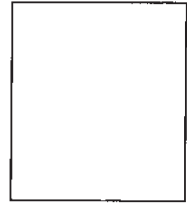




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 5th June 2014

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider objections in relation to an application for two Temporary Event Notices.

D'Michael's 534 Ecclesall Road Sheffield

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

Background Papers: Attached documents

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER
HEAD OF LICENSING TO THE LICENSING COMMITTEE**

Ref No 58/14

LICENSING ACT 2003

Hearing to consider a notice of objection to 2 no Temporary Event Notices.

D'Micheals 543 Ecclesall Road Sheffield S11 8PR

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Sheffield City Council Environmental Protection Service relating to two temporary event notices for the premises known as D'Micheals 543 Ecclesall Road Sheffield S11 8PR

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Ms Michelle Akers.
- 2.2 The temporary event notices, which were received on 27th May 2014 are attached to this report labelled Appendix 'A'.
- 2.3 The events are as follows;

Event 1 – Party (house)
01.00 8th June 2014 to 03.00 8th June 2014

Event 2 – 50th Birthday Party
01.00 15th June 2014 to 03.00 15th June 2014

- 2.4 The licensable activities intended to be carried on at the premises are:
- The sale by retail of alcohol for consumption on the premises
 - The provision of regulated entertainment
 - The provision of late night refreshment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Sheffield City Council on 30th May 2014, objecting to the temporary event notices. The notices of objection are attached at Appendix 'B'.
- 3.2 The applicant and the objecting officer from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

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

6.0 HEARINGS REGULATIONS

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the crime prevention objective.

9.0 OPTIONS OPEN TO THE COMMITTEE

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



Stephen Lonnia,
Chief Licensing Officer, Head of Licensing
5th June 2014

Appendix A

The Applications

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

Tel: 0114 273 4264 Fax: 0114 273 4073
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 29 May 2014



Ms Michelle Akers
Rose Cottage
Ecclesall Road South
Sheffield
S11 9PU

Dear Madam,

Licensing Act 2003 – Temporary Event Notice

Re : D'Michael's (Formerley Abuelo), 543 Ecclesall Road, Sheffield, S11 8PR

Dates of event - 8 June 2014 to 8 June 2014
Times of event - 01:00 to 03:00 hours
Parts of premises to be used - All the Premises
Type of Event - "Party"

Approved licensable activities:

The sale by retail of alcohol	Yes - On
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No
Regulated Entertainment	Yes
Late Night Refreshment	Yes

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.

Yours faithfully

M Crawshaw

Mr Michael Crawshaw
Licensing Analyst & Processing Officer

File reference - G:\DELIBS&R\Licensing\LicGen\Templates\FLARE Mailmerge Masters\LQA TEN_Endorsed.doc

Page 1 of 2

YOUR EVENT

A2

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 –	N/A
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 –	
<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>	
Recorded music – DJ playing	
<u>Approximately how many people do you anticipate attending the event?</u>	
80	
<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-	
VERUSEC – director Hunain Dahar – 07828 001 334	
<u>Will a knife arch/wands be used at the event?</u>	YES/NO

Notice Periods

A3

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	Environmental Protection	Health Protection
The Licensing Team 1 st Floor, Attercliffe Police Station 60 Attercliffe Common Sheffield, S9 2AD	Information Officer (Licensing) Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	Information Officer (Licensing) Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB

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

Licensing General Section
Block C, Staniforth Road Depot
Staniforth Road,
Sheffield, S9 3HD

Tel: 0114 2734264-2734880
Fax: 0114 2734070
Email: generallicensing@sheffero.gov.uk

Temporary Event Notice

A4

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 or typed in black ink. 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 type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	AKERS		
Forenames	MICHELLE		
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 checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	NAIK		
Forenames	MICHELLE		
3. Your date of birth	Day 28	Month 09	Year 1962
4. Your place of birth	SHEFFIELD		
5. National Insurance Number	NB 08 36 33 B		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
ROSE COTTAGE ECCLESALL ROAD SOUTH PARKHEAD			
Post town	SHEFFIELD	Post code	S11 9PU
7. Other contact details			
Telephone numbers Daytime	0114 0114 278010		
Evening (optional)	-		
Mobile (optional)	07979745461		
Fax number (optional)			
E-Mail Address (if available)	michnaik@aol.com		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town		Post code	
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)

543 ECCLESALL ROAD
SHEFFIELD
S11 8PR

AS

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

SY 120 SPR

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)

ALL

Please describe the nature of the premises below. (Please read note 4)

cocktail lounge and diner

Please describe the nature of the event below. (Please read note 5)

Party - HOUSE

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol



The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club



The provision of regulated entertainment



The provision of late night refreshment



Are you giving a late temporary event notice? (Please read note 7)



Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

8/6/14

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)

01:00 to 03:00

(1am to 3am)

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	A6
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 mark an "X" next to the appropriate box). (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 mark an "X" in the box that applies to you)		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	S44920 PER		
Date of issue	28-02-2013		
Date of expiry	28-02-2023		
Any further relevant details			


5. Previous temporary event notices you have given (Please read note 13)			
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		5	
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? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)			
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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:		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

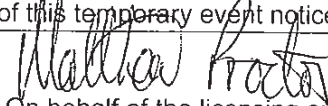
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)			A7
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7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

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

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	27/5/14
Name of Person signing	MICHELE AKERS

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	27-5-14
Name of Officer signing	MATTHEW PROCTOR

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

Tel: 0114 273 4264 Fax: 0114 273 4073
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 29 May 2014



48

Ms Michelle Akers
Rose Cottage
Ecclesall Road South
Sheffield
S11 9PU

Dear Madam

Licensing Act 2003 – Temporary Event Notice

Re : D'Michael's (Formerley Abuelo), 543 Ecclesall Road, Sheffield, S11 8PR

Dates of event - 15 June 2014 to 15 June 2014
Times of event - 01:00 to 03:00 hours
Parts of premises to be used - All the Premises
Type of Event - "50 Birthday Party"

Approved licensable activities:

The sale by retail of alcohol	Yes - On
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No
Regulated Entertainment	Yes
Late Night Refreshment	Yes

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.

Yours faithfully

M R Crawshaw

Mr Michael Crawshaw
Licensing Analyst & Processing Officer

YOUR EVENT

A9

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.

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

Full name of Promoter including DJ names –

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

N/A

Contact details for Promoter- landline tel no -

mobile tel no-

Is the event being advertised on any social network?

YES/NO

If the answer is YES please detail which social networking sites –

Is the event ticketed?

YES/NO

If the answer is YES please detail the places where the tickets are being sold-

What type of music will be played?

Recorded music – DJ

Approximately how many people do you anticipate attending the event?

80

Are you expecting to employ Security Industry Authority (SIA) door staff for the event?

YES/NO

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

VERUSEC – director Hunain Dahar – 07 828 001334

Will a knife arch/wands be used at the event?

YES/NO

Temporary Event Notice

A10

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 or typed in black ink. 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 type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	AKERS		
Forenames	MICHELLE		
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 checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	NAIK		
Forenames	MICHELLE		
3. Your date of birth	Day 28	Month 09	Year 1962
4. Your place of birth	Sheffield		
5. National Insurance Number	NB 08 36 33 B		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Rose Cottage Ecclesall Road South			
Post town	Sheffield	Post code	S11 9PU
7. Other contact details			
Telephone numbers Daytime	0114 2780110		
Evening (optional)			
Mobile (optional)	07979745461		
Fax number (optional)			
E-Mail Address (if available)	michnaik@aol.com		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
Post town			Post code
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)

543 Ecclesall Road
 Sheffield S11 8PR

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	SY 120 SPR
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)

All

Please describe the nature of the premises below. (Please read note 4)

Cocktail Lounge & Diner

Please describe the nature of the event below. (Please read note 5)

Party - 50th BIRTHDAY

3. The licensable activities
 Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
15/6/14	
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)	
01 Page 20 03:00 (1am to 3am)	

A12

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 mark an "X" next to the appropriate box). (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 mark an "X" in the box that applies to you)		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 4920 PER	
Date of issue	28/2/13	
Date of expiry	28/2/23	
Any further relevant details		

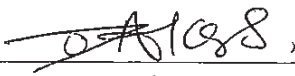
5. Previous temporary event notices you have given (Please read note 13)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		6
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? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices 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:		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

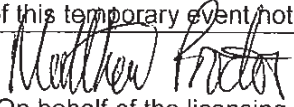
a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)		A13
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7. Checklist (Please read note 15)	
I shall (Please mark the appropriate boxes with an "X")	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

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

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	27/5/14
Name of Person signing	Michelle Akers

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	27/05/14
Name of Officer signing	MATTHEW PROCTOR

Appendix B

Objection – Sheffield City Council
Environmental Services

Stephenson Clive (CEX)

From: Pates Neal
Sent: 30 May 2014 11:23
To: licensingservice
Cc: Round Jonathan; Gibbons Sean (DEL)
Subject: TEN: D'Michael's, 543 Ecclesall Rd
Attachments: DOC290514-29052014102119.pdf



RE: D'Michael's, 543 Ecclesall Rd

Dear Licensing,

In Jon Round's absence (Jon is lead officer for these premises), please note that I am making an objection to this TEN application on his behalf. This is made on the basis of likely public nuisance due to noise breakout, and to give Jon an opportunity to discuss the matter with the applicant upon his return next week. The Night Time Noise Service visited the premises following two complaints this weekend and witnessed music noise breakout to the street due to persistently open doors and the absence of an acoustic lobby. The music being played was clearly audible in the street when the doors were open, over and above noise from other licensed premises in the vicinity when witnessed on 25th May 2014 from around 23:00 to 23:20. The noise level was subjectively assessed to exceed typical guidance levels of no more than +3dB relative to the residual ambient noise level. The use of the doors was very frequent as the front terrace area outside was in constant use during the observations, both for drinking and smoking. The character of the premises was very much that of a pre-club bar, with vertical drinking dominant. The music was DJ/club style, played at well above background music levels.

Kind Regards,
Neal Pates
Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB
Tel: +44 (0)114 205 3588
Fax: +44 (0)114 273 6464
web: <http://www.sheffield.gov.uk/environment/environmental-health>

-----Original Message-----

From: Gibbons Sean (DEL)
Sent: 29 May 2014 16:07
To: Round Jonathan
Cc: Pates Neal
Subject: FW: Send data from MFP-07052602 29/05/2014 10:21

Hi Jon,

Wanted to send you this pronto as we received complaints on OOH for this premises over bank hol weekend.

Stephenson Clive (CEX)

From: Pates Neal
Sent: 30 May 2014 11:21
To: licensingservice
Cc: Round Jonathan; Gibbons Sean (DEL)
Subject: TEN: D'Michael's, 543 Ecclesall Rd
Attachments: DOC290514-29052014102031.pdf

A large handwritten circle is drawn to the right of the email header. To its right, the letters 'B2' are handwritten in a bold, slanted font.

Importance: High

RE: D'Michael's, 543 Ecclesall Rd

Dear Licensing,

In Jon Round's absence (Jon is lead officer for these premises), please note that I am making an objection to this TEN application on his behalf. This is made on the basis of likely public nuisance due to noise breakout, and to give Jon an opportunity to discuss the matter with the applicant upon his return next week. The Night Time Noise Service visited the premises following two complaints this weekend and witnessed music noise breakout to the street due to persistently open doors and the absence of an acoustic lobby. The music being played was clearly audible in the street when the doors were open, over and above noise from other licensed premises in the vicinity when witnessed on 25th May 2014 from around 23:00 to 23:20. The noise level was subjectively assessed to exceed typical guidance levels of no more than +3dB relative to the residual ambient noise level. The use of the doors was very frequent as the front terrace area outside was in constant use during the observations, both for drinking and smoking. The character of the premises was very much that of a pre-club bar, with vertical drinking dominant. The music was DJ/club style, played at well above background music levels.

Kind Regards,
Neal Pates
Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB
Tel: +44 (0)114 205 3588
Fax: +44 (0)114 273 6464
web: <http://www.sheffield.gov.uk/environment/environmental-health>

-----Original Message-----

From: Gibbons Sean (DEL)
Sent: 29 May 2014 16:09
To: Round Jonathan
Cc: Pates Neal
Subject: FW: Send data from MFP-07052602 29/05/2014 10:21

As previous e-mail,
Cheers
Sean

Appendix C

Hearing Notices / Regulations / Procedures

C1

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

Ms Michelle Akers
Rose Cottage
Ecclesall Road South
Sheffield
S11 9PU

The Sheffield City Council being the licensing authority, on the 27th May 2014 received your applications in respect of the premises known as;

D'Micheals 543 Ecclesall Road Sheffield S11 8PR

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

Sheffield City Council Environmental Services

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 5th June at 10.00am.**

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: 3rd June 2014

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.

C2

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

Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2 – 10 Carbrook Hall Road
Sheffield
S92DB

The Sheffield City Council being the licensing authority, on the **27th May 2014** received applications in respect of the premises known as;

D'Micheals 543 Eccelsall Road Sheffield S11 8PR

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

- **Sheffield City Council Environmental Services**

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 5th June 2014**.

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: 2nd June 2014

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.

Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

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