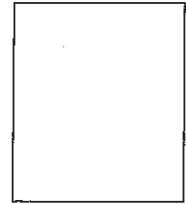




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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.

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

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

LICENSING ACT 2003

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

No.1 Oriental Buffet, Canada House, Commercial St, Sheffield

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 No.1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Mr Stephen John Rimmer
- 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;
- 1800hrs 18th July 2013 to 0700hrs 22nd July 2013
- 2.4 The nature of the event is described in the notice as a "Social and entertainment event as part of Tramlines".
- 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
 - The provision of late night refreshment

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.



Stephen Lonnia,
Chief Licensing Officer, Head of Licensing

Appendix A

✓ served 9-4-13.
17:05

YOUR EVENT

LG 25131 DU
Please save.

In order to assist us in deciding if any crime prevention issues are likely to arise from your event, please ensure that you fully complete all details below that are applicable
- please state "N/A" if it is not applicable.

You may be contacted for further information which you have provided on this form.

PAGE A1

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

Full name of Promoter including DJ names - S. RUMER

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

Contact details for Promoter- landline tel no - mobile tel no- 0781648598

Is the event being advertised on any social network? YES/NO

If the answer is YES please detail which social networking sites -
FACEBOOK

Is the event ticketed? YES/NO

If the answer is YES please detail the places where the tickets are being sold-
TRAMLINES - ORG. UK

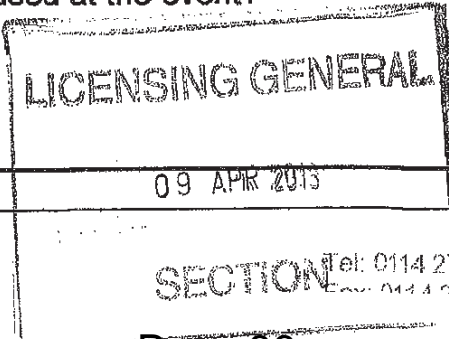
What type of music will be played?
HOUSE

Approximately how many people do you anticipate attending the event?
450

Are you expecting to employ Security Industry Authority (SIA) door staff for the event? YES/NO

If the answer is YES please detail which Security Firm you will be using including the name and a lead contact and phone no-
SAFEHOUSE
0116 288666

Will a knife arch/wands be used at the event? YES/NO



Licensing General Section
Block C, Staniforth Road Depot,
Staniforth Road

Temporary Event Notice

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

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

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	RUMMER
Forenames	STEPHEN
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day 22 Month 10 Year 85
4. Your place of birth	SHEFFIELD
5. National Insurance Number	2H2377336
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
30 STUMPERLOWE HALL RD	
Post town	SHEFFIELD
Postcode	S10 3QJ
7. Other contact details	
Telephone numbers	07816468598
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
7 SMITHFIELD	
Post town	SHEFFIELD
Postcode	S3 7AR

9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	011 6 389 621
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
No. 1 oriental buffet, CANADA HOUSE AL COMMERCIAL ST, SHEFFIELD, S1 2AT	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
FORMER RESTAURANT UNIT	
Please describe the nature of the event below. (Please read note 5)	
SOCIAL EVENT WITH RECORDED MUSIC ENTERTAINMENT FOR TRAMLINES FESTIVAL	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
THURSDAY 18th - MONDAY 22nd JULY 2013	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
18.00 - 07.00 (THURS/FRIDAY/SATURDAY/SUNDAY)	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
499	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input checked="" type="checkbox"/>


4. Personal licence holders (Please read note 12)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
"Yes" please provide the details of your personal licence below.	
Issuing licensing authority	SHEFFIELD DISTRICT
Licence number	SY 1783 Per
Date of issue	5th JUNE 2006
Date of expiry	5th JUNE 2016
Any further relevant details	

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	12	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

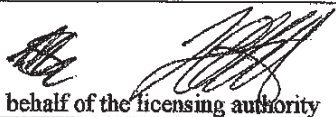
6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.	1	
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

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

9. Declarations (Please read note 17)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	09/04/2013
Name of person signing	S. Lumer

For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	 On behalf of the licensing authority
Date	9/4/13
Name of Officer signing	J. Gough

Appendix B

Business Strategy & Regulation

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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
Ref: Oriental Buffet/SG

Tel: 0114 273 4616
Date: 10 April 2013

Mr Stephen John Rimmer
30 Stumperlowe Hall Road
Sheffield
S10 3QS

Dear Sir

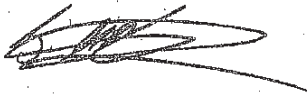
Licensing Act 2003
Temporary Event Notice commencing 18/7/2013

**Premises: No1 Oriental Buffet, Canada House, Commercial Street, Sheffield,
S1 2AT**

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.

A meeting has been set up for the 18 April 2013 at 10:30, during which the above will be discussed.

Yours faithfully



Mr S Gibbons
Environmental Health Officer

Copy Via Email Legal & Governance – Licensing General Section

Copy Via Email kharrison@syfire.gov.uk

Email Address: HealthProtection@sheffield.gov.uk
Visit 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 **Page 93**

Appendix C

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

Mr Stephen John Rimmer
30 Stumperlowe Hall Road
Sheffield
S10 3QS

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

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

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 2.30pm.**

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;

No1 Oriental Buffet, Canada House, Commercial Street, Sheffield, S1 2AT

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 2.30pm**

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.

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