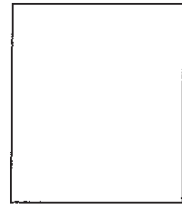




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of:	Chief Licensing Officer, Head of Licensing
Date:	22nd April 2013
Subject:	Licensing Act 2003
Author of Report:	Matt Proctor
Summary:	To consider objections in relation to an application for a Temporary Event Notice. Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS
Recommendations:	That members carefully consider the representations made and take such steps, as the Sub Committee consider necessary for the promotion of the Licensing Objectives.
Background Papers:	Attached documents
Category of Report:	OPEN

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

Ref No: 29 / 13

LICENSING ACT 2003

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

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Sheffield City Council Health Protection Service relating to a temporary event notice for the premises known as Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Daniel Metcalfe
- 2.2 The temporary event notice, which was received on 9th April 2013, is attached to this report labelled Appendix 'A'.
- 2.3 The event is as follows;
- from 00:01 hours to 06:00 hours on 28th April 2013.
- 2.4 The nature of the event is described in the notice as a "Music based event with international DJs and musicians".
- 2.4 The licensable activities intended to be carried on at the premises are:
- The sale by retail of alcohol
 - The provision of regulated entertainment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Sheffield City Council Health Protection Service on 10th April 2013, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.
- 3.2 The applicant and the objecting officer from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

- 5.1 Section 104 (2) of the Licensing Act states:
"Where a chief officer of police who receives a copy notice.... is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an "objection notice") –
(a) to the relevant licensing authority, and
(b) to the premises user."
- 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 chief officer of police 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 crime prevention 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.
- 9.2 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.

Steve Lonnie

Stephen Lonnie,
Chief Licensing Officer, Head of Licensing

Appendix A



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 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?

- 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

* Family name

* E-mail

Main telephone number 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

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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 / /

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

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...

[Empty box for continuation]

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

[Empty box for premises description]

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

Music based event with international Djs and musicians

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? 09 / 04 / 2013
dd mm yyyy

State the dates on which you intend to use these premises for licensable activities 28 / 04 / 2013
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)

00:01 - 06:00

(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)

250

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 Sheffield City Council

Licence number SY1818 PER

Date of issue 18 / 06 / 2006
dd mm yyyy

Date of expiry 18 / 06 / 2016
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:

- 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...

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

Street

District

City or town

County or administrative area

Postcode

Country

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

* Capacity

Date (dd/mm/yyyy)

Add another signature

Appendix B

Business Strategy & Regulation

Director of Business Strategy & Regulation: Mick Crofts

Health Protection Service

2-10 Carbrook Hall Road • Sheffield • S9 2DB

Fax No. (0114) 273 6464

Officer: Sean Gibbons

Tel: 0114 273 4616

Ref: Clarence/SG

Date: 10 April 2013

Daniel Metcalfe
35 Clement Mews
Kimberworth
S61 2JU

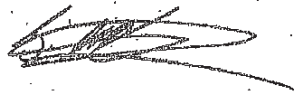
Dear Sir

**Licensing Act 2003
Temporary Event Notice****Premises: Unit 1A Clarence Works, Effingham Road, Sheffield, S4 7YS**

I write with reference to the above Temporary Event Notice and would inform you that at this stage, under the grounds of public safety, I have no alternative than to object to the temporary event as the Responsible Authority for Public Safety.

Please contact me on the telephone number shown so that a site meeting can be arranged to discuss further.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

Email Address: HealthProtection@sheffield.gov.ukVisit us at: www.sheffield.gov.uk/environment/how-we-work/health-protection/

Large print versions of this letter
are available by telephoning
(0114) 273 4415/273 5774

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Appendix C

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

Mr Daniel Metcalfe
35 Clement Mews
Kimberworth
Rotherham
S61 2JU

The Sheffield City Council being the licensing authority, on the 9th April 2013 received your application in respect of the premises known as;

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

During the consultation period, the Council received objections from the following authorities/interested parties: Sheffield City Council Environmental Protection Services on the likely effect of this application and on the promotion of the licensing objectives, should it be granted.

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **22nd April 2013 at 2.00pm**.

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: 12th April 2013

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

Mr Sean Gibbons
Health Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB

The Sheffield City Council being the licensing authority, on the 9th April 2013 received an application in respect of the premises known as;

Unit 1a, Clarence Works, Effingham Road, Sheffield, S4 7YS

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

- **Sheffield City Council Health Protection Service**

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

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **22nd April 2013 at 2.00pm**

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

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

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

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

Dated: 12th April 2013

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.

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.