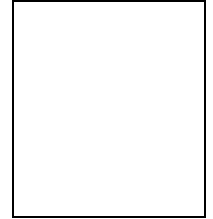




## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 6<sup>th</sup> September 2022 – 11:30am

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

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**Author of Report:** Jayne Gough

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

**Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF**

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

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

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**Category of Report:** OPEN

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

Ref No 129/22

**LICENSING ACT 2003**

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

**Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF**

**1.0 PURPOSE OF REPORT**

1.1 To consider an objection submitted by the Environmental Protection Service in relation to a Temporary Event Notice (TEN) for the premises known as Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF.

**2.0 THE TEMPORARY EVENT NOTICE**

2.1 The applicant is Hannah Mary Beddow, who is the Designated Premises Supervisor for the premises.

2.2 The Temporary Event Notice was received on the 5<sup>th</sup> August 2022 and is attached to this report at Appendix 'A'.

2.3 The event is described as follows:

- "Oktoberfest" - 6pm - 9pm - majority of music will be background music played through speakers, with a playlist and a live set from a professional umpah band playing with no PA, however they will play with a trombone & horns for a 45 minute set, 7-7.45pm.

2.4 The details of the licensable activities applied for are:

- Saturday 17<sup>th</sup> September 2022 - 18:00 to 21:00
- The provision of regulated entertainment

2.5 The Notice was served to the relevant Responsible Authorities on the 5<sup>th</sup> August 2022.

**3.0 REASONS FOR REFERRAL**

3.1 A notice of objection was received from Environmental Protection on the 5<sup>th</sup> August 2022. Details of the objection and further information is attached at Appendix 'B'.

3.2 The applicant and the objector have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

**4.0 POLICIES AND DOCUMENTS TO CONSIDER**

4.1 [Sheffield City Council Licensing Policy](#)

## **5.0 FINANCIAL IMPLICATIONS**

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

## **6.0 THE LEGAL POSITION**

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

6.2 Where such an objection is received, the relevant licensing authority must –

(a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the relevant licensing objective to do so.

## **7.0 HEARING REGULATIONS**

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.

7.3 Attached at Appendix 'C' is the following: -

- a) a copy of the Notice of Hearing;
- b) the rights of a party provided in Regulations 15 and 16;
- c) the consequences if a party does not attend or is not represented at the hearing
- d) the procedure to be followed at the hearing.

## **8.0 APPEALS**

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

## **9.0 RECOMMENDATIONS**

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

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

- 10.1 To acknowledge the Temporary Event Notice, allowing the event to go ahead on the proposed date as per the notice submitted.
- 10.2 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.



Stephen Lonnie,  
Chief Licensing Officer, Head of Licensing

6th September 2022

# Appendix A

The Temporary Events Notice - Application



\* required information

**Section 1 of 9**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes  No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?  Yes  No

Registration number

Business name  If your business is registered, use its registered name.

VAT number   Put "none" if you are not registered for VAT.

Legal status

Note: completing the Applicant Business section is optional in this form.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 9**

**APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

- Yes  No

\* Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

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

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

### Additional Contact Details

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

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes  No

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

### Section 3 of 9

#### THE PREMISES

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

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

\* Does the premises have an address?

- Yes  No

#### Address

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

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

- Yes  No

* Building number or name	<input type="text" value="The Horse &amp; Jockey"/>
* Street	<input type="text" value="250 Wadsley Lane"/>
District	<input type="text" value="Hillsborough"/>
* City or town	<input type="text" value="Sheffield"/>
County or administrative area	<input type="text" value="South Yorkshire"/>
* Postcode	<input type="text" value="S6 4EF"/>
* Country	<input type="text" value="United Kingdom"/>

\* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither  Premises licence  Club premises certificate

* Premises licence number	<input type="text" value="SY 1217 PR"/>
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#### Location Details

\* Provide further details about the location of the event

<input type="text" value="Beer Garden located at the rear of the premises"/>
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*Continued from previous page...*

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

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

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

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

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

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

- On the premises only
- Off the premises only
- Both

**Section 5 of 9**

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

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Music between 6pm-9pm - as back ground only  
Ump ah band 7-7.45pm 45 minute set  
Pre booked ticketed event only

**Section 6 of 9**

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

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes  No

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

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

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

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  Yes  No

b) Begins 24 hours or less after the event period proposed in this notice?

*Continued from previous page...*

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?  Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:  
a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?  Yes  No

## Section 9 of 9

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

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

### PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

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

- \* The information contained in this form is correct to the best of my knowledge and belief.
- \* I understand that it is an offence:
  - (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
  - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

*Continued from previous page...*

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/sheffield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Hofftpberfest"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

# Appendix B

Objection – Environmental Protection Service

**This emailed representation is made in accordance with the agreement with the Licensing Authority on the 18th October 2006 to accept representations by email.**

**EPS Ref: 709442**

Dear Ms Hannah Beddow,

In respect of the attached Temporary Event Notice (TEN) for 17/09/2022, please take this as formal advice of my objection to this TEN. The objection is made in my capacity of Environmental Protection Officer for Sheffield City Council, acting as Responsible Authority for the Prevention of Public Nuisance. The objection is made on the basis of likely public nuisance arising from the noise associated with this outside event.

The Premises Licence Holder, True North Brew Co, previously sought my views on the Oktoberfest event prior to this TEN being received, and I communicated the likelihood of the this objection at that time. The reasons are as set out in the attached email response to Marc Craddock on this topic, dated 19/07/2022. For ease of reference, in that email I advised;

*"In my view the Oktoberfest event would be ill-advised. As we've established, the premises is extremely noise-sensitive. The relaxations the NMP permits for pre-notified events were intended to allow due consideration of a small number of appropriately low key events, both in terms of the entertainment provision and the character of the events in general. Oktoberfest is, by definition and tradition, a bawdy affair. Whilst acoustic, the entertainment described is loud, intrusive and cannot be readily reduced in volume. The noise from patrons partaking in this type of event would reasonably be anticipated to be higher than for an average event. Entertainers of the type referenced encourage a degree of audience participation, as is demonstrated by the description that they walk around the audience and take requests.*

*I would be minded to object, and to allow the Licensing Subcommittee to make a decision in respect of such a proposal."*

I maintain this position now, on behalf of SCC EPS Commercial Team, and therefore object to this TEN outright.

Kind regards,

Neal Pates

Neal Pates (he/him)  
Environmental Protection Officer

# Appendix C

Hearing Notices / Regulations and Procedures



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

Hannah Mary Beddow

**DPS - Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF**

Sent via email: [hannah@thehorsejockey.co.uk](mailto:hannah@thehorsejockey.co.uk)

The Sheffield City Council being the licensing authority, on the 5<sup>th</sup> August 2022 received your Temporary Events Notice in respect of the premises known as:

**Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF**

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

- **Environmental Protection Service**

The Council now GIVES YOU NOTICE that the TEN will be considered at a hearing, in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH on the **6<sup>th</sup> September 2022 at 11:30am**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

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

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

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

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

Dated: 19<sup>th</sup> August 2022

Signed:

Jayne Gough

The officer appointed for this purpose

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 (TEN)**

Neal Pates  
Environmental Protection Service, Sheffield City Council

Emailed to: [neal.pates@sheffield.gov.uk](mailto:neal.pates@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the 5<sup>th</sup> August 2022 received your Temporary Events Notice in respect of the premises known as:

**Horse and Jockey, 248-250 Wadsley Lane, Sheffield, S6 4EF**

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

- **Environmental Protection Service**

The Council now GIVES YOU NOTICE that the TEN will be considered at a hearing, in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH on the **6<sup>th</sup> September 2022 at 11:30am**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

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

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

- 3) The representations you have made with reference to these particular premises and the four core objectives.
- 4) You may also be asked questions by the parties to the hearing, relating to your representations.

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

Dated: 19<sup>th</sup> August 2022

Signed: Jayne Gough  
The officer appointed for this purpose

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

## NOTES

### Right of attendance, assistance and representation

15. Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

### Representations and supporting information

16. At the hearing a party shall be entitled to –
- (a) in response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice (as applicable),
  - (b) if given permission by the authority, question any other party; and
  - (c) address the authority

### Failure of parties to attend the hearing

20. – (1) If a party has informed the authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated fails to attend or be represented at a hearing the authority may:–
- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
  - (b) hold the hearing in the party's absence.
- (3) Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the authority adjourns the hearing to a specified date it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

### Procedure at hearing

21. Subject to the provisions of the Regulations, the authority shall determine the procedure to be followed at the hearing.
22. At the beginning of the hearing, the authority shall explain to the parties the procedure which it proposes to follow at the hearing and shall consider any request made by a party under regulation 8(2) for permission for another person to appear at the hearing, such permission shall not be unreasonably withheld.
23. A hearing shall take the form of a discussion led by the authority and cross-examination shall not be permitted unless the authority considers that cross-examination is required for it to consider the representations, application or notice as the case may require.
24. The authority must allow the parties an equal maximum period of time in which to exercise their rights provided for at regulation 16.
25. The authority may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may –
- (a) refuse to permit that person to return, or
  - (b) permit him to return only on such conditions as the authority may specify,
- but such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.

**LICENSING ACT 2003**

Premises: Horse & Jockey, 248-250 Wadsley Lane, S6 4EF  
Type of App: Temporary Events Notice  
Hearing Date: 6<sup>th</sup> September 2022, 11:30am

Form LAR 1  
Regulation 8

**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 **Neal Pates**

of **Environmental Protection Service, Sheffield City Council**

hereby confirm that I have received the Notice of Hearing dated **19<sup>th</sup> August 2022** and notify you as follows **(please complete)**:

I intend to attend the hearing at 11:30am on **6<sup>th</sup> September 2022** at **Sheffield Town Hall**.

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 that .....should 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

## 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.

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