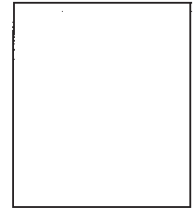




SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer (Head of Licensing)

Date: 24th January 2013

Subject: Licensing Act 2003

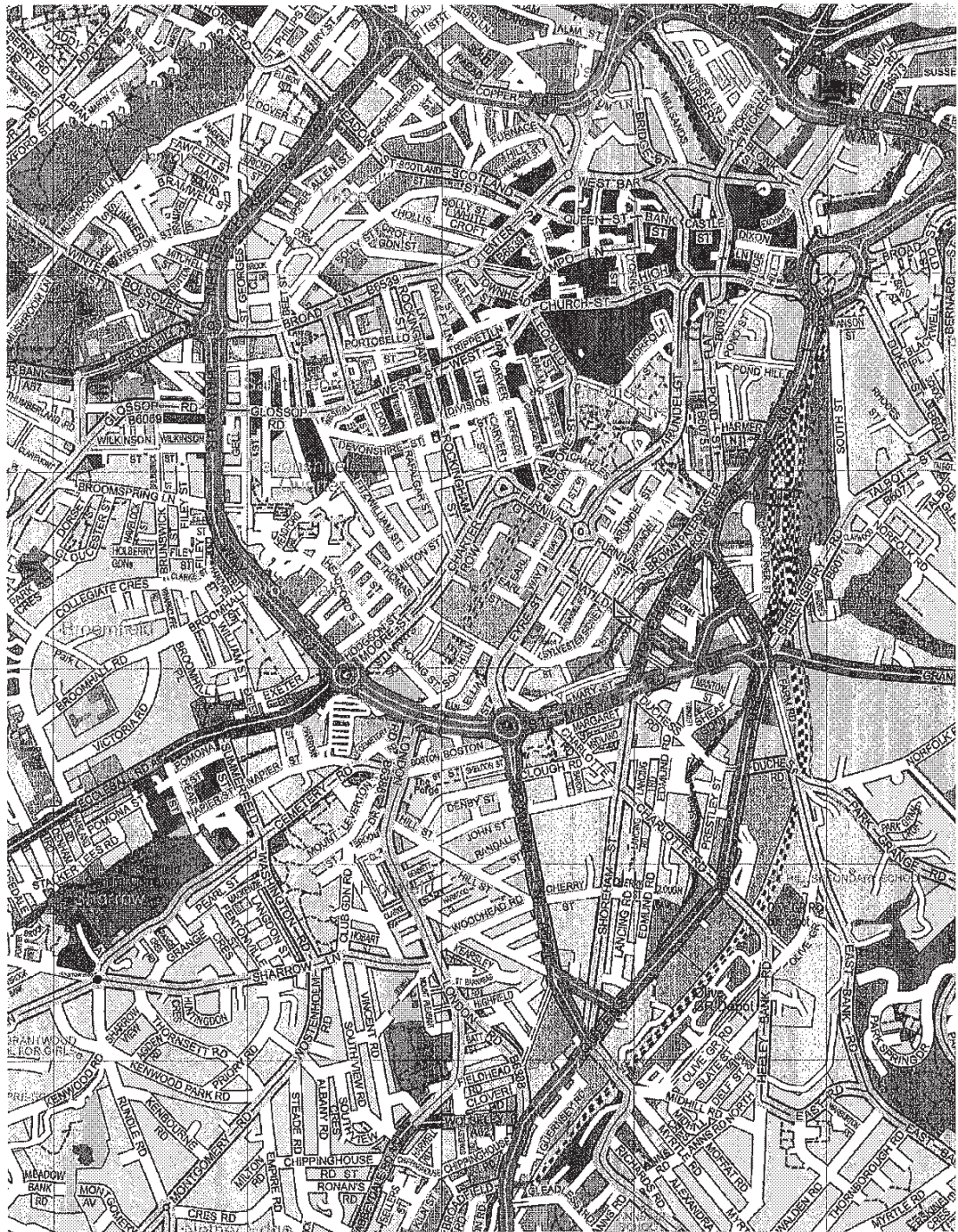
Author of Report: Andy Ruston – 203 7751

Summary: To consider an objection to a temporary event notice under section 105 of the Licensing Act 2003.

Recommendations: That members note the content of the report and any further information supplied.

Background Papers:

Category of Report: OPEN



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

Ref No: 8/13

LICENSING ACT 2003

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

Unit 4, 77 Sidney Street, Sheffield, S1 4RG.

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Environmental Protection Services relating to a temporary event notice for the premises known as Unit 4, 77 Sidney Street, Sheffield, S1 4RG.

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Daniel Peter Metcalfe.
- 2.2 The temporary event notice, which was received on 10 January 2013, is attached to this report labelled Appendix 'A'.
- 2.3 The event is for 10 February 2013 for the following times 00:01hrs to 05:00 hrs.
- 2.4 The nature of the event is described in the notice as "International DJ & Musicians playing Disco music".
- 2.5 The licensable activities intended to be carried on at the premises are:

- Sale by Retail of alcohol
- Regulated Entertainment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Environmental Protection Services on 11th January 2013, objecting to the temporary event notice. on the following grounds of public nuisance.
- 3.2 The notice of objection is attached at Appendix 'B'.
- 3.3 The applicant and the objecting officers from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

- 5.1 Section 104 (2) of the Licensing Act states:
"Where a relevant person who is given a temporary event notice is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective, the relevant person must give a notice stating the reasons for being so satisfied (an "objection notice") –
(a) to the relevant licensing authority,
(b) to the premises user, and
(c) to every other relevant person."
- 5.2 Section 105 (2) states:
"The relevant licensing authority must –
(a) hold a hearing to consider the objection notice, unless the premises user, the 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 and each other relevant person a counter notice under this section if it considers it necessary for the promotion of a licensing objective to do so."
- 5.3 Section 106A (2) states:
"The relevant licensing authority may impose one or more conditions on the standard temporary event notice if –
(a) the authority considers it appropriate for the promotion of the licensing objectives to do so,
(b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
(c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice."

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 'D'.
- 6.3 Attached at Appendix 'D' is the following: -

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

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 every other relevant person 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 licensing 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 in the terms requested.
- 9.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date in the terms requested with the addition of a statement of conditions.
- 9.3 To give the premises user a counter notice if it considers it necessary for the promotion of a licensing objective.

Stephen Lonnia
Chief Licensing Officer
Licensing Service,
Sheffield City Council
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

APPENDIX A

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

Tel: 0114 273 4264 Fax: 0114 273 5410
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 10th January 2013



Mr Daniel Peter Metcalfe
35 Clement Mews
Kimberworth
Rotherham
S61 2JU

Dear Sir/Madam,
Licensing Act 2003 – Temporary Event Notice
Re : Unit 4, 77 Sidney Street, Sheffield, S1 4RG

Dates of event - 10th February 2013
Times of event - 00:01hrs to 05:00 hrs
Parts of premises to be used - Whole premises
Type of Event - "International DJ & Musicians playing Disco music"

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	No

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

Miss Jayne Gough
Licensing Officer



Sheffield
Application for a Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 8

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

System reference

Not Currently In Use

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

Your reference

Sidney Street 10-02-2013

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

Are you an agent acting on behalf of the applicant?

Yes

No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Daniel

* Family name

Metcalfe

* E-mail

danmetcalfe@hotmail.com

Main telephone number

07985264422

Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	35
* Street	Clement Mews
District	Kimberworth
* City or town	Rotherham
County or administrative area	
* Postcode	S61 2JU
* Country	United Kingdom

Section 2 of 8

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

Have you had any previous or maiden names?

- Yes No

* Your date of birth

11	/	10	/	1972
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

NY 90 10 71 B

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

Place of birth

Sheffield

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	35
Street	Clement Mews
District	Kimberworth
City or town	Rotherham
County or administrative area	
Postcode	S61 2JU
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail
Telephone number
Other telephone number

Section 3 of 8

THE PREMISES

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

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

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one? 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
* Street
District
* City or town
County or administrative area
* Postcode
* Country

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

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Continued from previous page...

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

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

This is a rescheduled event from a previous notice which was to run on Feb 3rd. It will feature international DJs and Musicians playing Disco Music.

Section 4 of 8

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(see also guidance on completing the form, note 7)

Event Dates

There must be a period of at least 10 days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

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

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

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

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

Add another date

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

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

Continued from previous page...

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

125

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

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

Section 5 of 8

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

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

Section 6 of 8

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

Continued from previous page...

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

1

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

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

Section 7 of 8

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

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

Yes No

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

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

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

Continued from previous page...

Section 8 of 8

CONDITION

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

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

- * The information contained in this form is correct to the best of my knowledge and belief.
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.
- Ticking this box indicates you have read and understood the above declaration

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

[Add another signatory](#)

Continued from previous page...

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

1. Save this form to your computer by clicking to 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.

APPENDIX B

Gough Jayne (CEX)

From: Thornton Paul
Sent: 11 January 2013 12:20
To: Gough Jayne (CEX)
Cc: Gibbons Sean (DEL); Prasad Shiva
Subject: TEN - Unit 4, 77 Sydney Street

Jayne,

TEN - Unit 4, 77 Sydney Street

Thank you for your consultation for the above application.

I wish to object to this application on the grounds that this event is likely to cause a noise nuisance to occupants of nearby residential properties.

EPS received numerous complaints throughout 2012 regarding excessive noise from TEN events at 77 Sidney Street from residents living on Sidney Street, Mary Street and St. Mary's Road, and an abatement notice under the Environmental Protection Act 1990 was served on the organiser of a TEN event (Paul Metcalfe) at Unit 4 at 77 Sidney Street in October 2012.


Although I have received some additional information from the applicant Daniel Metcalfe regarding the sound system to be used in my opinion there is still a likelihood of the reoccurrence of a noise nuisance from this event. The main problem is weaknesses in the structure of the building of 77 Sidney Street which has proved to be unsuitable to adequately control noise from this type of music event

Please contact me if you require any further information.

Regards

Paul

Paul Thornton
Senior Environmental Protection Officer
Environmental Protection Service
Business Strategy & Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

 +44 (0)114 273 4661
Fax +44 (0) 114 273 6464

Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

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

From: Gough Jayne (CEX)
Sent: 10 January 2013 11:23
To: Thornton Paul; Gibbons Sean (DEL); Lobo Rose; police Licensing; Prasad Shiva
Subject: TEN - Unit 4, 77 Sydney Street
Importance: High

Dear All,
Please find attached the ONLINE TEN received for the above mentioned premises. Paul, I am aware of your previous objection to a TEN at Unit 1, 77 Sydney Street and also wondered if you can confirm if there is still an abatement

notice in place at Unit 4, 77 Sydney Street?

Kind regards

Jayne

Jayne Gough

Licensing Officer

Licensing Services

Business Strategy and Regulation

Place Portfolio

Sheffield City Council

Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD

Tel: 0114 2734880/ 0114 2734264

Fax: 0114 2734073

E Mail: jayne.gough@sheffield.gov.uk

Team E Mail: general.licensing@sheffield.gov.uk

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

From: MachineName [<mailto:toshiba@sheffield.gov.uk>]

Sent: 10 January 2013 12:15

To: Gough Jayne (CEX)

Subject: Send data from MFP-07052602 10/01/2013 12:15

Scanned from MFP-07052602.

Date: 10/01/2013 12:15

Pages:8

Resolution:200x200 DPI

Please do not reply to this email

Paul Thornton

Senior Environmental Protection Officer

Environmental Protection Service

Business Strategy & Regulation

Sheffield City Council

2-10 Carbrook Hall Road

Sheffield

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Ruston Andy (CEX)

From: Rhodes Emma (CEX)
Sent: 11 January 2013 15:18
To: Ruston Andy (CEX)
Subject: FW: Re- Objection to TEN, Unit 4, 77 Sidney Street

From: Thornton Paul
Sent: 11 January 2013 14:32
To: 'danmetcalfe'
Cc: Prasad Shiva; Gibbons Sean (DEL); Gough Jayne (CEX); Rhodes Emma (CEX)
Subject: Re- Objection to TEN, Unit 4, 77 Sidney Street

Dan,


Re- Objection to TEN - Unit 4, 77 Sidney Street

Than you for the information in the email below. I appreciate that an increased level of noise monitoring and adjustment to the sound system will result in some improvements but I am not satisfied that the building at 77 Sidney Street is suitable for such events. I have therefore objected to your TEN application for Unit 4 on the grounds that it is likely to result in a noise nuisance to local residents.

The Environmental Protection Service have needed to use considerable resources when dealing with noise complaints from TEN events at 77 Sidney Street and this has included a number of pre-event advisory meetings, site visits by the 'Night Night Time Noise Team' and subsequent follow up visits and reporting. The local residents are fed up with the operators and Sheffield City Council for failing to control the noise effectively and I am attempting to prevent any future disturbance in this area. I would therefore recommend that you find an alternative and more suitable venue for such events in the future.

Regards

Paul Thornton
Senior Environmental Protection Officer
Environmental Protection Service
Business Strategy & Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

 +44 (0)114 273 4661
Fax +44 (0) 114 273 6464

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From: danmetcalfe [mailto:danmetcalfe@hotmail.com]
Sent: 03 January 2013 16:59
To: Thornton Paul
Subject: RE: Unit 4, 77 Sidney Street

Hi Paul

Thank you for getting back to me. I understand your concerns and I do not want to add to any further problems with sound complaints. In the past I have been told that events at this premises had used DIY home made sound systems which were far too powerful for the size of the building. In addition speakers were faced directly at the flats closely located and little done to monitor levels and EQ settings.

In answer to your questions;

I would not want to run events until 7 am and would want to finish at no later than 5am.

The sound system that I own is a Turbosound system with a digital Turbosound LMS700 Crossover which has built in EQ, I would take any sub bass below 60hz and continually monitor levels outside the building and keep records at specified intervals.

I propose to test the levels before any event to ensure that they do not exceed a pre set level by myself at the beginning of the evening.

I would also put in an insulated partition wall to shield the speakers which would be faced in an opposite direction to the residential properties. Sound absorption would also be used in the facing wall to avoid any reflections.

I hope this comes some way to answer your concerns and hopefully I will hear from you soon.

Best regards
Dan Metcalfe.

Sent from Galaxy S3 on Three

Thornton Paul <Paul.Thornton@sheffield.gov.uk> wrote:
Dan,

Thank you for your email and apologies for the delay in responding.


Events at Speedwell Works have caused serious problems relating to noise complaints for Sheffield City Council in 2012, and therefore I am reluctant to support any further activities at these premises. I am not convinced that the building can provide the necessary sound reduction required for such events particularly as they carry on throughout the night until 7am.

I note your references to noise reduction measures for a future event and I would

request that you provide me with further information on your proposed event, including times of operating and details of the sound system to be used and I will let you know if I feel such an event would be practicable to be run from these premises.

Regards

Paul Thornton
Senior Environmental Protection Officer
Environmental Protection Service
Business Strategy & Regulation
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

 +44 (0)114 273 4661
Fax +44 (0) 114 273 6464

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From: Dan Metcalfe [mailto:danmetcalfe@hotmail.com]
Sent: 03 January 2013 09:23
To: Singh Bob
Cc: Thornton Paul
Subject: RE: Unit 4, 77 Sidney Street

Hi Paul

Just wanted to know if you could give me any further information about this unit.

Thanks
Dan.

From: Gursharn.Singh@sheffield.gov.uk
To: danmetcalfe@hotmail.com
CC: Paul.Thornton@sheffield.gov.uk
Subject: RE: Unit 4, 77 Sidney Street

Date: Tue, 4 Dec 2012 13:04:48 +0000

Hi Dan,

Thank you for your e-mail. My colleague, Paul Thornton, is the officer that is currently dealing with above site in respect to noise control. I have copied Paul into this e-mail for reference and I am sure he will contact you in due course to discuss your e-mail in further detail.

Regards Bob

Bob Singh
bob.singh@sheffield.gov.uk
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

Tel +44 (0)114 273 4658
Fax +44 (0) 114 273 6464

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Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

From: Dan Metcalfe [mailto:danmetcalfe@hotmail.com]
Sent: 04 December 2012 10:31
To: Singh Bob
Subject: Unit 4, 77 Sidney Street

Hi Bob

Hope you are well ? Im not sure if you remember me but I was running events at Speedwell Works last year, I stopped running events there in April this year.

I am just making enquiries about a property I was considering using for an event. The address is Unit 4, 77 Sidney Street, I was told my brother that there had been problems with noise complaints and that temporary events had been blocked by your department.

From what I understand very loud sound systems were used by irresponsible promoters and speakers were placed very badly and no accountable management plan was in place.

I am interested in using the space for an event and wanted to know if a proper sound management plan, prior testing, sound level records at different locations and soundproofing measures were put in place would it be possible for me to use this space for an event?

As you know I would take a pro active approach to managing sound levels and take the necessary steps to control noise level as to cause **no disturbance** to any local residents. This would be one of my own events, I know compared to other promoters that have used the space the sound levels would be nowhere near as loud, and as before I would take out all of the lower sub frequencies which cause most noise complaints.

Please let me know if this is something you would consider and hopefully I will hear from you soon.

Page 26

Best regards
Dan.

This Email, and any attachments, may contain non-public information and is intended solely for the individual(s) to whom it is addressed. It may contain sensitive or protectively marked material and should be handled accordingly. If this Email has been misdirected, please notify the author immediately. If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in it or attached, and all copies must be deleted immediately. Whilst we take reasonable steps to try to identify any software viruses, any attachments to this Email may nevertheless contain viruses which our anti-virus software has failed to identify. You should therefore carry out your own anti-virus checks before opening any documents. Sheffield City Council will not accept any liability for damage caused by computer viruses emanating from any attachment or other document supplied with this e-mail

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APPENDIX C

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Notice of hearing in respect of an objection

Mr Daniel Peter Metcalfe
35 Clement Mews
Kimberworth
Rotherham
S61 2JU

The Sheffield City Council, being the licensing authority, on the 10 January 2013 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Daniel Peter Metcalfe for an event to take place on 10 February 2013 from 00:01hrs to 05:00 hrs at **Unit 4, 77 Sidney Street, Sheffield, S1 4RG.**

The objection notice is attached.

The Council now GIVES YOU NOTICE that this matter will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **24 January 2013, at 10am;** following which the Council will make a decision.

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 objection notice, 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 intended events.

You should complete form LAR1 and return it to: **Licensing Service, Sheffield City Council Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD, within one (1) working day before the day or the first day on which the hearing is to be held.**

Dated

Signed _____

The officer appointed for this purpose
Licensing Officer

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



Notice of hearing in respect of an objection

Paul Thornton, Environmental Protection Services

The Sheffield City Council, being the licensing authority, on the 10 January 2013 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Daniel Peter Metcalfe for an event to take place on 10 February 2013 from 00:01hrs to 05:00 hrs at **Unit 4, 77 Sidney Street, Sheffield, S1 4RG.**

The objection notice is attached.

The Council now GIVES YOU NOTICE that this matter will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **24 January 2013, at 10am**; following which the Council will make a decision.

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

- 1) The objection notice you have made and the reasons why you are satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective.
- 2) You may also be asked questions by the parties to the hearing, relating to your objection notice.

You should complete form LAR1 and return it to: Licensing Service, Sheffield City Council, Block C Staniforth Road Depot, Staniforth Road Sheffield, S9 3HD, within one (1) working day before the day or the first day on which the hearing is to be held.

Dated

Signed _____

The officer appointed for this purpose
Licensing Officer

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

APPENDIX D



Notice of hearing in respect of an objection

Mr Daniel Peter Metcalfe
35 Clement Mews
Kimberworth
Rotherham
S61 2JU

The Sheffield City Council, being the licensing authority, on the 10 January 2013 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Daniel Peter Metcalfe for an event to take place on 10 February 2013 from 00:01hrs to 05:00 hrs at **Unit 4, 77 Sidney Street, Sheffield, S1 4RG.**

The objection notice is attached.

The Council now GIVES YOU NOTICE that this matter will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **24 January 2013, at 10am;** following which the Council will make a decision.

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 objection notice, 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 intended events.

You should complete form LAR1 and return it to: **Licensing Service, Sheffield City Council Block C Staniforth Road Depot Staniforth Road Sheffield S9 3HD, within one (1) working day before the day or the first day on which the hearing is to be held.**

Dated _____

Signed _____

The officer appointed for this purpose
Licensing Officer

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

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 – 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.

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 **Mr Daniel Peter Metcalfe**

Of **35 Clement Mews
Kimberworth
Rotherham
S61 2JU**

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

- I intend to attend the hearing
- I do not intend to attend the hearing
- I intend to be represented at the hearing by:
- I do not 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 complete this form and return it to: Licensing Service, Sheffield City Council
Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

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.