

# **Licensing Sub-Committee**

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**Thursday 29 June 2017 at 10.00 am**

**To be held at the Town Hall, Pinstone Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Josie Paszek (Chair), Jack Clarkson and Kieran Harpham  
Cliff Woodcraft (Reserve)

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## **PUBLIC ACCESS TO THE MEETING**

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The Licensing Committee carries out a statutory licensing role, including licensing for taxis and public entertainment.

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday.

You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

If you require any further information please contact Harry Clarke on 0114 273 6183 or email [harry.clarke@sheffield.gov.uk](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**LICENSING SUB-COMMITTEE AGENDA  
29 JUNE 2017**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Local Government (Miscellaneous Provisions) Act 1982 - Static Street Trading Consent**  
Report of the Chief Licensing Officer.
- 6. Scrap Metal Dealers Act 2013 - Application for a Scrap Metal Dealers Licence\***  
Report of the Chief Licensing Officer.

**\*(NOTE:** The report at item 6 in the above agenda is not available to the public and press because it contains exempt information described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 (as amended))

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 29<sup>th</sup> June 2017

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**Subject:** Street Trading  
Application to vary a Static Street Trading Consent

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**Author of Report:** Clive Stephenson

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**Summary:** To consider an application for a street trading consent  
Peace Gardens Sheffield

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**Background Papers:** As attached  
Street Trading Policy

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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: 53/17**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**STREET TRADING – Ice Cream Products - Peace Gardens**

**1.0 PURPOSE OF REPORT**

1.1 To consider an application for the variation of a Static Street Trading consent to trade at Peace Gardens Sheffield.

**2.0 INTRODUCTION**

2.1 The Council as a Licensing Authority have power under the provision of the 1982 Act to regulate Street Trading in the City.

2.2 A Street Trading Consent is required to trade on any Street (which includes roads, footways, forecourts, or other areas to which the public have access) within the Sheffield City Boundary.

2.3 The Licensing Committee at it's meeting of 29<sup>th</sup> January 2002 passed the following resolution:

1. That under the provisions of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:
  - (a) all streets (which includes roads, footways, forecourts or other areas to which the public have access) within the Sheffield City boundary, shall be designated consent streets and;
  - (b) such street trading designation shall take effect as from the 1<sup>st</sup> April 2002; and
  - (c) all previous designations in relation to street trading will be rescinded as a result of the designation set out above.
2. The effect of this resolution is that from 1<sup>st</sup> April 2002, it will be an offence to engage in street trading in any street or any other place identified in the above resolution without being authorised to do so by consent from the City Council.

2.4 A Local Authority may attach conditions to a Street Trading Consent. The conditions may include conditions to prevent obstruction of the street and danger to persons using the street or nuisance or annoyance.

2.5 A Street Trading Consent may only be granted for a maximum period of twelve months.

2.6 There is no appeal procedure against the refusal or revocation of any consent. An applicant may, however apply for judicial review of the Council's decision.

### **3.0 THE APPLICATION**

- 3.1 The applicant is Mr Andrew Cuneo and Ms Inglana Saqladi a copy of the application is attached at Appendix 'A'.
- 3.2 The application was submitted on 11<sup>th</sup> April 2017.
- 3.3 The application is to extend the variation to the current purpose built trailer to an Ice Cream van for a period of 8 weeks.
- 3.4 The original application was granted 27<sup>th</sup> April 2017, with the authority to extend the timescales for a further 8 week period. Mrs Cuneo has expressed her wish to extend this. A copy of the decision notice is attached at Appendix A.
- 3.5 We have received an objection to this from the City Centre management team. A copy of the objection is attached at Appendix B.
- 3.6 The Ice Cream van does not meet the qualities criteria for the City Centre Street Trading. A copy of the criteria is attached at Appendix B.

### **4.0 REASONS FOR REFERRAL**

- 4.1 The application falls outside the qualities criteria as stated in 3.5.
- 4.2 Members should consider all the information provided by the applicant both in their written application and in person at the hearing.
- 4.4 The applicant has been invited to attend the Licensing Committee hearing. Copies of the invites are attached at Appendix 'C'.
- 4.5 A copy of the hearing procedure is attached at Appendix 'D'.

### **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The Street Trading Policy states that fees will be set and reviewed annually on a full cost recovery basis. The level of fee takes into account the location, duration of consent, the trading hours and articles to be sold as well as the enforcement of terms and conditions.
- 5.2 Fees for static consents are determined at the grant of the application therefore there are no financial implications arising from this report.

### **6.0 RECOMMENDATIONS**

- 6.1 That Members consider all the relevant information available, any representations that may be made and our policy.

## **7.0 OPTIONS OPEN TO THE COMMITTEE**

- 7.1 To grant the application for to vary the Static Street Trading Consent at location applied for.
- 7.2 To grant the application with amendments.
- 7.3 To defer the matter for further consideration.
- 7.4 To refuse to vary the Static Street Trading Consent.

Steve Lonnia  
Head of Licensing  
Block C Staniforth Road  
Staniforth Road  
Sheffield  
S9 3HD

29<sup>th</sup> June 2017



# Appendix A

Application &  
Determination Notice

### Application to VARY a Street Trading Consent

**Notes to Applicant**

All questions must be answered unless otherwise stated.  
If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.

\*I / \*WE HEREBY APPLY to the Sheffield City Council to VARY a street trading consent (\*delete as appropriate).

**A. THE APPLICANT(S)**

		1 <sup>st</sup> Applicant (Mr/Mrs/Miss/other)	2 <sup>nd</sup> Applicant (Mr/Mrs/Miss/other)
Q1	Full name(s) of the applicant	ANDREW CUNEO	Inglene Saglund
Q2	Applicant(s) permanent private address	[REDACTED]	[REDACTED]
Q3	Date of birth	05/02/1961	03/04/1965
Q4	Nationality and place of birth	BRITISH Sheffield	BRITISH Sheffield
Q5	Telephone No	2960258	2960258
Q6	Email address	[REDACTED]	[REDACTED]

**B. COMPANY DETAILS (if applying as a Corporate body)**

Q7	Name	
Q8	Registered address	
Q9	Registered number	
Q10	Telephone number	
Q11	Email address	

### C. CURRENT CONSENT DETAILS

A2

Q12	Consent number	ST/CC 0001
Q13	Type of consent issued	STATIC / MOBILE / CITY CENTRE SMALL UNIT / SCHOOL / OTHER (please list)
Q14	Current site details (if applicable)	PEACE GARDEN
Q15	Expiry date of consent	30-11-17

### D. DETAILS OF VARIATION

Q16	Please note: <ul style="list-style-type: none"> <li>• you cannot change sites on a variation, a new application must be submitted.</li> <li>• Consents are non transferrable, so you cannot add new consent holders on an existing consent.</li> </ul> Tick details of variation, this can be more than one:	
	Change days of trading	
	Change hours of trading	
	Change items to be sold	
	Change of vehicle / unit	—
	Other (if other, please specify below)	
	Details: FJ17 UVT	

Q17	Current details to change	Proposed details of change and reason for that change
	From purpose built trailer to ice-cream van.	Andrew Cuneo is the only one capable of towing trailer, he recently been diagnosed blood clot to lung and is recovering from Pneumonia he has been told by hospital no bending or physical work at all till blood clot is clear. This will be for a maximum of 8 weeks

**E. CONVICTIONS / CAUTIONS**

Q18	Have any of the applicants ever been convicted of a criminal offence, whether in the United Kingdom or elsewhere?	<b>Applicant 1</b> Yes [ ]    No [ <input checked="" type="checkbox"/> ]	
	If the answer is Yes please give full details below:	<b>Applicant 2</b> Yes [ ]    No [ <input checked="" type="checkbox"/> ]	
<b>Details of previous convictions and/or cautions</b>			
	<b>Date of Conviction</b>	<b>Court of Conviction</b>	<b>Nature of Offence</b>
	<b>Applicant 1</b>		
	<b>Applicant 2</b>		

**F. CHECK LIST**

The following documents must be attached with this application: (tick)

Fee on variation application	✓
3 Photographs of the vehicle / unit if a change of unit showing front, back and side	✓
If a change of unit, confirm it meets the qualitative criteria	✓
Any further information you may wish to submit in support of your application	

The following documents must be forwarded to us before the grant of your application:

(tick if enclosed with this application)

Certificate of insurance in respect of the vehicle / unit (if applicable)	
Appropriate vehicle test (if applicable)	
Written confirmation that the vehicle meets the Council's food safety standards	

### G. DECLARATION

#### WARNING

Paragraph 10(3) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 gives the following warning:-

"Any person who, in connection with an application ...for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence."

I/We,

- declare that all the information I have given in this application is complete and correct;
- declare that I am over 17 years of age (in cases of individual applicants)
- declare I understand and will comply with the Sheffield City Council Street Trading Consent Conditions;
- undertake to pay Sheffield City Council the relevant consent fee in advance whether demanded or not;
- understand that consents are not transferable;
- understand that the Local Authority reserve the right to make further enquiries with South Yorkshire Police as a result of this application as they may consider desirable; and
- understand that giving false information is an offence and may result in prosecution and / or a street trading consent being refused or revoked:

<b>Applicant 1</b>	Signature: <u>A. Curcio</u>
	Print name: <u>A. Curcio</u>
	Date: <u>11/4/17</u>
	Capacity: <u>OWNER</u>
<b>Applicant 2</b>	Signature: <u>[Signature]</u>
	Print name: <u>I SARHAD</u>
	Date: <u>11/4/17</u>
	Capacity: <u>OWNER</u>

Please read these notes before completing the application form.

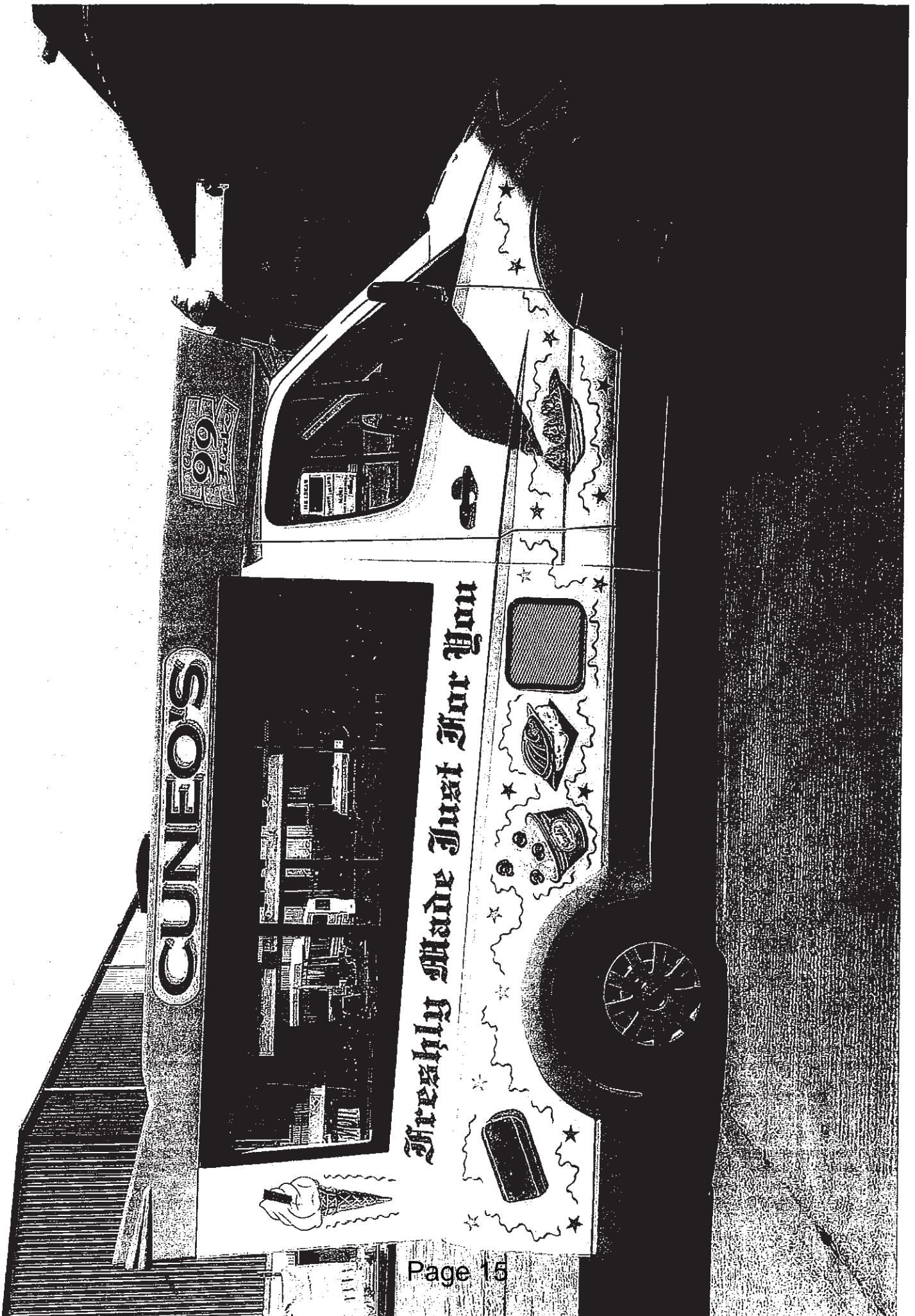
- (a) If there is insufficient room on this form to fully answer the questions; or if you wish to make any further statement in support of your application, please do so on a separate sheet of paper attached to this form.
- (b) None of the information which you supply on (or with) this form will be treated as confidential except where it relates to convictions.
- (c) The Council is under no obligation whatsoever to grant a consent to any person; you will be notified of the result of this application, as soon as possible.

Please return the fully completed form and all attachments to:

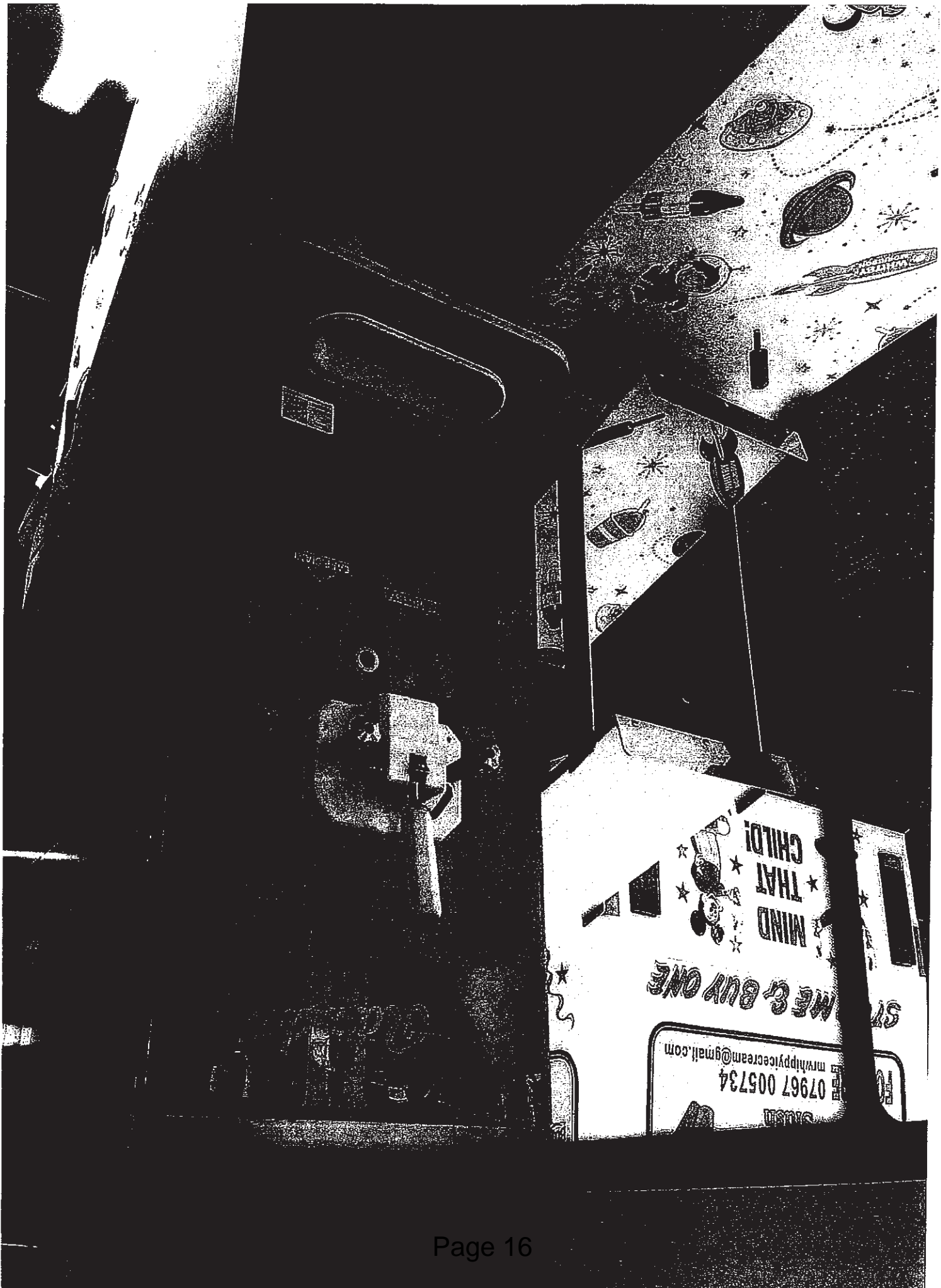
AS

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

The Service is open from 10am to 4pm, Monday to Friday. Telephone (0114) 2734264







MIND THAT CHILD!

ME & BUY ONE

07967 005734

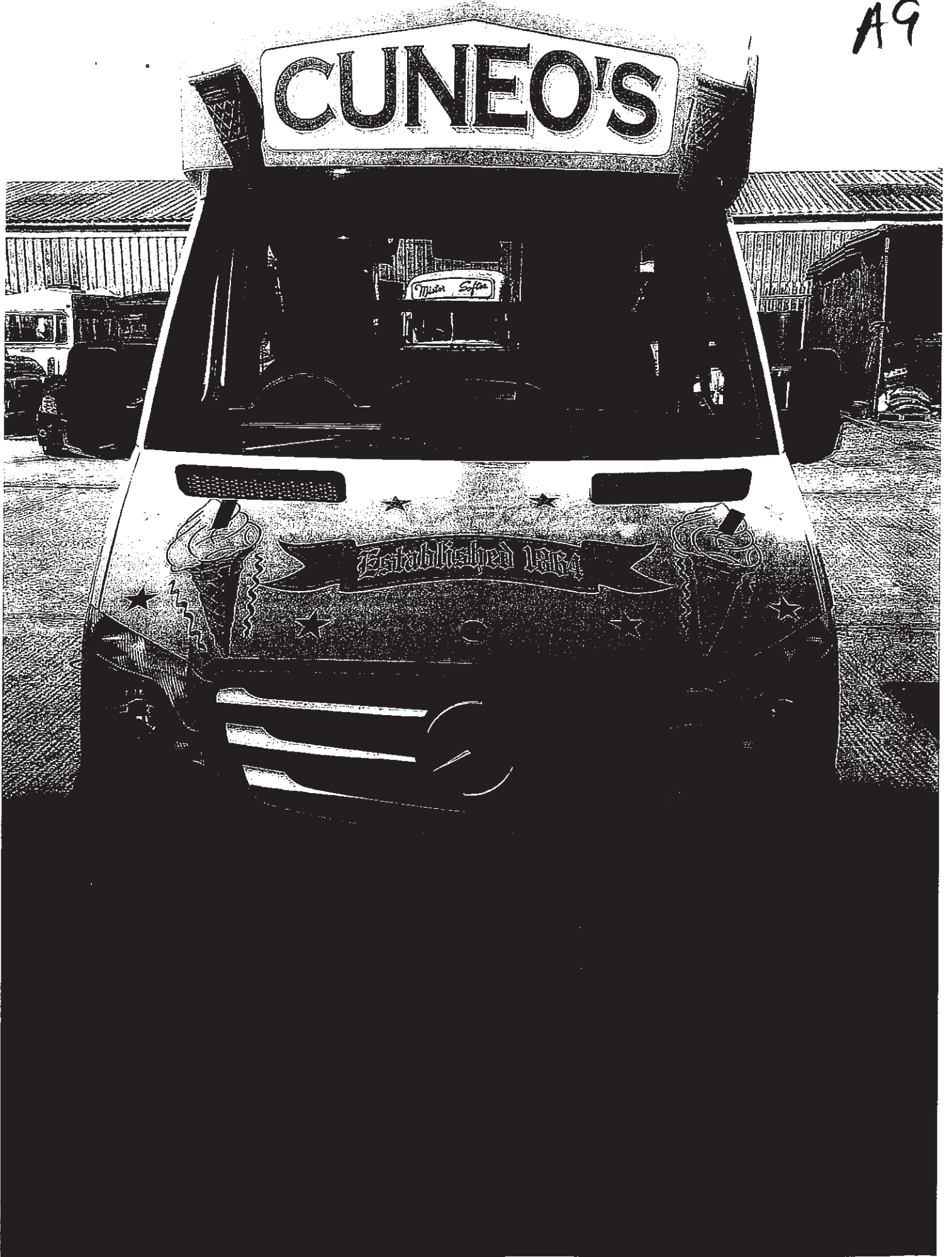
www.happycream@gmail.com



A8



A9







**SHEFFIELD CITY COUNCIL**

Application for a Street Traders Consent

*AK*

**IMPORTANT: NOTIFICATION OF THE RESULT  
OF A LICENSING SUB COMMITTEE HEARING**

Mr Andrew Cuneo  
Ms Inglanga Saqladi  
7 Palm Street  
Sheffield  
S6 2XF

Case No - 53/17

**LEGISLATION: Local Government (Miscellaneous Provisions) Act 1982**

Street Trading Consent

I refer to the meeting of the Licensing Sub Committee, which took place on 27<sup>th</sup> April 2017. I can confirm that the Sub Committee decided, after carefully considering the report, all the available evidence and your representations to grant the consent in the terms applied for.

They also stated that in the event that the 8 week variation order is not adequate in terms of the health issues, then delegated powers were given to the Chief Licensing Officer head of Licensing Service to be able to extend the variation for a maximum of a further 8 weeks.

Your terms and conditions will be sent out with your consent.

*Steve Lonnia*

Date: 27<sup>th</sup> April 2017.

.....  
Steve Lonnia  
Chief Licensing Officer  
(Head of Licensing)

The Licensing Service, Sheffield City Council, Block C Staniforth Road Depot,  
Staniforth Road, Sheffield, S9 3HD.  
The reception is open from 10am to 4pm., Monday to Friday telephone (0114) 273 4264  
Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

# Appendix B

Objection & Qualities Criteria



## CITY CENTRE STREET TRADING

### Small Trading Stalls

#### BACKGROUND

Street activities are an essential ingredient of a vibrant and lively city, and in Sheffield there is a strong demand for legitimate small scale trading pitches. They also offer an opportunity for small businesses to get started with relatively modest outlay.

The widening of footways offers the opportunity to designate more pitches in locations that will add to the attractiveness of the City Centre. In Orchard Square and Meadowhall 'Barrow' style stalls are used extensively, enhancing the colour and vitality of those places.

This scheme is part of the City Council's campaign to make Sheffield City Centre a more attractive and vibrant place. Set out below is the qualitative criteria which forms the basis on which to test applications for the grant of designated small trading stall Street Trading Consent sites within the City Centre.

### QUALITATIVE CRITERIA – SMALL TRADING STALLS

#### GENERAL DESIGN

- There will be no motorised vehicles or stalls etc. permitted as part of this scheme.
- All barrows/handcarts must be capable of being moved on and off site by hand and any vehicles used to bring the barrows/handcarts to the site must be parked, loaded and unloaded off site.
- Good display is an important part of the selling process and top quality presentation encourages purchase and benefits the retailer reputation.
- It is in the best interest of traders to produce a high quality design in their barrows/handcarts. The function of the stall is to identify the trader and add vitality and colour to the immediate area, and reflect the quality, cleanliness and order in their operation. The barrow/stall contributes to the appearance of the street for good or bad, so design matters to everyone who uses the street, as well as the operator.
- Sign writing and scrollwork must be finished to a standard acceptable to the City Council.
- The unit must be visually acceptable to the City Council (this will include the Head of Licensing, City Centre Manager and Planning Service) and be in keeping with the street/area that it is to be located.
- Advertisements on stalls will not be permitted except by permission of the Council in writing and subject to further conditions. The Council shall be the sole judge of what is an acceptable advertisement.
- The Council will reserve the right to not renew any consent where it considers the

product(s) offered by the operator are not in keeping with the requirements of the site and the promotion of the City Centre.

- Non functional elements attached to barrows / handcarts, are not acceptable.
- The general design of the barrow/handcart must meet the requirements of the Council for that location.
- Flame retardant 'skirts' are to be used if necessary, so as to obscure the frame, gas bottle etc. They should be designed to 'unify' the barrow/handcart.
- All equipment, tools, gas bottles etc. must be self contained within the stall/handcart etc.
- Bright colours and a sense of fun are encouraged.
- Finished in flame retardant paint.
- A colour photograph or scale illustration of the proposed handcart must be submitted to the Licensing Service as part of the application process.
- No barrow/handcart should have a frontage greater than 3.0 metres or a width greater than 2.0metre.
- Roofs should be no more than 2.5m above ground level.
- Pitched and curved roofs are encouraged.
- Canopies should be high quality with a feeling of 'permanence'. These could be manufactured from either stretched canvas, or woven material, opaque or light metal materials. Clear plastic awning and extensions to the canopy will not be acceptable.
- Canopies must be maintained and cleaned to a high standard.
- Food traders must ensure that any stall design satisfies the requirement of food safety legislation. Staff must be adequately trained in good hygiene (Basic Food Hygiene Certificate and regular on going training) and records of training must be made available on request.
- Best practise of food hygiene must be adopted by the operator. This covers:
  - Personal hygiene
  - Hand washing
  - Ill health
  - Prevention of contamination
  - Temperature control
  - Temperature monitoring
  - Cleaning
  - Storage and stock rotation
  - Procedures in the event of freezer breakdown
  - Site cleanliness
  - Waste disposal
  - Pest control
  - Quality control
  - First aid facilities
- Food traders must have a minimum food hygiene rating score of 3.

**Stephenson Clive (CEX)**

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*[Handwritten mark]*

*B3*

**From:** Cooper Steve (DEL)  
**Sent:** 16 June 2017 15:08  
**To:** Stephenson Clive (CEX)  
**Cc:** Eyre Richard  
**Subject:** RE: City Centre Ice Cream - Cuneo

Hi Clive,  
Yes we will be objecting,

The Peace Gardens is our prime site and we cannot allow a relaxing of the quality criteria particularly in this area , an ice cream van is simply not in fitting with the surroundings.

There is no reason that the original unit could not be brought on site and left in situ , we would be ok with this as a temporary arrangement given the circumstances.

Regards  
Steve

Steve Cooper  
City Centre Resources Manager  
*City Centre Management Team*  
*Sheffield City Council*  
*Moor Market Management suite*  
*77 The Moor*  
*S1 4PF*  
**01142736832/07971750722**

**From:** Stephenson Clive (CEX)  
**Sent:** 16 June 2017 14:54  
**To:** Cooper Steve (DEL)  
**Subject:** City Centre Ice Cream - Cuneo

Hi Steve

I hope I am contacting the correct person.

You may be aware the Licensing Sub Committee – decided to grant a 8 week exemption to Mr & Mrs Cuneo to use a “normal” type of ice cream van. At present that 8 week period ends on Thursday 22<sup>nd</sup>

I am currently presuming that Mr & Mrs Cuneo will want to extend that although they have not approached us officially yet.

If they do Steve (Lonnia) is asking that this is re-presented back to the Licensing Sub Committee for determination, I am aware of the original correspondence from City Centre management with licensing and your objections to this application.



# Appendix C

Invitations to attend

# SHEFFIELD CITY COUNCIL

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## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – Vary a Static Street Trading Consent– Peace Gardens

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Mr Andrew Cuneo  
7 Palms Street  
Sheffield  
S6 2XF

Email: [REDACTED]

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent – Peace Gardens.

I refer to the above and the application for the grant of a static street trading consent.

This matter has been referred to the Licensing Committee of Sheffield City Council for determination. Full details are provided in the report enclosed and to the Committee. The Licensing Committee has the authority to decide what action to take in relation to each application.

**The Committee has indicated that it expects applicants and interested parties and objectors to attend the meeting.**

The meeting in respect of the application will take place on **Thursday 29<sup>th</sup> June** in a Committee Room of the Town Hall, Sheffield, S1 2HH (Pinstone Street entrance) and you are invited to attend at **10:00 am**.

#### PLEASE NOTE:

I would be grateful if you could confirm that you will be attending the meeting by telephoning the Licensing Office on 0114 2734264.

*Steve Lonnia*

.....  
Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 21<sup>st</sup> June 017

**IMPORTANT: A DECISION IS LIKELY TO BE MADE ON THIS ISSUE WHETHER YOU MAKE REPRESENTATION OR NOT.**

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD Telephone 0114 2734264

**The Licensing Service Reception is open from 10.00am to 4.00pm, Monday to Friday.**

**Telephone calls can be taken from 09:00am to 5:00pm.**

C2

# SHEFFIELD CITY COUNCIL

## LOCAL GOVERNMENT MISCELLANEOUS PROVISIONS ACT 1982

### Street Trading – Vary a Static Street Trading Consent– Peace Gardens

#### IMPORTANT: NOTIFICATION OF A COMMITTEE MEETING

To: Steve Cooper  
City Centre Resources Manager  
City Centre Management Team  
Sheffield City Council

Email: [REDACTED]

**LEGISLATION:** Local Government (Miscellaneous Provisions) Act 1982

**LICENCE TYPE:** Street Trading Consent – Peace Gardens.

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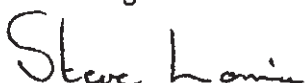
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.....  
Steve Lonnia  
Chief Licensing Officer  
Head of Licensing

Date: 21<sup>st</sup> June 017

**IMPORTANT: A DECISION IS LIKELY TO BE MADE ON THIS ISSUE WHETHER YOU MAKE REPRESENTATION OR NOT.**

Licensing Service, Business Strategy and Regulation, Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD Telephone 0114 2734264

**The Licensing Service Reception is open from 10.00am to 4.00pm, Monday to Friday.**

**Telephone calls can be taken from 09:00am to 5:00pm.**

# Appendix D

Hearing Procedure

SUB-COMMITTEE HEARING PROCEDURE

This procedure has been drawn up to assist those parties attending Street Trading Consent Committee hearings.

1. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair will ask the applicants and interested parties to formally introduce themselves.
3. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
4. 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 applicant/consent holder (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.
  - (d) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the applicant and/or his/her representative.
  - (e) Consultees / interested parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised.
  - (f) The Chair of the Licensing Committee will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the consultees / interested parties.
  - (g) The consultees / interested parties will be invited to sum up. A maximum of 5 minutes will be allowed.
  - (h) The applicant will be invited to sum up. A maximum of 5 minutes will be allowed.
  - (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.
  - (k) Once a decision has been reached, all parties will be invited to return. The Sub-Committee's decision and reasons will be announced by the Chair.
  - (l) The Sub-Committee's decision will be confirmed in writing to the applicant and those parties who made representations.

- 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.

**There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Trading Consent.**

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

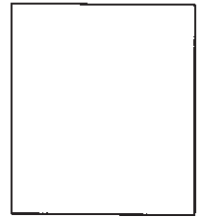
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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 29<sup>th</sup> June 2017

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**Subject:** Licensing Act 2003

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**Author of Report:** Craig Harper

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**Summary:** To consider objections in relation to an application for a Temporary Event Notice.

Dam House, Mushroom Lane, Sheffield, S3 7NZ

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**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.

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**Background Papers:** Attached documents

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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 80/17

**LICENSING ACT 2003**

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

**Dam House, Mushroom Lane, Sheffield, S3 7NZ**

**1.0 PURPOSE OF REPORT**

1.1 To consider a notice of objection submitted by Environmental Protection Service, relating to a Temporary Event Notice (TEN) for the premises known as Dam House, Mushroom Lane, Sheffield, S3 7NZ.

**2.0 THE TEMPORARY EVENT NOTICE**

2.1 The proposed premises user is Kamaljit Singh Sangha.

2.2 The temporary event notice, which was received on 22<sup>nd</sup> June 2017, is attached to this report labelled Appendix 'A'.

2.3 The event is as follows;

Beer Festival with Outdoor Music

2.4 The licensable activities and hours intended to be carried at the premises are:

Friday	10am – Midnight
Saturday	12:01am – 2:00am
Saturday	10am – Midnight
Sunday	12:01am – 2:00am

The activities applied for are

- The sale by retail of alcohol for consumption ON the premises
- The provision of regulated entertainment
- The provision of late night refreshment

**3.0 REASONS FOR REFERRAL**

3.1 A notice was submitted by Environmental Protection Services on the 23<sup>rd</sup> June 2017, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.

3.2 The applicant and the objector 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 POLICIES TO CONSIDER**

##### **4.1 Sheffield City Council Licensing Policy**

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice.

#### **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 Protection Service of the Local Authority may object to a Temporary Event 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 Chief Police Officer / Environmental Protection Service who gave the objection notice and the authority agree that a hearing is unnecessary, and
- (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the relevant licensing objective to do so."

#### **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 'D'.

7.3 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.

#### **8.0 APPEALS**

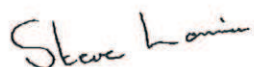
8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the premises user and the chief officer of Police against decisions of the Licensing Authority, to the Magistrates' Court.

## 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 application.
- 10.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date with conditions.
- 10.3 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

23<sup>rd</sup> June 2017

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# Appendix A

## The Application





**Sheffield**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
 licensingservice@sheffield.gov.uk  
 Telephone: 0114 2734264

\* 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?

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 address

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.

**Applicant Business**

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

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

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

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?

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.

E-mail	<input type="text" value="thedamhousesheffield@gmail.com"/>
Telephone number	<input type="text" value="01142668041"/>
Other telephone number	<input type="text" value="07795082860"/>

### 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?

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	<input type="text" value="Dam House Bar &amp; Restaurant"/>
Street	<input type="text" value="Mushroom Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="Sheffield"/>
County or administrative area	<input type="text" value="South Yorkshire"/>
Postcode	<input type="text" value="S3 7NZ"/>
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 2108 PR"/>
-------------------------	-----------------------------------------

#### Location Details

Provide further details about the location of the event

<input type="text" value="Garden Patio Area"/>
------------------------------------------------



Continued from previous page...

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)

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

Bar & Restaurant

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

Beer Festival with outdoor music

#### Section 4 of 9

#### 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

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

#### Event Dates

There must be a period of at least 10 working 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.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date       /  /   
                                         dd            mm            yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date         /  /   
                                         dd            mm            yyyy

**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)

10.00 - 02.00

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

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

499

(see also guidance on completing the form, note 10)

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

Note that the maximum number of people cannot exceed 499.

**Section 5 of 9**

**RELEVANT ENTERTAINMENT** (See also guidance on completing the form, note 12)

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

12.00 - 23.00

**Section 6 of 9**

**PERSONAL LICENCE HOLDERS** (See also guidance on completing the form, note 13)

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



Continued from previous page... Any further relevant details

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)**

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 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 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)**

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:

Yes  No

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

### Section 9 of 9

#### CONDITION (See also guidance on completing the form, note 17)

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 18)

\* 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

*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"/>
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"/>

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



# Temporary Event Notice - WITH Alcohol

Event Notice : **TEN2082**

## LOCAL AUTHORITY

**Sheffield**  
City Council



### Licensing Service

#### Place Portfolio

Block C Staniforth Road Depot

Staniforth Road

Sheffield

S9 3HD

Tel: 0114 2734264

Email: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)

Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)

## NAME & ADDRESS OF PERSON SERVING NOTICE

**Kamaljit Singh SANGHA**

14 Woodseats

Grenoside

Sheffield

S Yorkshire

S35 8RU

## NAME & ADDRESS OF PREMISES WHERE THE EVENT IS TO TAKE PLACE

**Dam House**

Mushroom Lane

Sheffield

South Yorkshire

S3 7NZ

## EVENT DETAILS

COMMENCES : **Friday 21 July 2017**

EXPIRES : **Sunday 23 July 2017**

HOURS OF EVENT	TIME FROM	TIME TO	ADDITIONAL DETAILS
Friday	10:00am	midnight	
Saturday	12:01am	2:00am	
Saturday	10:00am	midnight	
Sunday	12:01am	2:00am	

NATURE OF EVENT : **Beer Festival with Outdoor Music**

### APPROVED LICENSABLE ACTIVITIES:

The sale by retail of alcohol for consumption ON the premises

The provision of regulated entertainment

The provision of late night refreshment

MAXIMUM CAPACITY : **499**

### AREA IN WHICH THE EVENT WILL TAKE PLACE :

Garden patio

## NOTES

This acknowledgement does not guarantee that the event can take place as objections may still be received from South Yorkshire Police, the Environmental Protection Service and/or the Health Protection Service. If any such objections are received we will inform you in writing.

**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.



### **Fire Safety Guide to operating under a Temporary Event Notice**

As the proposed premises user holding an event and operating under a Temporary Event Notice (TEN), you are using premises as a 'Place of Assembly'.

This use is regulated by The Regulatory Reform (Fire Safety) Order 2005 (FSO) and under the FSO **you are the Responsible Person.**

This guide is provided to remind you of your duties and responsibilities.

These include;

- o Producing a fire risk assessment including occupancy figures (capacity)
- o Providing means of detection and warning of fire
- o Providing means of escape in case of fire
- o Ensuring the means of escape are available for use  
(Including escape routes, signs and emergency lighting)
- o Providing means of fighting fire

All of the above should be suitable and sufficient for both the event and the premises.

Further guidance is available in the following Fire Safety Risk Assessment guides:

- Small and Medium Places of Assembly (up to 300 persons)
- Large Places of Assembly (over 300 persons)

The guides can be downloaded from the government's website at:

**[www.communities.gov.uk/fire/firesafety/firesafetylaw](http://www.communities.gov.uk/fire/firesafety/firesafetylaw)**

Your local Technical Fire Safety Officers can be contacted by calling South Yorkshire Fire and Rescue on 0114 2727202.

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# Appendix B

Objection – Environmental Protection Service



## Harper Craig

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**From:** Pates Neal  
**Sent:** 23 June 2017 10:17  
**To:** 'kamaljit sangha' (kamal.sangha@virgin.net)  
**Cc:** harminder bains (bains401@gmail.com); Round Jonathan; licensingservice; Sheffield.Liquor-Licensing@southyorks.pnn.police.uk  
**Subject:** Dam House Tramlines TEN 21-23 July  
**Importance:** High

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

Dear Kamaljit,

I've just been notified of your current TEN submission for Tramlines. You will recall we had a meeting last year due to several complaints of noise nuisance received by the Council. The outcome of the meeting is detailed in the email below, from September last year.

Whilst I've not yet had sight of the full TEN details yet, information forwarded by SYP suggests that the proposals for Tramlines this year don't fully reflect the agreements that we reached. In particular the 11pm finish for outdoor music is not as agreed. I am keen to ensure that we learn from last year, and that our agreement is honoured, particularly in respect of timings and establishing and maintaining music noise at the agreed level of <65dBA.

As you're probably aware, the TEN process doesn't allow much time to get agreements sorted out (with only a 3 day window for objections). I'm therefore taking this opportunity to formally notify you of my objection, as representative for SCC Environmental Protection Service, the Responsible Authority for the Prevention of Public Nuisance under the 2003 Licensing Act, as amended.

I trust that over the course of the next couple of weeks, we shall work out a suitable approach to allow the Tramlines event to proceed, in a revised format and in compliance with our agreement.

Kind regards,

Neal Pates

Neal Pates  
Environmental Protection Officer

Please note new address and contact details:

Sheffield City Council  
Environmental Protection Service, Commercial Team  
5<sup>th</sup> Floor (North)  
Howden House  
1 Union Street  
Sheffield  
S1 2SH

Tel: +44 (0)114 273 4651  
Mob: +44 (0)7795 528 038  
Int: x 53588  
Web: <http://www.sheffield.gov.uk/environment/environmental-health>

Did you know?

Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.
- specialist cleaning services involving the removal of bodily fluids, used needles and other noxious materials.
- pest control including individual treatments and annual contracts.
- bird proofing involving the installation of nets or spikes.

Our rates are competitive. Call 0114 2930356 now for a personalised service.

**From:** Pates Neal  
**Sent:** 21 September 2016 10:40  
**To:** 'kamaljit sangha' (kamal.sangha@virgin.net)  
**Cc:** harminder bains (bains401@gmail.com)  
**Subject:** FW: Dam House noise meeting

Dear Kamal,

Thanks again for meeting Jon and myself last week.

I hope the following summarises the meeting outcomes correctly. Do let me know if you feel there are any inaccuracies or I've missed anything.

We agreed that it would be advisable to discuss the wording and content of any future TENs with EPS prior to submission, and that it is best that TENs submitted are clear, detailed and do not adopt a 'haggling' approach, asking for more than is really required in terms of hours or activities.

We went on to agree that you limit the number of events to a couple a year, which we take to equate to a two day Tramlines weekend event, and possibly a one day late August Bank Holiday event, as per this year. We recommend that the outdoor music aspect of any such events terminates at 21:00 hours, and that the music noise level (MNL) is restricted to a maximum of LAeq(15 mins) 65dBA at the façade of the nearby properties on Harcourt Road. We advise that the MNL is established at a pre-event sound check, and that the MNL is monitored during the events to ensure it is not exceeded. We agreed that you would benefit from professional assistance to achieve this, and agreed to provide the information above to help with this (see below).

We also discussed that pro-active written contact (letter drops) to local properties providing advance notice of events and providing contact details, both for pre-event queries and in case of problems to report during events, could be a helpful tool to engage with neighbours and 'head off' potential issues before they escalate. EPS would be happy to review any draft communication to give advice on this approach.

Please note these links to acoustics professionals' websites. You should be able to find a local consultancy using these searchable webpages. The IOA and the ANC are the two main relevant professional bodies. You can search their membership records to find a local consultancy at;

<http://www.ioa.org.uk/find-acoustics-specialist-or-supplier>, and at

<http://www.association-of-noise-consultants.co.uk/members-search/>.

Please do let me know if you have any other concerns or questions following our meeting.

Kind regards,

Neal Pates

Neal Pates  
Environmental Protection Officer

**Please note new address and contact details:**

Sheffield City Council  
Environmental Protection Service, Commercial Team  
5<sup>th</sup> Floor (North)  
Howden House  
1 Union Street  
Sheffield  
S1 2SH

Tel: +44 (0)114 273 4651  
Mob: +44 (0)7795 528 038  
Int: x 53588  
Web: <http://www.sheffield.gov.uk/environment/environmental-health>

Did you know?



Our sister service, Environmental Services can provide a range of services for you by fully qualified Officers:

- internal and external cleaning, clearances and vegetation removal.
- specialist cleaning services involving the removal of bodily fluids, used needles and other noxious materials.
- pest control including individual treatments and annual contracts.
- bird proofing involving the installation of nets or spikes.

Our rates are competitive. Call 0114 2930356 now for a personalised service.

<http://www.sheffield.gov.uk/environment/environmental-health/pest-control>

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# Appendix C

Hearing Notices

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

Mr Kamaljit Sangha  
Dam House Bar and Restaurant  
Mushroom Lane  
Sheffield  
S3 7NZ

thedamhousesheffield@gmail.com

The Sheffield City Council being the licensing authority, on the 22<sup>nd</sup> June 2017 received your application in respect of the premises known as;

**Dam House, Mushroom Lane, Sheffield, S3 7NZ**

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

Sheffield City Council's Environmental Protection Service

The Council now **GIVES YOU NOTICE** that representations will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on **Thursday 29<sup>th</sup> June 2017 at 11.30am**

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: 27<sup>th</sup> June 2017

Signed: Craig Harper

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.



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

Neal Pates  
Environmental Protection Service  
Fifth Floor  
Howden House  
Sheffield City Council  
Sheffield  
S1 2SH

[Neal.Pates@sheffield.gov.uk](mailto:Neal.Pates@sheffield.gov.uk)

The Sheffield City Council being the licensing authority, on the **22<sup>nd</sup> June 2017** received an application in respect of the premises known as;

**Dam House, Mushroom Lane, Sheffield, S3 7NZ**

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

- **Sheffield City Council's Environmental 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 **Thursday 29<sup>th</sup> June 2017 at 11.30am**

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: 27<sup>th</sup> June 2017

Signed: Craig Harper

The officer appointed for this purpose  
Licensing Officer

# Appendix D

Regulations & Procedure



### Right of attendance, assistance and representation

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

### Representations and supporting information

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

### Failure of parties to attend the hearing

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

### Procedure at hearing

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



## Regulation 8

- (1) A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating –
- (a) whether he intends to attend or be represented at the hearing;
  - (b) whether he considers a hearing to be unnecessary
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under –
- (a) section 48(3)(a) (cancellation of interim authority notice following police objection), or
  - (b) section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.

- (4) In the case of a hearing under –
- (a) section 167(5)(a) (review of premises licence following closure order),
  - (b) paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence), paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)
  - (c) paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.

- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

## Licensing Act 2003 – Hearing Procedure – Regulation 7 (1)

This procedure has been drawn up in accordance with the Licensing Act 2003 to assist those parties attending Licensing Committee hearings.

1. The hearing before the Council is Quasi Judicial.
  2. The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
  3. The Chair will ask the applicants to formally introduce themselves.
  4. The Solicitor to the Committee will outline the procedure to be followed at the hearing.
  5. Hearing Procedure:-
    - (a) The Licensing Officer will introduce the report.
    - (b) Questions concerning the report can be asked both by Members and the applicant.
    - (c) The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
    - (d) Members may ask questions of those parties
    - (e) With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
    - (f) The applicant/licensee (or his/her nominated representative) will then be asked to:-
      - (i) detail the application;
      - (ii) provide clarification on the application and respond to the representations made.
    - (g) The applicant/licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
    - (h) The applicant will then be given the opportunity to sum up the application.
      - (i) The Licensing Officer will then detail the options.
      - (j) There will then be a private session for members to take legal advice and consider the application.
  6. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.
- NB:
- 1) At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
  - 2) The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.