



**SHEFFIELD CITY COUNCIL
Committee Report**

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Report of: Chief Licensing Officer, Head of Licensing

Date: 22nd March 2012

Subject: Licensing Act 2003
Police objection in relation to a Temporary Event Notice

Author of Report: Claire Bower – 203 7751

Summary: To consider a notice of objection submitted by South Yorkshire Police relating to a temporary event notice

Recommendations: That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the crime prevention objective.

Background Papers: Attached documents

Category of Report: OPEN

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

Ref No: 26/12

LICENSING ACT 2003

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

Stars & Mayfair Party Suites, 1 Queens Road, Sheffield, S2 4DF

1.0 PURPOSE OF REPORT

1.1 To consider a notice of objection submitted by South Yorkshire Police relating to a temporary event notice for the premises known as Stars & Mayfair Party Suites, 1 Queens Road, Sheffield, S2 4DF.

2.0 THE TEMPORARY EVENT NOTICE

2.1 The proposed premises user is Mr Nigel Shaun Thompson.

2.2 The temporary event notice, which was received on 21 February 2012, is attached to this report labelled Appendix 'A'.

2.3 The event is on 28 July 2012 for the following times 16:00 hours until 24:00 hours.

2.4 The nature of the event is described in the notice as a "Wedding Reception".

2.5 The licensable activities intended to be carried on at the premises are:

- The sale by retail of alcohol 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 South Yorkshire Police on 23rd February 2012, objecting to the temporary event notice. The notice of objection is attached at Appendix 'B'.

3.2 The applicant and the objecting officer from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 FINANCIAL IMPLICATIONS

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

5.0 THE LEGAL POSITION

- 5.1 Section 104 (2) of the Licensing Act states:
“Where a chief officer of police who receives a copy notice... is satisfied that allowing the premises to be used in accordance with the notice would undermine the crime prevention objective, he must give a notice stating the reasons why he is so satisfied (an “objection notice”) –
(a) to the relevant licensing authority, and
(b) to the premises user.”
- 5.2 Section 105 (2) states:
“The relevant licensing authority must –
(a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and
(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the crime prevention objective to do so.”

6.0 HEARINGS REGULATIONS

- 6.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.
- 6.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'D'.
- 6.3 Attached at Appendix 'D' is the following: -
a) a copy of the Notice of Hearing;
b) the rights of a party provided in Regulations 15 and 16;
c) the consequences if a party does not attend or is not represented at the hearing
d) the procedure to be followed at the hearing.

7.0 APPEALS

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

8.0 RECOMMENDATIONS

- 8.1 That members carefully consider the representations made and take such steps, as the Committee consider necessary for the promotion of the crime prevention objective.

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date.
- 9.2 To give the premises user a counter notice if it considers it necessary for the promotion of the crime prevention objective.

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

February 2012

LIC/CB

4



Sheffield City Council
Application for a Temporary Event Notice
Licensing Act 2003

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

* required information

Section 1 of 4

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

78025

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

Your reference

NST/28 July

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

Nigel

* Family name

Thompson

* E-mail

git32@dial.pipex.com

Main telephone number

0114 272 3037

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

* Is your business registered outside the UK? Yes No

* Business name

Trans Pennine Group

If your business is registered, use its registered name.

* VAT number

- 646729306

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

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

Continued from previous page...

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

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

Telephone number

Other telephone number

Section 2 of 3

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

Continued from previous page...

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Location Details

Provide further details about the location of the event

N/A

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)

The Stars & Mayfair Function Suites

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

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

We are presently appealing the revocation of our premises license. Should our appeal be unsuccessful, this application is being made to protect a wedding booking that has been booked for many months and cannot be easily rearranged. The booking has been made by Miss Leanne Kay, (07702648276) of 34 Barrie Avenue, Sheffield S5 8RN and will run from 4pm to 12 midnight on the 28/7/2012.

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

Continued from previous page...

- 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

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 7)

28 July 2012

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

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 8)

16.00 to 12 midnight

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 9)

200

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 10):

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

Section 11

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 11)

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

Continued from previous page...

Date of expiry

03	/	04	/	2016
dd		mm		yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 12)

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

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?

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 13)

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 14(1)

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (See also guidance on completing the form, note 14)

PAYMENT DETAILS

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

ATTACHMENTS

DECLARATION

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

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

* Full name

* Capacity

Continued from previous page...

* Date

21	/	02	/	2012
dd		mm		yyyy

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?"

Digital signature

You can digitally sign the form if you wish, this will be verified and passed to the authority.

When you are satisfied that you have completed the form correctly, save it and continue with the application process. If the online application screen is no longer available in your browser, [click here](#) to resume.

Applicant reference number	NST/28 July
Fee paid	21.00
Payment provider reference	2204900231
ELMS Payment Reference	78025
Payment status	Paid
Payment authorisation code	cardbe.msg.authorised
Payment authorisation date	Feb 21, 2012
Date and time submitted	Feb 21, 2012 4:18:29 PM
Approval deadline	Feb 23, 2012
Error message	
Is Digitally signed	<input type="checkbox"/>

From: Lucy.Adams@southyorks.pnn.police.uk on behalf of Sheffield
Licensing@southyorks.pnn.police.uk

Sent: 23 February 2012 15:01

To: Licensing(General)

Cc: Martin.Hemingway@southyorks.pnn.police.uk;

Andrea.Marsden@southyorks.pnn.police.uk; Elizabeth.Payne@southyorks.pnn.police.uk;

Benita.Mumby@southyorks.pnn.police.uk

Subject: Objection-TEN Stars & Mayfair, 1 Queens Road

Sent on behalf of Sheffield Licensing, South Yorkshire Police

Licensing General

Town Hall

Surrey Street

Sheffield

S1 2HH

Date: 23.2.12

Licensing Act 2003

Objection to temporary event notice Saturday 28th July 2012

STARS & MAYFAIR, 1 QUEENS ROAD, SHEFFIELD S2 4DF

On behalf of the Chief Constable of South Yorkshire, an objection is being made in relation to the above application.

The grounds of objection are based on the prevention of crime and disorder. The premises are currently appealing the revocation of their premises licence. Following the recent review hearing we have concerns events are being held at the venue which transpire to be of a different nature to that stated on the temporary event notices submitted. Our review follows an incident of serious crime and disorder on New Years Eve of 2011 and subsequently we feel there is a potential for further disorder at future events.

Please be aware we may well reconsider our objection should we be provided with further clarification about the event in question.

In order for the objection to be withdrawn, the matters outlined must be addresses to our satisfaction.

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Cc

"This emailed representation is made in accordance with the agreement
with
the Licensing Authority on 1st November 2006 to accept representations
by
email".

Sheffield Licensing Section
1st Floor
Attercliffe Police Station
60 Attercliffe Common
Sheffield
S9 2AD
Licensing Team

Lucy Adams 0114 2523617 internal 718617
Tracey Klein 0114 2523948 internal 718948
Andrea Marsden 0114 2523618 internal 718618
Lizzie Payne 0114 2523163 internal 718163
Jodie Fulford 0114 2523556 internal 718 556
Alicia Marsden 0114 2523111 internal 718 111
Fax 0114 2523688 Internal 8688

To find out who your local Safer Neighbourhood Team officer is, how to contact them, and to find out what's happening in your area enter your postcode at <http://neighbourhood.southyorks.police.uk>

This year's force-wide Violent Crime Reduction Campaign runs throughout December and is supported by a media campaign called Shaken and Slurred. It focuses on reducing the levels of drink driving, alcohol-related violence, serious sexual assaults and domestic violence within all South Yorkshire communities. For details of the campaign please visit www.lifewise999.co.uk/shakenandslurred



Notice of hearing in respect of a Police objection

Mr Nigel Shaun Thompson
172 Prospect Road
Totley Rise
Sheffield
S17 4HY

The Sheffield City Council, being the licensing authority, on the 21 February 2012 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Nigel Shaun Thompson for an event to take place on 28 July 2012 from 16:00 hours until 24:00 hours at **Stars & Mayfair Party Suites**.

The Police objection notice is attached.

The Council now GIVES YOU NOTICE that this matter will be considered at a hearing to be held in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH, on the **22nd March 2012, at 10am**; following which the Council will make a decision.

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

- 1) Your response to the objection notice submitted by South Yorkshire Police, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your intended events.

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

Dated 29 February 2012

Signed _____
The officer appointed for this purpose
Licensing Officer

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



Notice of hearing in respect of a Police objection

Police Licensing
60 Attercliffe Common
Sheffield
S9 2AD

The Sheffield City Council, being the licensing authority, on the 21 February 2012 received an objection notice from South Yorkshire Police in relation to the temporary event notice given by Mr Nigel Shaun Thompson for an event to take place on 28 July 2012 from 16:00 hours until 24:00 hours at **Stars & Mayfair Party Suites**.

The Police objection notice is attached.

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

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

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

Dated 29 February 2012

Signed _____
The officer appointed for this purpose
Licensing Officer



Notice of hearing in respect of a Police objection

Mr Nigel Shaun Thompson
172 Prospect Road
Totley Rise
Sheffield
S17 4HY

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- 1) Your response to the objection notice submitted by South Yorkshire Police, upon which you may ask and be asked questions by the parties to the hearing.
- 2) You may also be asked questions by the parties to the hearing, relating to your intended events.

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

Dated 29 February 2012

Signed _____
The officer appointed for this purpose
Licensing Officer

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

Right of attendance, assistance and representation

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

Representations and supporting information

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

Failure of parties to attend the hearing

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

Procedure at hearing

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

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.

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

I Mr Nigel Shaun Thompson

Of 172 Prospect Road
Totley Rise
Sheffield
S17 4HY

hereby confirm that I have received the Notice of Hearing dated **29 February 2012** and notify you as follows **(please complete)**:

I intend to attend the hearing

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I do not intend to be represented at the hearing by:.....

I consider the hearing to be unnecessary because:

.....

I request thatshould appear at the hearing and set out below the point or points on which this person may be able to assist the authority in relation to this application, representations or notice of the party making the request.

Dated: Signed.....

Please complete this form and return it to: Licensing Service, Sheffield City Council Block C Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.