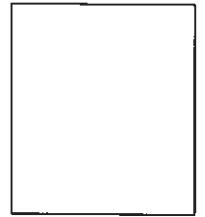




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 29th June 2017

Subject: Licensing Act 2003

Author of Report: Craig Harper

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

Dam House, Mushroom Lane, Sheffield, S3 7NZ

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

Background Papers: Attached documents

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER
HEAD OF LICENSING TO THE LICENSING 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 22nd 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 23rd 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

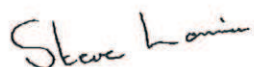
8.1 The Licensing Act 2003 section 181 and Schedule 5 makes provision for appeals to be made by the premises user and the chief officer of Police against decisions of the Licensing Authority, to the Magistrates' Court.

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

23rd June 2017

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 & 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

21	/	07	/	2017
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

23	/	07	/	2017
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

Website: 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

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

Appendix B

Objection – Environmental Protection Service

Harper Craig

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
5th 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
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel: +44 (0)114 273 4651
Mob: +44 (0)7795 528 038
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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>

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 22nd 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 29th 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: 27th 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.

**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

The Sheffield City Council being the licensing authority, on the **22nd 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 29th 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: 27th 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.