SHEFFIELD CITY COUNCIL
Licensing Sub Committee
Report

Report of:	Chief Licensing Officer, Head of Licensing
Date:	21st August 2014
Subject:	Licensing Act 2003
Author of Report:	Clive Stephenson
Summary:	To consider objections in relation to an application for a Temporary Event Notice. Terminus Tavern 150a Main Road Sheffield S9 5HQ
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 **Ref No 83/14**
HEAD OF LICENSING TO THE LICENSING COMMITTEE

LICENSING ACT 2003

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

Terminus Tavern 150a Main Road Sheffield S9 5HQ

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 Terminus Tavern 150a Main Road Sheffield S9 5HQ

2.0 THE TEMPORARY EVENT NOTICE

2.1 The proposed premises user is Mrs Tansy Bagshaw.

2.2 The temporary event notices, which were received on 13th August 2014 are attached to this report labelled Appendix 'A'.

2.3 The events are as follows;

Charity Event 29th 30th & 31st August 2014
10.00am to 23.00 hours each day.

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 South Yorkshire Police on the 13th August 2014, objecting to the temporary event notices. The notices of objection are attached at Appendix 'B'.

3.2 The applicant and the objectior 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
26th August 2014

Appendix A

The Application

Temporary Event Notice

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

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

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr☐ Mrs ☑ Miss☐ Ms ☐ Other (please state)		
Surname	Bagshaw		
Forenames	Tansy		
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☐ Mrs ☐ Miss☑ Ms☐ Other (please state)		
Surname	Palmer		
Forenames	Tansy		
3. Your date of birth	Day 8	Month 1	Year 69
4. Your place of birth	Sheffield		
5. National Insurance Number	NR 59 56 57 C		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
36 Maltravers Terrace			
Post town Sheffield	Postcode S2 5FL		
7. Other contact details			
Telephone numbers Daytime	07460376756		
Evening (optional)	same		
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	Tansyb[redacted]@live.co.uk		
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			
150A Main Road Darnall			
Post town Sheffield	Postcode S9 5HQ		

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	07460376756
Evening (optional)	same
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	Tansy be[redacted]@live.co.uk

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)

Terminus Tavern
150A main Road
Danrall

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 0089 PR
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 premises

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)

charity event

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	☑
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)	
29, 30, 31 August.	
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)	
10.00 – 23.00 hrs but children to be off Premises for 19.30 hrs	
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)	80

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	☑
	Off the premises only	☐
	Both	☐

4. Personal licence holders (Please read note 12)

Do you currently hold a valid personal licence? (Please tick)	Yes ☑	No ☐

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	[redacted]
Licence number	SY 4930 PER
Date of issue	11/03/13
Date of expiry	12/03/23
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes ☑	No ☐
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	3	
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 ☐	No ☑

6. Associates and business colleague (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 ☐	No ☑
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 ☐	No ☑
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes ☐	No ☑
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 ☐	No ☑

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

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	T Bagshaw
Date	13-8-14
I .e of Person signing	Tansy Bagshaw

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	13th August 2014
Name of Officer signing	A. Anderson

Appendix B

Objection – South Yorkshire Police

Stephenson Clive (CEX)

From:	SHEFFIELD_Licensing <Sheffield.Liquor-Licensing@southyorks.pnn.police.uk>
Sent:	13 August 2014 14:51
To:	licensingservice
Cc:	BENITA MUMBY; GILLIAN PARKER; ELIZABETH PAYNE; ANDREA MARSDEN
Subject:	Objection to Late and Standard Temporary event notices-Terminus Tavern

Sent on behalf of Sheffield Licensing, South Yorkshire Police

Licensing General

Block C

Staniforth Road Depot

609 Staniforth Road

Sheffield

S93GZ

31st

13th August 2014

Licensing Act 2003

Objection to Late temporary event notice 23rd-25th August 2014

&

Standard temporary event 29th-31st August 2014

Terminus Tavern, 150 Main Road, Darnall, Sheffield

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

The grounds of objection are based on the protection of children from harm. We have serious concerns regarding the suitability of the premise for children to attend the proposed events until 19.30 hrs. South Yorkshire police currently have no confidence that the premise is being run in accordance with the current licensing conditions and the four licensing objectives the main one being "Protection of Children from Harm".

Further information will be provided in due course.

Yours faithfully,

Appendix C

Hearing Notices / Regulations / Procedures

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

Mrs Tansy Bagshaw
Terminus Tavern
150a Main Road
Sheffield
S9 5HQ

The Sheffield City Council being the licensing authority, on the 13th August received your application in respect of the premises known as;

Terminus Tavern 150a Main Road Sheffield S9 5HQ

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 21st August 2014 at 11.00am.**

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: 15th August 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

(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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