

Licensing Sub-Committee

Thursday 19 January 2017 at 10.00 am

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

The Press and Public are Welcome to Attend

Membership

Councillors David Barker (Chair), Moya O'Rourke and Vickie Priestley

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.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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.

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
19 JANUARY 2017**

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. Licensing Act 2003 - Lavang, 478 Fulwood Road, Sheffield S10 3QD**
Report of the Chief Licensing Officer
- 6. Licensing Act 2003 - Horse and Jockey, 638 Attercliffe Road, Sheffield S9 3RN**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

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 DPIs 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.

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.

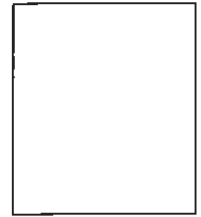
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 19th January 2017

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Lavang 478 Fulwood Road Sheffield S10 3QD

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
LICENSING ACT 2003**

Ref No 04/17

Lavang 478 Fulwood Road Sheffield S10 3QD

1.0 PURPOSE OF REPORT

1.1 To consider an application for the grant of a premises licence made under section 17 of the Licensing Act 2003.

2.0 THE APPLICATION

2.1 The applicant is. Lavang Limited

2.2 The application, which was received on 28th November 2016, is attached to this report labelled Appendix 'A'.

3.0 REASONS FOR REFERRAL

3.1 Representations concerning the application have been received from the following and are attached at Appendix B:-

- No 4 – Public.

3.2 Responsible Authorities have agreed condition and the applicant has submitted amended parts of the application. This information and conditions are attached at appendix 'C'.

3.3 The applicant and objectors have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'D'

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

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

Section 6 Cont'd

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

7.0 HEARINGS 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 'D'.

7.3 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.

8.0 APPEALS

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

9.0 RECOMMENDATIONS

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

10.0 OPTIONS OPEN TO THE COMMITTEE

10.1 To grant the premises licence in the terms requested.

10.2 To grant the premises licence with conditions.

10.3 To reject the whole or part of the application.



Stephen Lonnia
Chief Licensing Officer
Head of Licensing

Appendix A

Application

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



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

You may wish to keep a copy of the completed form for your records.

I/We ~~NOSHAD PARSEZ~~ LAVANG
 (Insert name(s) of applicant)

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

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
478 Fulwood Road Sheffield Lavang			
Post town	Sheffield	Postcode	S10 3QD
Telephone number at premises (if any)	0114 263 0106		
Non-domestic rateable value of premises	£ 4119		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as (Please tick as appropriate)

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

A2

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or



I am making the application pursuant to a

statutory function or



a function discharged by virtue of Her Majesty's prerogative



(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

A3

Name	LAVANG
Address	478 FULWOOD Road Sheffield S10 3QD
Registered number (where applicable)	0114 267 0106
Description of applicant (for example, partnership, company, unincorporated association etc.)	Company
Telephone number (if any)	
E-mail address (optional)	

AA

When do you want the premises licence to start?

DD	MM	YYYY
01	01	2017

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

DD	MM	YYYY
1	1	1

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

The premises we have we intend to open a licensed Indian restaurant.
~~The hours will be between 5pm-11~~ This business will be located
 in fullwood shipton.

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	17:00	22:30			
Tue	17:00	22:30			
Wed	17:00	22:30	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	17:00	22:30	Charity nights Restaurant anniversaries		
Fri	17:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	17:00	23:00	the performance if made will be between the hours of business which I have shown.		
Sun	17:00	22:30			

AS

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	17:00	22:30			
Tue	17:00	22:30			
Wed	17:00	22:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	17:00	22:30	this will be the same All year round.		
Fri	17:00	23:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	17:00	23:00			
Sun	17:00	22:30			

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

AG

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) <i>This will be the same all year round as we are predicting.</i>		
Mon	17:00	17:30 23:30			
Tue	17:00	17:30 22:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Wed	17:00	17:30 22:30			
Thur	17:00	17:30 22:30			
Fri	17:00	23:00			
Sat	17:00	23:00			
Sun	17:00	22:30			

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

A7

Name	Noshad Parbez
Address	230 Broomhall Street Sheffield
Postcode	S3 7SQ
Personal licence number (if known)	SY06376PER
Issuing licensing authority (if known)	Sheffield City Council

K

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

(This section is currently blank in the image.)

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	17:00	22:30	We believe the opening hour will remain the same all year round as we do not intend to open for any other reasons apart for business.
		23:00	
Tue	17:00	22:30	
		23:00	
Wed	17:00	22:30	
		23:00	
Thur	17:00	22:30	
		23:00	
Fri	17:00	23:00	
		23:00	
Sat	17:00	23:00	
		23:00	
Sun	17:00	22:30	
		23:00	

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

AS

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

~~The prevention of crime and disorder~~
~~Public Safety~~
~~The prevention of public nuisance~~
~~The protection of children from harm~~

We will not be selling Alcohol to anyone underage, no drunk and disorderly in the premises, no violence and anti social behaviour, No any harm to children, CCTV system installed to make sure everyone is safe.

b) The prevention of crime and disorder

CCTV system installed to monitor exits and other parts of the premises in order to address the prevention of crime objective

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Not sell any drinks to drunk or intoxicated individual. Staff will be trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol to the road unit (ex. cones or bottled beer).

c) Public safety

Internal and external lighting fixed to promote public safety objectives

Well trained staff adherence to environmental health requirements

Training and implementation of underage ID checks.

A log book of recording system shall be kept on the premises

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the need of nearby residents to leave the premises and the area quietly.

Delays of goods necessary for the operations of the business will be carried out at such a time or in such manner as to:

e) The protection of children from harm

Challenge 25 system

Log book will be kept upon the premises, all the time

Nothing below existing health & safety requirements

Please tick to indicate agreement


A9

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	28/11/2016
Capacity	Owner.

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

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

Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

A10

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

CONSENT OF INDIVIDUAL TO BEING SPECIFIED AS PREMISES SUPERVISOR



All

I: [full name of prospective premises supervisor] NOSHAD PARBEZ

Of: [home address of prospective premises supervisor] 230 BROOMHAM STREET SHEFFIELD, S3 7SQ

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

[type of application]
LAVANG

made by: [name of applicant]
NOSHAD PARBEZ

relating to premises licence number: [number of existing licence, if any] SY06376 PER

for: [name and address of premises to which application relates] 478 FULWOOD ROAD, SHEFFIELD S10 3QD

and any premises licence to be granted or varied in respect of this application made by: [name of applicant]
LAVANG

concerning the supply of alcohol at: [name and address of premises to which application relates]
478 FULWOOD ROAD
SHEFFIELD S10 3QD

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

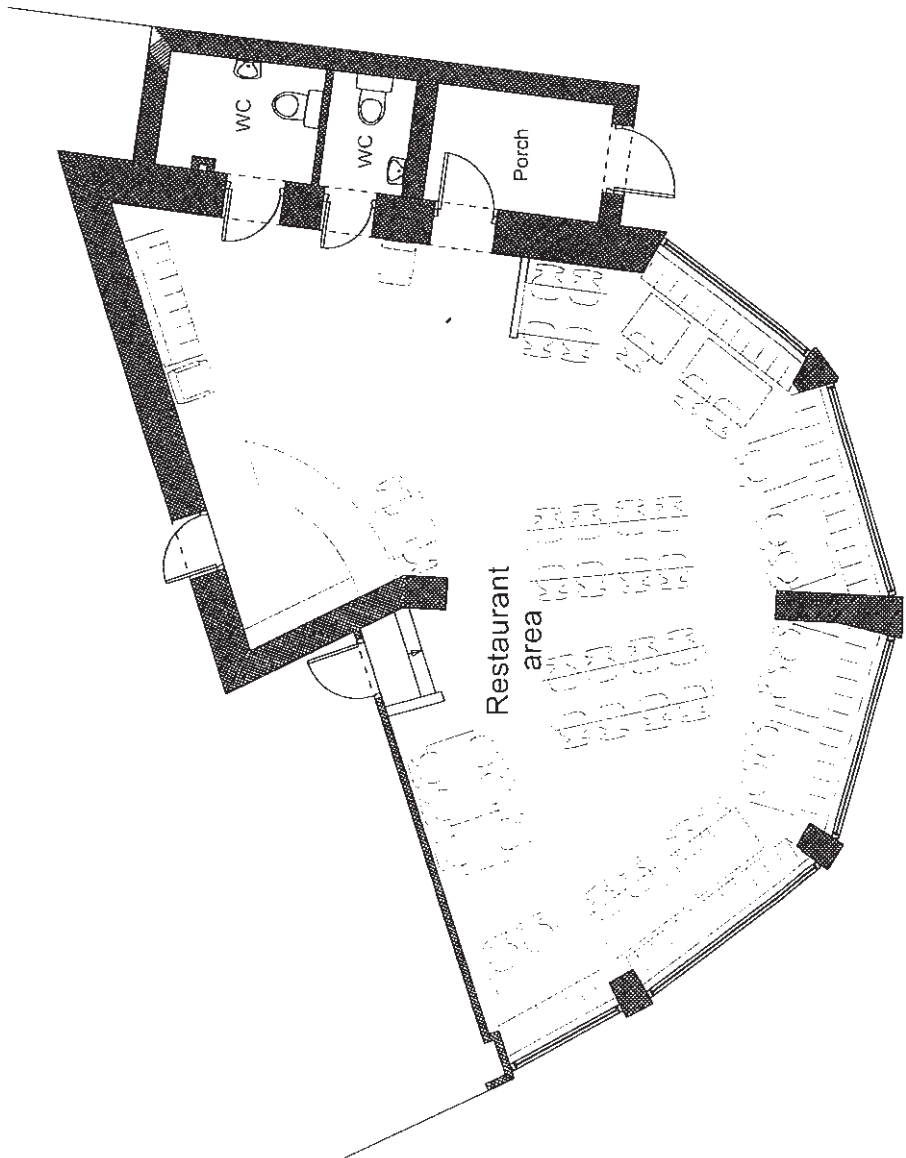
Personal licence number: [insert personal licence number, if any] SY06376 PER
Personal licence issuing authority: [insert name and address and telephone number of personal licence issuing authority, if any] SHEFFIELD CITY COUNCIL

Signed

Name (please print) NOSHAD PARBEZ

Date 28/11/2016

A12



Ground Floor Plan

07807 243026
 www.ecclesall.design
 studio@ecclesall.design



**ECCLESALL
 DESIGN**

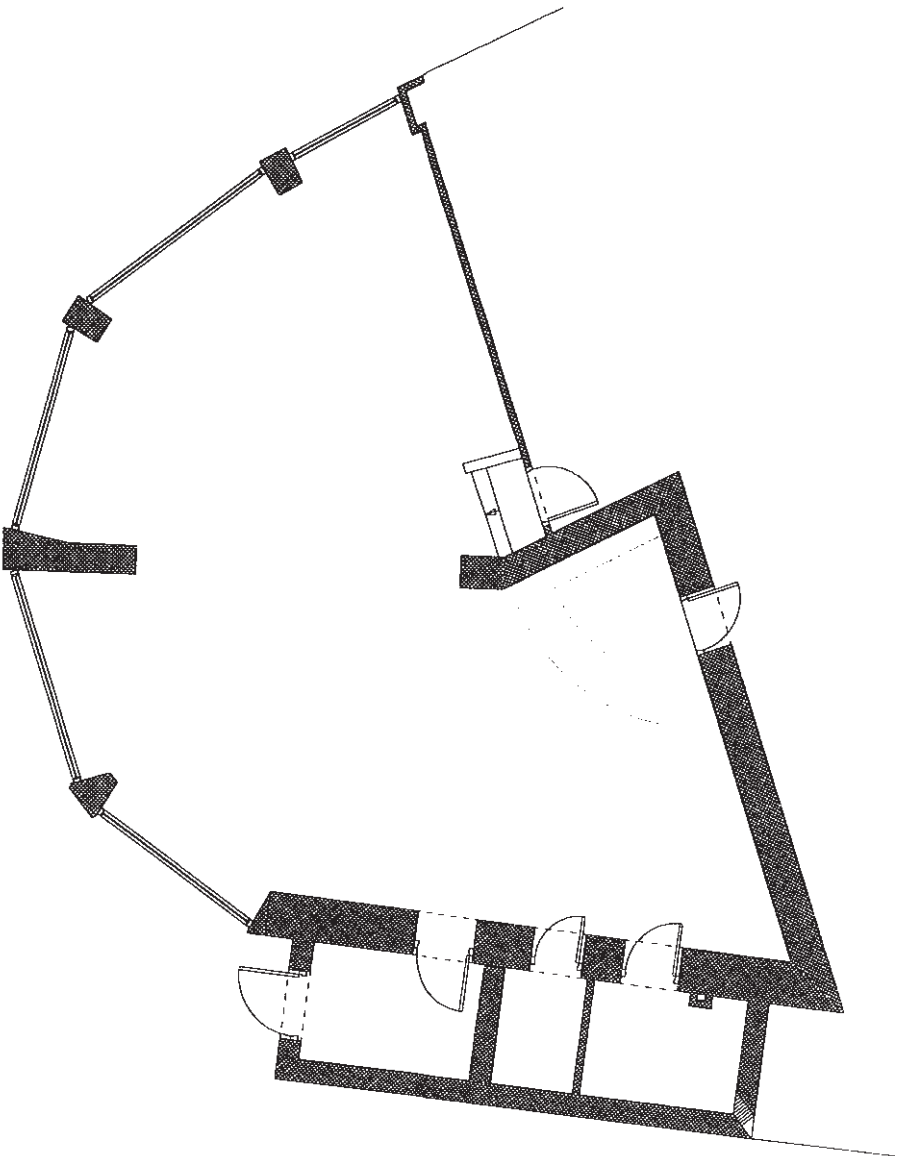
Ecclesall Design Ltd.
 The Portergate
 257 Ecclesall Road
 Sheffield
 S11 8NX

Client: Panchar Contemporary
 Project: 478 Fulwood Rd
 Sheffield
 S10 3QD
 Drawn by: D. Pitka
 Date: November 2016

Drawing Title: Ground Floor Plan
 Page Size: A4
 Scale: 1:100
 Drawing Number: 301-1
 Revision:

All dimensions are approximate and to be checked on site

A13



Ground Floor Plan

All dimensions are approximate and to be checked on site

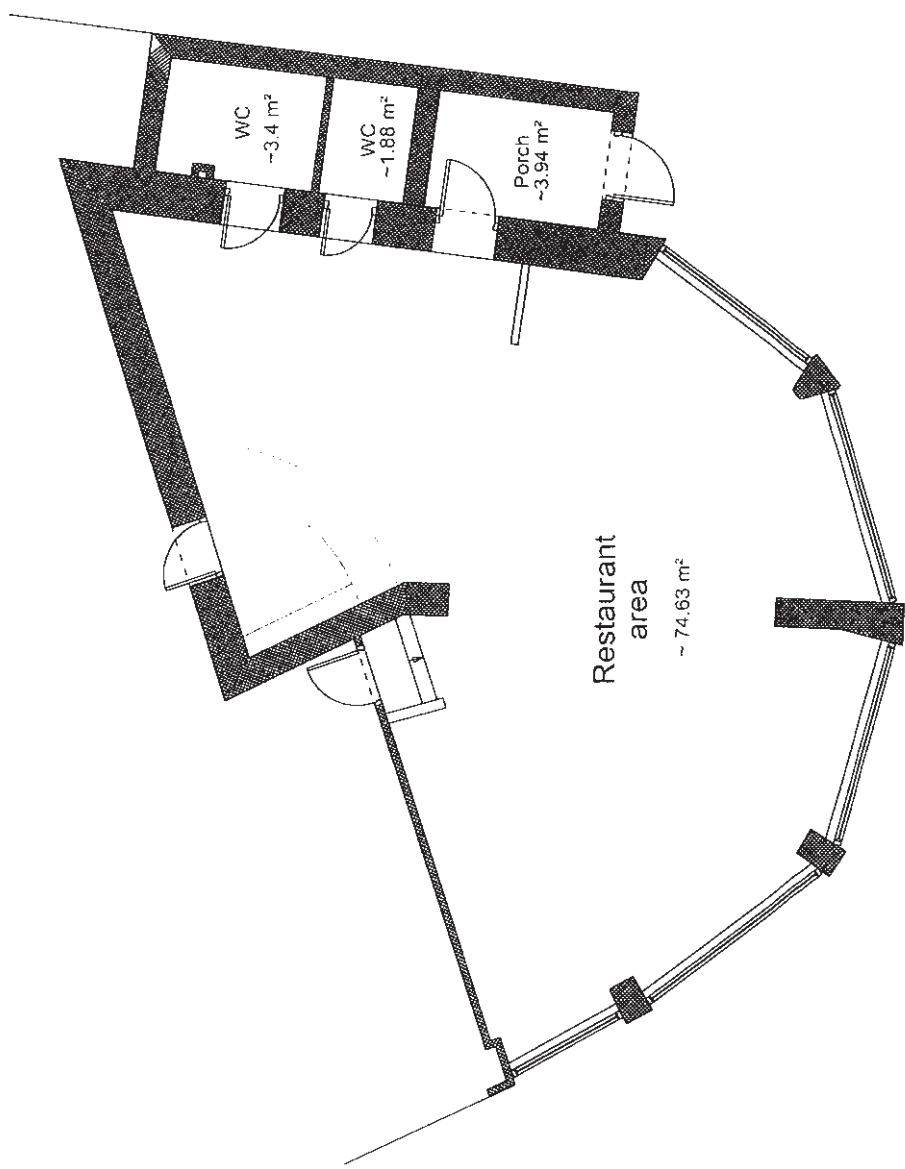


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www.ecclesall.design
studio@ecclesall.design
Ecclesall Design Ltd.
The Portergate
257 Ecclesall Road
Sheffield
S11 8NX

Client: Panchar Contemporary
Project: 478 Fulwood Rd
Sheffield
S10 3QD
Drawn by: D. Pitka
Date: November 2016

Drawing Title: Ground Floor Plan
Page Size: A4
Scale 1:100
Drawing Number: 301.1
Revision:

A14



Ground Floor Plan

07807 243026
 www.ecclesall.design
 studio@ecclesall.design

ECCLESALL DESIGN

Ecclesall Design Ltd.
 The Portergate
 257 Ecclesall Road
 Sheffield
 S11 8NX

Client: Pandhar Contemporary
Project: 478 Fulwood Rd
 Sheffield
 S10 3QD
Drawn by: D. Pilko
Date: November 2016

Drawing Title: Ground Floor Plan
Page Size: A4
Scale: 1:100
Drawing Number: 301
Revision:

All dimensions are approximate and to be checked on site

A15

Drawing Title:
Ground Floor Plan
Page Size: A4
Scale 1:100
Drawing Number: 301.1
Revision:

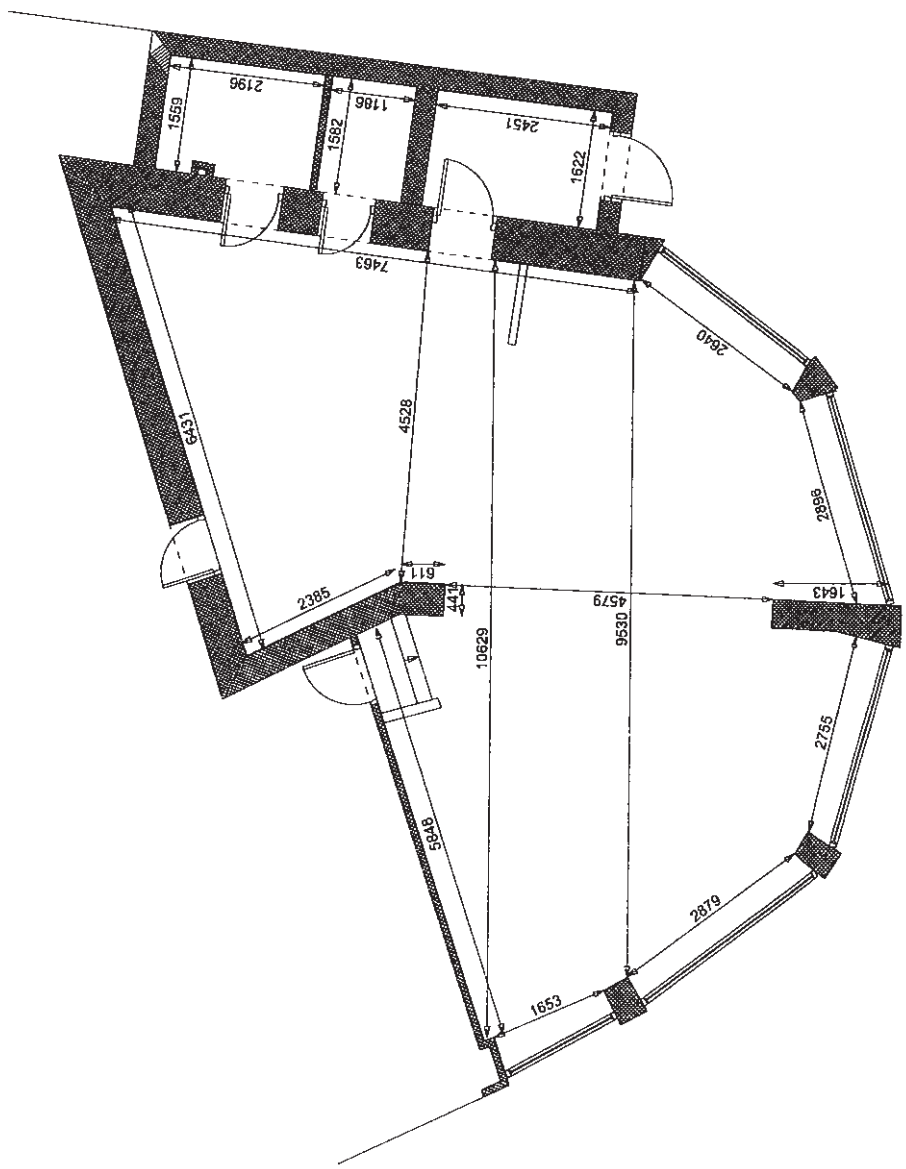
Client: Panchar Contemporary
Project: 478 Fulwood Rd
Sheffield
S10 3QD
Drawn by: D. Pika
Date: November 2016

07807 243026
www.ecclesall.design
studio@ecclesall.design
Ecclesall Design Ltd.
The Portergate
257 Ecclesall Road
Sheffield
S11 8NX



Ground Floor Plan

All dimensions are approximate and to be checked on site



Appendix B

Public Objection - No 4

170

31

Tom Lane
Sheffield
S10

The Licensing Service
Block C
Staniforth Road Depot
Stainforth Road
Sheffield
S9 3HD

8 December 2016

To whom it may concern

It has been made aware to us that Lavang 478/480 Fulwood Road, S10 3QD has made an application for sale of alcohol and the provision of regulated entertainment from 17.00-23.00 Monday to Sunday. We are very concerned of the impact this would have on noise levels on Tom Lane. The previous establishment Panahar, which had no such licences, caused enough noise disturbance when people were leaving the restaurant in the evening. We therefore oppose these two licensing applications.

Yours faithfully



Laura Johnson and Nicholas Wallis

McConaghy Julianne

B2

From: Delamore Lindsey on behalf of licensingservice
Sent: 06 December 2016 14:49
To: McConaghy Julianne
Cc: Rhodes Emma (CEX)
Subject: FW: Licensing application 478/480 Fulwood Road, S10 3QD

From: Ruth Beeley [REDACTED]
Sent: 06 December 2016 14:47
To: licensingservice
Cc: Alston Sue (LD CLLR); Sangar Andrew (LD CLLR); Woodcraft Cliff (LD-CLLR)
Subject: Licensing application 478/480 Fulwood Road, S10 3QD

Dear Sir,

We've been unable to find out any information as to what the above premises are going to be. There was a Takeaway Pizza which then became an Indian restaurant but the latter was not granted a licence to sell alcohol.

The premises are situated on the corner of a residential street. Regular entertainment and the availability of alcohol is likely to affect noise levels and be a public nuisance.

Parking in the area is highly problematic at present and any increase in parking will cause increased nuisance to residents. Parking could also raise safety concerns as there is often parking on the existing double yellow lines already. Parents and children from the school across the road park on Tom Lane and are frequently around in the early and sometimes later evening. When the change of use from takeaway to restaurant was agreed there was an increase in parking on Tom Lane. This situation has only got worse in recent years.

We strongly object to the granting of an entertainment and alcohol licence for these premises on the above grounds.

Yours faithfully,

Ruth and John Beeley

[REDACTED] Tom Lane

S10 [REDACTED]

Palmer Helena

B3

From: Delamore Lindsey on behalf of licensingservice
Sent: 15 December 2016 14:27
To: Palmer Helena
Cc: Proctor Matthew
Subject: FW: LAVANG 478/480 FULWOOD ROAD S10 3QD CLOSING DATE 27/12/16

From: Graham K Barker [REDACTED]
Sent: 15 December 2016 13:39
To: licensingservice
Subject: LAVANG 478/480 FULWOOD ROAD S10 3QD CLOSING DATE 27/12/16

Licensing Service,

Please can you send me details of the above application ASAP to enable me to object.

I don't yet have the application number but believe it is for the sale of alcohol and entertainment seven days a week from 17.00 to 23.00

I have previously objected to the Panahar Restaurant on the grounds that it is located in a residential area with no parking facilities. I was advised by planning that customers would use public transport so this would not be a problem. This was never the case causing cars to be parked on double yellow lines continually!

The entrance to 478/480 Fulwood Road is on Tom Lane. We presently encounter noise at night when people leave the restaurant which would be far worse if people are intoxicated. We have an excellent local pub (The Rising Sun) which provides food and entertainment within 100 yards of this address so there is no need for another establishment.

Tom Lane is a residential area with lots of families with young children and I believe this application should be refused due to the impact it would have on the community.

Regards

Keith Barker
Energy Officer
Estates & Facilities Management

University of Sheffield, Arts Tower - Floor 08, Western Bank, Sheffield S10 2TN
t: 0114 222 9034

e: [REDACTED]

w: <http://www.sheffield.ac.uk/efm>

Please note my working hours are 9am to 5pm Wednesday and Thursday only.

Voted number one for student experience. Times Higher Education Student Experience Survey 2014-2015

Please be aware that the information in this electronic mail may be subject to public disclosure under the Freedom of Information Act 2000.

From: Abdurahman El-Awa [REDACTED] B4
Sent: 27 December 2016 23:59
To: licensingservice
Cc: Alston Sue (LD CLLR); Sangar Andrew (LD CLLR); Woodcraft Cliff (LD-CLLR)
Subject: IMPORTANT & URGENT* Shop licence: LAVANG 478/480 Fulwood Rd S10 3QD

Dear Sirs

Re: LAVANG 478/480 Fulwood Rd S10 3QD

I have received a notice by post regarding an application made to the local council for facility intending to provide entertainment and the selling of alcohol till late hours 7 days a week.

I am really concerned about this and worried it will negatively affect the residents in the area for the following reasons:

1-Noise:

with the extended hours of work and function noted on the application 5-11 pm. this will mean the area will be crowded and noisy for longer than the duration of these hours which fairly late at night and also it encroaches on the school hours as the shop will prepare for the entertainment close to the time of school finishing times and this will affect the traffic in the area which is at its peak time in late afternoon.

night time noise and traffic: with the extended times into late night, the customers will be leaving late at night which increase the night traffic at the area and noise made by leaving and arriving customers, cars and escorts which transforms the area into an industrial high street rather than residential quiet family location.

the noise from emptying the drink containers the morning after along with the increased smell in the air along with air and noise pollution will mean increased noise and this will result in significant disturbance to all the local residents in the area.

there is already the rising sun in the area that provides such services and it is more than enough- there is no need to increase the local noise and disturb residents on his side of the road.

2- parking

the area is already very congested with parking from the local residents and as it is at the current time it is very frequent that local residents struggle with parking. i certainly live at 21 tom lane and i only have one car in our house hold and it is difficult very frequently to find a parking spot, and this is rather huge inconvenience whilst carrying shopping, during travel or if carrying large boxes which is weekly due to my work circumstances.

the traffic and parking spaces availability will only get worse in the area specially if there is alcohol served too as anyone drinking will have to leave his car behind and collect in in the following morning.

parked cars are a huge problem on school nights parents nights, or whenever there is an event in the local pub which is only 20 yards from the new LAVANG proposed to open.

there is also the local MP office workshop which holds regular events and open evening for its constituents and this certainly makes the local residents struggle for the parking.

3-The smell from cooking/alcohol:

having restaurant that works through into late hours this meaning cooking into late hours all week and the whole area will just stink of the smell of curry and cooking fumes and causes air pollution

4-emptying bins/waste:

this adds more inconvenience by noise of bins emptying containing high volumes of empty bottles-very noisy- and the waste disposal will add more obstacles onto the roads,pavements and risks more pollution and trashing the neighbourhood.

I appreciate that the licence permit to the previous restaurant Panahar was awarded many years ago, but today the local residents struggle with the above points as it is and please there is no need to increase this or make it worse for an area characterised by the family atmosphere for the local residents and make us struggle with our daily and weekly errands and routine life by adding more inconvenience to park near our homes or adding noise from late shop working hours and serving drink.

The fact that panahar has shut down is bad for its owners-i empathise with the loss of business- but in fact it might have given the local residents an opportunity to finally have some quiet nights and week evening by the absence of the flow to the area.

there is already a lot of restaurants (10 facilities near by) and take away facilities on fuelwood road and they are close enough. please there is no need to make the traffic and local congestion worse by adding more-

panahar-the previous restaurant was given the licence long ago when perhaps the population at the area was much less-this can be compared by results from the most recent census against the old ones and you can even ask the local residents, each house hold has one or two cars and we struggle to park.

Let alone the fact that the streets do not have residents only or allocated parking-so at least if you can not discontinue the licence for the restaurant please consider giving the local residents residents only or allocated parking spaces to facilitate a normal life and being able to park near our homes rather than struggle by parking far away.

at least before opening these facilities

I am happy to discuss this more. but please consider the welfare of the local residents as granting this is a huge inconvenience to us.

--

Kind Regards;

Abdurahman El-Awa

Appendix C

Agreed amendments and conditions

Agreed!

CI

Palmer Helena

From: Pitts Steven
Sent: 03 January 2017 09:02
To: Andrea Gillard; licensingservice
Cc: [REDACTED]
Subject: RE: Lavang Restaurant, Licensing Application
Categories: Matt Proctor

Dear Andrea,

Thank you for the plans as requested following my meeting with Noshad at the premises, I have no issues with the layout, please ensure the toilet facilities have mechanical ventilation in good working order.

Regards,

Steve Pitts

From: Andrea Gillard [REDACTED]
Sent: 21 December 2016 22:25
To: Pitts Steven; licensingservice
Cc: [REDACTED]
Subject: Lavang Restaurant, Licensing Application

Dear Steven,
Following on from our 'phone conversation yesterday please find attached:

- Original floorplan by Ecclesall Design, adapted by me to now show new stud walls in the bar area, to form a lobby to the toilets, and low-level stud walls to separate bar area from the restaurant.
- Drawing of kitchen layout, showing hob and sinks as requested.

The first drawing shows that the turning circle immediately in front of the disabled toilet is 1500 - it is actually 1625 to the toilet door, so well within regulations.

I have also been in contact with Mark Briggs at South Yorkshire Fire and Rescue to draw up a Fire Risk Assessment and Business Continuity Plan.

Please let me know if there's anything further you need.

Many thanks for your time.

Kind Regards,
Andrea Gillard

[REDACTED]
Andrea Gillard Design
Aritsan of Home Creation

AGreed.

C2

Palmer Helena

From: Pitts Steven
Sent: 20 December 2016 09:17
To: [REDACTED]
Cc: licensingservice; Palmer Helena; Lobo Rose
Subject: RE: New Licensing Application Lavang 478, Fulwood road Sheffield S10 3QD serial no 589831

Dear Noshad,

Thank you for confirming that you agree to the conditions that I have requested, I can now withdraw my representation in respect of the new application for a Premises Licence. Please provide the revised plan as soon as possible.

Regards,

Steve Pitts

From: noshad parbez [mailto:[REDACTED]]
Sent: 19 December 2016 12:04
To: Pitts Steven
Subject: Re: New Licensing Application Lavang 478, Fulwood road Sheffield S10 3QD

Hi Steve,

Thank you for this. We confirm these conditions are acceptable.

We also confirm that these conditions will be imposed and corrected as requested.

Please withdraw the representation upon receipt of this email. Please can you confirm this is satisfactory.

Regards
Nash

Sent from my iPhone

On 19 Dec 2016, at 09:37, Pitts Steven <Steven.Pitts@sheffield.gov.uk> wrote:

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 Noshad,

Licensing act 2003
Application for a new premises licence
Premises: Lavang, 478 – 480 Fulwood Road Sheffield S10 3QD

I refer to the application concerning the above premises and write to inform you that I am making a formal representation under the Licensing Act 2003, and will require the proposed conditions set out below to be imposed in the new premises licence for the promotion of Public Safety.

1. The premises shall operate as a restaurant with seated dining and the provision of alcohol shall be ancillary to dining with occasional provision without meals.
2. A satisfactory electrical report shall be provided for the premises.

This representation will be withdrawn upon receipt of written confirmation that these conditions are acceptable.

Issues that are not required to be conditions on the licence but require your attention:

1. Anti - slip mats are required in the main entrance.
2. Floor surfaces with respect to licensed premises

Suitable slip-resistance to floor surface finishes must be incorporated into the design of the premises. For bars and associated areas within the premises (public areas and thoroughfares), a minimum pendulum wet test (in accordance with the 'UK Slip Resistance Group' document, Issue 3, 2005) rating of 36 or above, will be required. Compliance with DIN measurement standard R11 minimum may achieve the appropriate slip resistance.

Further advice available from www.hse.gov.uk/slips/architects.htm

3. Provide a revised plan showing the lobby to the gents toilet facilities and the kitchen layout. The plan should indicate the number of covers (40) and the specification for the new floors.
The licensed area should be outlined in Red.

Disabled Access/Provision of facilities

The City Council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 (Which repealed the Disability Discrimination Act 1995) for people to access and use the building and its facilities.

If you require any further information please do not hesitate to contact me

Yours Faithfully,

Steve Pitts

Appendix D

Hearing notices and Regulations

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

DI

Lavang
478 Fulwood Road
Sheffield
S10 3QD

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2016 received an application in respect of the premises known as;

La Vang Restaurant 478 Fulwood Road Sheffield S10 3QD

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

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 **19th January 2017 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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

Dated: 6th January 2017

Signed: **Clive Stephenson**
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

D2

Laura Johnson & Nicholas Wallis

Tom Lane

Sheffield

The Sheffield City Council being the licensing authority, on the 28th November 2016 received an application in respect of the premises known as;

La Vang Restaurant 478 Fulwood Road Sheffield S10 3QD

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Dated: 6th January 2017

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

D3

Graham K Barker

Tom Lane

Sheffield

Emailed to [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2016 received an application in respect of the premises known as;

La Vang Restaurant 478 Fulwood Road Sheffield S10 3QD

During the consultation period, the Council received representations from the following authorities / interested parties:

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

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Dated: 6th January 2017

Signed: Clive Stephenson

The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

D4

Abdurahman El-Awa

Tom Lane

Sheffield

Emailed to [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2016 received an application in respect of the premises known as;

La Vang Restaurant 478 Fulwood Road Sheffield S10 3QD

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

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 **19th January 2017 at 10am**; following which the Council will issue a notice of determination of the application.

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Dated: 6th January 2017

Signed: Clive Stephenson

The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

**Notice of hearing of representations
in respect of the following application:
LA03 Premises Licence Application**

D5

Ruth Beeley
Tom Lane
Sheffield
[REDACTED]

Emailed to [REDACTED]

The Sheffield City Council being the licensing authority, on the 28th November 2016 received an application in respect of the premises known as;

La Vang Restaurant 478 Fulwood Road Sheffield S10 3QD

During the consultation period, the Council received representations from the following authorities / interested parties:

- **Public**

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 **19th January 2017 at 10am**; following which the Council will issue a notice of determination of the application.

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

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

- 1) Your response to the representations made, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your application for a licence.

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

Dated: 6th January 2017

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Enforcement and Technical Officer

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

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.

D7

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
hereby confirm that I have received the Notice of Hearing dated 6th January 2017 and notify
you as follows **(please complete)**:

I intend to attend the hearing at Town Hall Sheffield on 19th January 2017 10.00am

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 thatshould 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.

licensing@sheffield.gov.uk

Regulation 8

D8

- (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.

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
3. The Chair will ask the applicants to formally introduce themselves.
4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
5. Hearing Procedure:-
 - (a) The Licensing Officer will introduce the report.
 - (b) Questions concerning the report can be asked both by Members and the applicant.
 - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
 - (d) Members may ask questions of those parties
 - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
 - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
 - (i) detail the application;
 - (ii) provide clarification on the application and respond to the representations made.
 - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
 - (h) The applicant will then be given the opportunity to sum up the application.
 - (i) The Licensing Officer will then detail the options.
 - (j) There will then be a private session for members to take legal advice and consider the application.
6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

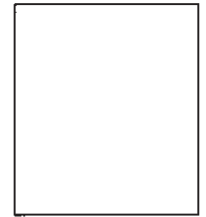
NB: 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.

2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 19th January 2017

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Horse & Jockey 638 Attercliffe Road Sheffield S9 1BJ

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

LICENSING ACT 2003

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

Horse & Jockey 638 Attercliffe Road Sheffield S9 3RN

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by South Yorkshire Police relating to a temporary event notice for the premises known as Horse & Jockey Attercliffe Road Sheffield, S9 3RN.

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Lemoyne Cass
- 2.2 The temporary event notice, which was received on 12th January 2017, is attached to this report labelled Appendix 'A'.

- 2.3 The event are as follows;

Trial re-opening of the Public House.

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

Friday 27th 12.00 to 00.00 am
Saturday 28th 00.00 am to 02.00am and 12.00 to 00.00am
Sunday 29th 00.00 am to 02.00 and 12.00 to 23.00.

The activities applied for are

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

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by South Yorkshire Police on the 12th January 2017, 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 POLICIES 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 Protection Service of the Local Authority may object to a Temporary Event 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 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.”

7.0 HEARINGS 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 'D'.
- 7.3 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.

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



Stephen Lonnie,
Chief Licensing Officer, Head of Licensing

19th January 2017

Appendix A

The Application

Temporary Event Notice - WITH Alcohol

Event Notice : TEN1629

LOCAL AUTHORITY

Sheffield
City Council



Licensing Service
Place Portfolio
Block C Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD
Tel: 0114 2734264
Email: licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing

A1

NAME & ADDRESS OF PERSON SERVING NOTICE

Lemoyne CASS
Limpsfield Road
Pitsmoor
Sheffield
South Yorkshire
S9 1BJ

NAME & ADDRESS OF PREMISES WHERE THE EVENT IS TO TAKE PLACE

Horse & Jockey
638 Attercliffe Road
Sheffield
S9 3RN

EVENT DETAILS

COMMENCES : Friday 27 January 2017

EXPIRES : Friday 27 January 2017

HOURS OF EVENT	TIME FROM	TIME TO	ADDITIONAL DETAILS
Friday	midday	midnight	
Friday	midnight	2:00am	
Saturday	midday	midnight	
Saturday	midnight	2:00am	
Sunday	midday	11:00pm	

NATURE OF EVENT : Trial Re-opening of Premises

APPROVED LICENSABLE ACTIVITIES:

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

MAXIMUM CAPACITY : 100

AREA IN WHICH THE EVENT WILL TAKE PLACE :

Whole Premises

NOTES

This acknowledgement does not guarantee that the event can take place as objections may still be received from South Yorkshire Police, the Environmental Protection Service and/or the Health Protection Service. If any such objections are received we will inform you in writing.

PLEASE NOTE: It is YOUR responsibility as the premises user to ensure the safety of the public that attend the event.

It should be noted that giving a temporary event notice does not relieve the premises user from any requirements under planning law. E.g., a TEN given to allow alcohol, music and dancing to take place at a premises until 1am will not override a planning restriction that prevents the premises from being open after 11pm.

If you require any further information regarding this matter, please contact the Licensing Service on the number shown above.



Fire Safety Guide to operating under a Temporary Event Notice

As the proposed 'premises user' holding an event and operating under a Temporary Event Notice (TEN), you are using premises as a 'Place of Assembly'.

This use is regulated by The Regulatory Reform (Fire Safety) Order 2005 (FSO) and under the FSO **you are the Responsible Person.**

This guide is provided to remind you of your duties and responsibilities.

These include;

- o Producing a fire risk assessment including occupancy figures (capacity)
- o Providing means of detection and warning of fire
- o Providing means of escape in case of fire
- o Ensuring the means of escape are available for use
(Including escape routes, signs and emergency lighting)
- o Providing means of fighting fire

All of the above should be suitable and sufficient for both the event and the premises.

Further guidance is available in the following Fire Safety Risk Assessment guides:

- Small and Medium Places of Assembly (up to 300 persons)
- Large Places of Assembly (over 300 persons)

The guides can be downloaded from the government's website at:

www.communities.gov.uk/fire/firesafety/firesafetylaw

Your local Technical Fire Safety Officers can be contacted by calling South Yorkshire Fire and Rescue on 0114 2727202.

Served 12/11/17

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148935

Licensing Act 2003

APPLICATION FOR A TEMPORARY EVENT NOTICE

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

Telephone Number: 0114 273 4264

Fax Number: 0114 273 4073

Or visit our website: www.sheffield.gov.uk/licensing

Or email us at: licensing@sheffield.gov.uk

Opening Times: Monday to Friday 10:00 to 16:00

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GUIDANCE NOTES FOR TEMPORARY EVENTS NOTICES (TEN's)

AA

*****Note: These guidance notes were amended to reflect changes in the Licensing Act 2003 as from 25th April 2012.**

Please read this guidance and the notes at the end of the application form carefully before submitting your notice***

A temporary event notice allows a premises/property to be used for short-term licensable activities, e.g. the sale of alcohol or regulated entertainment, subject to certain conditions.

Restrictions on TEN's

TEN's can be used to authorise: small-scale ad hoc events
for no more than 499 people at any one time

- Each event covered by a TEN can last no longer than 168 hours (i.e. 7 days)
- No more than 12 TENs can be given for the same premises in any year
- A maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year
- If the event taking place begins before midnight and continues into the following day this will count as 2 days against the maximum aggregate of 21 days.
- There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises

PLEASE NOTE:

The criteria above must be met for the event to go ahead. South Yorkshire Police, the Environmental Protection Service or the Health Protection Service may wish to object on the grounds of one of the licensing objectives. Should an objection be received, your application will be considered by the Licensing Committee.

It is **YOUR** responsibility as the premises user to ensure the safety of the public that attend the event.

In order to assist the chief officer of police in deciding if any crime prevention issues are likely to arise, please refer to the attached sheet entitled "Your Event".

PLANNING INFORMATION:

It should be noted that giving a temporary event notice does not relieve the premises user from any requirements under planning law. E.g., a temporary event notice given to allow alcohol, music and dancing to take place at a premises until 1am will not override a planning restriction that prevents the premises from being open after 11pm.

For further information, please see overleaf

INCLUDE:PI
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.sheffield.go
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Notice Periods

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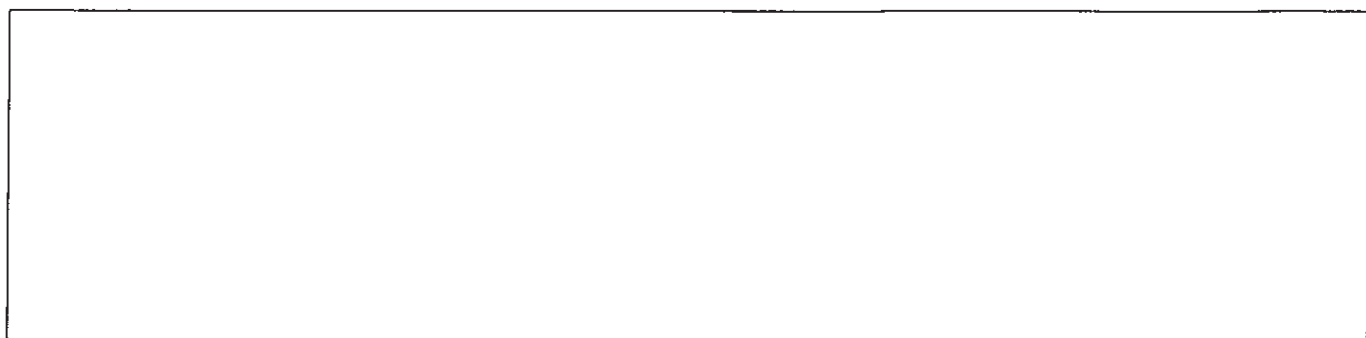
You must give sufficient notice to all parties under the Act for your event to be able to go ahead.

'Standard Notices' these are notices submitted **10 clear working days** before the day of the event (do not count the day of the event or the day of submission).

'Late Notices' these are notices submitted not later than 5 clear working days, but no earlier than 9 clear working days before the day of the event (do not count the day of the event or the day of submission).

The legislation allows for a personal licence holder to submit **50 TEN's** in any calendar year and non-personal licence holders to submit **5 TEN's** in any calendar year.

Within these limits, 10 of these TEN's can be 'late notices' if you are a personal licence holder and 2 of these TEN's can be 'late notices' for a non-personal licence holder.



To apply for a TEN you **must**:

- give notice to the Licensing General Section by completing the attached application form and sending it to the address below
- send a copy of the application to South Yorkshire Police, the Environmental Protection Service and the Health Protection Service at the address below
- submit a fee of £21 to the Licensing General Section. All cheques must be made payable to Sheffield City Council.

Please send one completed application form, supporting information and fee, within the timescales specified above to:

The Licensing Authority
Sheffield City Council
The Licensing General Section
Block C, Staniforth Road Depot,
Staniforth Road, Sheffield, S9 3HD

With one copy of the application and supporting information to each of the following:

	South Yorkshire Police	Health Protection
I	The Licensing Team	Information Officer (Licensing)
S	1 st Floor,	Sheffield City Council
F	Attercliffe Police Station	Floor 5 (North), Howden House
1	60 Attercliffe Common	1 Union Street
S	Sheffield, S9 2AD	Sheffield, S1 2SH

**NONE OF THE ABOVE AUTHORITIES HAVE ANY
DISCRETION TO ACCEPT APPLICATIONS OUTSIDE ANY
OF THE RESTRICTIONS SET OUT IN THIS GUIDANCE**

AG

Licensing General Section

Block C, Staniforth Road Depot. Tel: 0114 2734264

Staniforth Road. Fax: 0114 2734073

Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk

YOUR EVENT

A7

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.

<u>If you are using a promoter for the event please provide the following details:</u>	
Full name of Promoter including DJ names –	
Does the Promoter hold any qualifications? (for example BIAB award) – please list below-	
Contact details for Promoter- landline tel no -	mobile tel no-
<u>Is the event being advertised on any social network?</u>	YES/NO
If the answer is YES please detail which social networking sites –	
FACEBOOK	
<u>Is the event ticketed?</u>	YES/NO
If the answer is YES please detail the places where the tickets are being sold-	
<u>What type of music will be played?</u>	
Dj/ chart/current music/ Pop	
<u>Approximately how many people do you anticipate attending the event?</u>	
100	
<u>Are you expecting to employ Security Industry Authority (SIA) door staff for the event?</u>	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-	
<u>Will a knife arch/wands be used at the event?</u>	YES/NO

Temporary Event Notice

A8

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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	CASS		
Forenames	LEMOYNE		
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: 23	Month: 09	Year: 1987
4. Your place of birth	KOKSTAD, SOUTH AFRICA		
5. National Insurance Number	SL395532A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
<div style="background-color: black; width: 15px; height: 15px; display: inline-block; vertical-align: middle;"></div> LIMPSFIELD ROAD SHEFFIELD, ██████████			
Post town SHEFFIELD	Postcode S9 1BJ		
7. Other contact details			
Telephone numbers 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)			
Post town	Postcode		

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9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
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)	
HORSE AND JOCKEY 638 ATTERCLIFFE ROAD SHEFFIELD S9 3RN	
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	N/A
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)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
Trial re-opening of pub while applying for the full premises licence.	

A10

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 type="checkbox"/> YES
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 type="checkbox"/> YES
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/> YES
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
FRI: 27-01-2017 SAT: 28-01-2017 SUN: 29-01-2017	
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)	
(27/01/17) FRI: 12:00 PM - 02:00 AM (28/01/17) SAT: 12:00 PM - 02:00 AM (29/01/17) SUN: 12:00 PM - 11:00 PM	
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)	100
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 checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input 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"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	SHEFFIELD CITY COUNCIL	
Licence number	SY 04599 PER	
Date of issue	11/4/2012	
Date of expiry	N/A	
Any further relevant details		

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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 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	2	
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 type="checkbox"/>

6. Other businesses, colleagues or 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 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 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 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.		
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 type="checkbox"/>

7. Checklist (Please read note 15)	
7.1. Delivery (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 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 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 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 type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

A12

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	L.CASS
Date	11/01/2017
Name of Person signing	LEMOYNE CASS

For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	
Date	On behalf of the licensing authority
Name of Officer signing	

NOTES

General

A13

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 14 below sets out the definition of an "associate".

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);

A14

- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

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Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Note 6

The licensable activities are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Note 8

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

Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

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Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 14 below sets out the definition of an "associate".

Note 14

An "associate" of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 16

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above. A17

Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

Note 18

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

Appendix B

Objection – South Yorkshire Police

From: Hollis Georgina (CEX) on behalf of licensingservice
Sent: 12 January 2017 13:04
To: Anderson Anne (CEX)
Subject: FW: Objection to 2 x tens-Horse & Jockey

From: SHEFFIELD_Licensing [<mailto:Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>]
Sent: 12 January 2017 12:21
To: licensingservice
Cc: BENITA MUMBY; ANDREA MARSDEN; CHERYL TOPHAM; JOSEPH HUNT; PHILIP ACKERLEY; Hague Julie
Subject: Objection to 2 x tens-Horse & Jockey

Sent on behalf of Licensing, South Yorkshire Police

Licensing General

Block C

Staniforth Road Depot

609 Staniforth Road

Sheffield

12.01.17

Licensing Act 2003

Objection to temporary event notices

Horse & Jockey, 638 Attercliffe Road, Sheffield, S9 3RN

20th-22nd January 2017

&

27th-29th January 2017

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above applications.

The grounds of objection are based on the prevention of crime and disorder and protection of children from harm. The applicant has previously failed to demonstrate an ability to manage the premise successfully and without issue. There have been previous incidents of a violent nature during temporary

event notices and we have no confidence that such issues would not arise again coupled with concerns regarding underage sales of alcohol.

BZ

South Yorkshire Police have concerns that the information contained within the application is not sufficient to allay these concerns that the applicant is in a position to effectively promote the licensing objectives.

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

Sheffield Licensing Section
South Yorkshire Police
Force Headquarters
Carbrook House
5 Carbrook Hall Road
Sheffield
S9 2EH

Licensing Team

Lucy Adams 0114 [redacted] internal [redacted]

Tracey Klein 0114 [redacted] internal [redacted]

Andrea Marsden 0114 [redacted] internal [redacted]

Cheryl Topham 0114 [redacted] internal [redacted]

Alicia Marsden 0114 [redacted] internal [redacted]

Linsey Fletcher 0114 [redacted] internal [redacted]

Benita Mumby (Licensing Manager) 0114 2964308 internal [redacted]

Fax 0114 2523688 Internal [redacted]

<http://www.southyorkshire.police.uk/>



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

Tackling child sexual exploitation is a priority for the Force and it is the responsibility of everyone to help spot the signs and say something.

For more information visit www.southyorkshire.police.uk/spotthesigns

Appendix C

Hearing Notices

C1

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

Miss Lemoyne Cass
[REDACTED]

Sheffield
[REDACTED]
[REDACTED]

The Sheffield City Council being the licensing authority, on the 12th January 2017 received your application in respect of the premises known as;

Hoarse & Jockey 638 Attercliffe Road Sheffield S9 3RN

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;

South Yorkshire Police

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 19th January 2017 at 11.30am**

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: 13th January 2017


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**

Benita Mumby
South Yorkshire Police
Carbrook House


The Sheffield City Council being the licensing authority, on the **12th January 2017** received an application in respect of the premises known as;

Horse & Jockey 638 Attercliffe Road Sheffield S9 3RN

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

- **South Yorkshire Police**

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 19th January 2017 at 11.30am**

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: 13th January 2017

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.

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.

Regulation 8

C4

- (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.