Sheffield City Council Environmental Protection Services on the likely effect of this application and on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **22nd April 2013 at 2.00pm**.

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 April 2013

Signed: _____
The officer appointed for this purpose
Licensing Officer

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

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

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

The Sheffield City Council being the licensing authority, on the 9th April 2013 received an application in respect of the premises known as;

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

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

- **Sheffield City Council Health Protection 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 the **22nd April 2013 at 2.00pm**

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 April 2013

Signed: _____

The officer appointed for this purpose
Licensing Officer

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

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

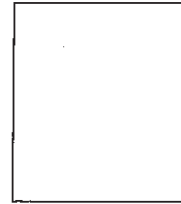
20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary 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.



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 22nd April 2013

Subject: Licensing Act 2003

Author of Report: Matt Proctor

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

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

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 COMMITTEE**

Ref No: 30 / 13

LICENSING ACT 2003

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

No.1 Oriental Buffet, Canada House, Commercial St, Sheffield

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Sheffield City Council Health Protection Service relating to a temporary event notice for the premises known as No.1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Stephen John Rimmer
- 2.2 The temporary event notice, which was received on 9th April 2013, is attached to this report labelled Appendix 'A'.
- 2.3 The event is as follows;
- 1800hrs 18th July 2013 to 0700hrs 22nd July 2013
- 2.4 The nature of the event is described in the notice as a "Social and entertainment event as part of Tramlines".
- 2.4 The licensable activities intended to be carried on at the premises are:
- The sale by retail of alcohol
 - The provision of regulated entertainment
 - The provision of late night refreshment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Sheffield City Council Health Protection Service on 10th April 2013, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.
- 3.2 The applicant and the objecting officer 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 Section 104 (2) of the Licensing Act states:
"Where a chief officer of police who receives a copy notice.... is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an "objection notice") –
(a) to the relevant licensing authority, and
(b) to the premises user."
- 5.2 Section 105 (2) states:
"The relevant licensing authority must –
(a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police 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 crime prevention 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 'C'.
- 6.3 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.

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 crime prevention objective.

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



Stephen Lonnia,
Chief Licensing Officer, Head of Licensing

Appendix A

✓ served 9-4-13.
17:05

YOUR EVENT

LG 25131 DU
Please save.

In order to assist us in deciding if any crime prevention issues are likely to arise from your event, please ensure that you fully complete all details below that are applicable
- please state "N/A" if it is not applicable.

You may be contacted for further information which you have provided on this form.

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If you are using a promoter for the event please provide the following details:

Full name of Promoter including DJ names - S. RUMMER

Does the Promoter hold any qualifications? (for example BIAB award) - please list below -

Contact details for Promoter- landline tel no - mobile tel no- 0781648598

Is the event being advertised on any social network? YES/NO

If the answer is YES please detail which social networking sites -
FACEBOOK

Is the event ticketed? YES/NO

If the answer is YES please detail the places where the tickets are being sold-
TRAMLINES - ORG. UK

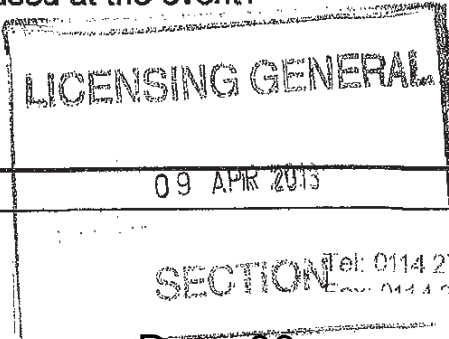
What type of music will be played?
HOUSE

Approximately how many people do you anticipate attending the event?
450

Are you expecting to employ Security Industry Authority (SIA) door staff for the event? YES/NO

If the answer is YES please detail which Security Firm you will be using including the name and a lead contact and phone no-
SAFEHOUSE
0116 288666

Will a knife arch/wands be used at the event? YES/NO



Licensing General Section
Block C, Staniforth Road Depot,
Staniforth Road

Tel: 0114 2734264/2734890
Fax: 0114 2724072

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	RIMMER
Forenames	STEPHEN
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day 22 Month 10 Year 85
4. Your place of birth	SHEFFIELD
5. National Insurance Number	2H2377336
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
30 STUMPERLOWE HALL RD	
Post town	SHEFFIELD
Postcode	S10 3QJ
7. Other contact details	
Telephone numbers	07816468598
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
7 SMITHFIELD	
Post town	SHEFFIELD
Postcode	S3 7AR

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	011 6 389 621
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please 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) (Please read note 2)	
No. 1 oriental buffet, CANADA HOUSE AL COMMERCIAL ST, SHEFFIELD, S1 2AT	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
FORMER RESTAURANT UNIT	
Please describe the nature of the event below. (Please read note 5)	
SOCIAL EVENT WITH RECORDED MUSIC ENTERTAINMENT FOR TRAMLINES FESTIVAL	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
THURSDAY 18th - MONDAY 22nd JULY 2013	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
18.00 - 07.00 (THURS/FRIDAY/SATURDAY/SUNDAY)	
Please 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. (Please read note 10)	
499	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>


4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
"Yes" please provide the details of your personal licence below.	
Issuing licensing authority	SHEFFIELD DISTRICT
Licence number	SY 1783 Per
Date of issue	5th JUNE 2006
Date of expiry	5th JUNE 2016
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	12	
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 b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

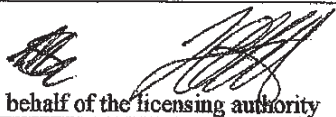
6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.	1	
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Checklist (Please read note 15)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding 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 summary 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.	
Signature	
Date	09/04/2013
Name of person signing	S. Lumer

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	9/4/13
Name of Officer signing	J. Gough

Appendix B

Business Strategy & Regulation

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Director of Business Strategy & Regulation: Mick Crofts

Health Protection Service

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Sean Gibbons

Tel: 0114 273 4616

Ref: Oriental Buffet/SG

Date: 10 April 2013

Mr Stephen John Rimmer
30 Stumperlowe Hall Road
Sheffield
S10 3QS

Dear Sir

Licensing Act 2003**Temporary Event Notice commencing 18/7/2013**

**Premises: No1 Oriental Buffet, Canada House, Commercial Street, Sheffield,
S1 2AT**

I write with reference to the above Temporary Event Notice and would inform you that at this stage, under the grounds of public safety, I have no alternative than to object to the temporary event as the Responsible Authority for Public Safety.

A meeting has been set up for the 18 April 2013 at 10:30, during which the above will be discussed.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

Copy Via Email kharrison@syfire.gov.uk

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

Large print versions of this letter
are available by telephoning

(0114) 273 4415/273 5774 Page 93

Appendix C

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

Mr Stephen John Rimmer
30 Stumperlowe Hall Road
Sheffield
S10 3QS

The Sheffield City Council being the licensing authority, on the 9th April 2013 received your application in respect of the premises known as;

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

During the consultation period, the Council received objections from the following authorities/interested parties: Sheffield City Council Environmental Protection Services on the likely effect of this application and on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **22nd April 2013 at 2.30pm.**

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 April 2013

Signed: _____
The officer appointed for this purpose
Licensing Officer

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

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

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

The Sheffield City Council being the licensing authority, on the **9th April 2013** received an application in respect of the premises known as;

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

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

- **Sheffield City Council Health Protection 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 the **22nd April 2013 at 2.30pm**

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 April 2013

Signed: _____

The officer appointed for this purpose
Licensing Officer

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

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.

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