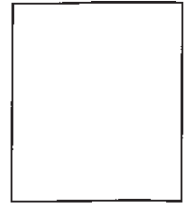




SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 30th June 2014

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

Summary: To consider objections in relation to an application for two Temporary Event Notices.

Prospect Farm Kirk Edge Road, Sheffield

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

Background Papers: Attached documents

Category of Report: OPEN

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

Ref No 68/14

LICENSING ACT 2003

Hearing to consider a notice of objection to 2 no Temporary Event Notices.

Prospect Farm Kirk Edge Road Sheffield S6 6LJ

1.0 PURPOSE OF REPORT

- 1.1 To consider a notice of objection submitted by Sheffield City Council Environmental Protection Service relating to two temporary event notices for the premises known as Prospect Farm Kirk Edge Road Sheffield.

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is Martin Hague.
- 2.2 The temporary event notices, which were received on 17th June 2014 are attached to this report labelled Appendix 'A'.
- 2.3 The events are as follows;
- Event 1 – Wedding 12.00 12th July 2014 to 23.30 12th July 2014 (Tipi in field)
- Event 2 – Wedding 12.00 19th July 2014 to 23.30 19th July 2014 (Tipi in field)
- 2.4 The licensable activities intended to be carried on at the premises are:
- The sale by retail of alcohol for consumption on the premises
 - The provision of regulated entertainment

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Sheffield City Council on 20th June 2014, objecting to the temporary event notices. The notices of objection are 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 A Chief Police Officer or Environmental Protection Service of the Local Authority may object to a Temporary Event Notice.
- 5.2 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."

6.0 HEARINGS REGULATIONS

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

7.0 APPEALS

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

8.0 RECOMMENDATIONS

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

9.0 OPTIONS OPEN TO THE COMMITTEE

- 9.1 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date as per the application
- 9.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date with conditions
- 9.3 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.

Steve Lonnie

Stephen Lonnie,
Chief Licensing Officer, Head of Licensing
30th June 2014

Appendix A

The Applications

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

Tel: 0114 273 4264 Fax: 0114 273 4073
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 17 June 2014



A1

Mr Martin Hague
Prospect Farm
Kirkedge Road
Sheffield
S6 6LJ

Dear Sir

Licensing Act 2003 – Temporary Event Notice
Re : Prospect Farm, Kirkedge Road, S6 6LJ

Dates of event - 12 July 2014 to 12 July 2014
Times of event - 12 noon until 23:30 hours
Parts of premises to be used - In a Tipi in the Field
Type of Event - "Wedding"

Approved licensable activities:

The sale by retail of alcohol	Yes - On
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No
Regulated Entertainment	Yes
Late Night Refreshment	No

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.

Yours faithfully

M R Crawshaw

Mr Michael Crawshaw
Licensing Analyst & Processing Officer



* required information

Section 1 of 0

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? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

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

Is your business registered outside the UK? Yes No

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.

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

Update my profile

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

Section 2 of 0

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

A4

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	prospect farm
Street	kirkedge road
District	
City or town	sheffield
County or administrative area	
Postcode	s6 6lj
<input type="radio"/> Country	United Kingdom

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	martinlegal@mhhcontracting.co.uk
Telephone number	01142213795
Other telephone number	

Section 3 of 0

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

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither
- Premises licence
- Club premises certificate

Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

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)

Continued from previous page...

Section 4 of 0

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(see also guidance on completing the form, note 7)

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

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 8)

12/07/14

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 9)

12.00-23.30

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

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 11):

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

Section 5 of 0

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence? Yes No

Section 6 of 0

A7

Continued from previous page...

PREVIOUS TEMPORARY EVENT NOTICES

(See also guidance on completing the form, note 13)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

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

Section 7 of 0

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

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 8 of 0

CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
 (See also guidance on completing the form, note 16)

PAYMENT DETAILS

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

DECLARATION

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

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

Full name

Capacity

Date / /
dd mm yyyy

Add another signatory

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.

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

Tel: 0114 273 4264 Fax: 0114 273 4073
E-mail: general.licensing@sheffield.gov.uk
Website: www.sheffield.gov.uk/licensing
Date: 17 June 2014



Mr Martin Hague
Prospect Farm
Kirkedge Road
Sheffield
S6 6LJ

Dear Sir

Licensing Act 2003 – Temporary Event Notice
Re : Prospect Farm, Kirkedge Road, S6 6LJ

Dates of event - 19 July 2014 to 19 July 2014
Times of event - 12 noon until 23:30 hours
Parts of premises to be used - In a Tipi in the Field
Type of Event - "Wedding"

Approved licensable activities:

The sale by retail of alcohol	Yes - On
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	No
Regulated Entertainment	Yes
Late Night Refreshment	No

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.

Yours faithfully

M R Crawshaw

Mr Michael Crawshaw
Licensing Analyst & Processing Officer

File reference - G:\DEL\BS&R\Licensing\LicGen\Templates\FLARE Mailmerge Masters\LQA TEN_Endorsed.doc

Page 1 of 2



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

A10

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

* required information

Section 1 of 0

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

Is your business registered outside the UK? Yes No

Business name If your business is registered, use its registered name.

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

Legal status

All

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

Update my profile

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

Section 2 of 0

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

A12

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 3 of 0

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

A13

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

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

- Neither
- Premises licence
- Club premises certificate

Location Details

Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

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)

Continued from previous page...

Section 4 of 0

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

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- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

(see also guidance on completing the form, note 7)

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

State the dates on which you intend to use these premises for licensable activities (see also guidance on completing the form, note 8)

19/07/14

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 9)

12.00-23.30

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 10)

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 11):

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

Section 5 of 0

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Do you currently hold a valid personal licence? Yes No

Section 6 of 0

Continued from previous page...

PREVIOUS TEMPORARY EVENT NOTICES

(See also guidance on completing the form, note 13)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

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

Section 7 of 0

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or Yes No

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

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes No

Continued from previous page...

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 8 of 0

CONDITION

is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
(See also guidance on completing the form, note 16)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION

* The information contained in this form is correct to the best of my knowledge and belief.

* I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

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

Full name

Capacity

Date / /
dd mm yyyy

Add another signatory

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.

Appendix B

Objection – Sheffield City Council
Environmental Services

Stephenson Clive (CEX)

From: Pates Neal
Sent: 20 June 2014 12:21
To: 'martin@mhhcontracting.co.uk'
Cc: licensingservice
Subject: Objection to TENs at Prospect Farm on 12th & 19th July 2014

Importance: High


BI

Dear Mr Martin Hague,

Please note my objection to the two TENs applied for at Prospect Farm on 12th & 19th July 2014.

The application includes Regulated Entertainment, including a live band, and is to be held in a marquee/tepee. Such structures offer negligible sound attenuation. This application seeks to site tepees with regulated entertainment at Prospect Farm, Kirk Edge Road. I am unclear on the proposed location of the tepee in the field, as no site plan is included with the TEN. However, a review of our mapping system shows that Prospect Farm is less than 50m from its nearest residential neighbouring property, Parkside. According to my map search today, a number of other residential and noise sensitive properties are also within about 0.6km of the property, including Kirk Edge Carmelite Monastery (a silent retreat at about 350m distance). Experience has demonstrated that amplified music from such events can be heard across the High & Low Bradfield valley and, unless suitably controlled, may cause nuisance at residential locations considerable distances away.

I am making this objection now as the applications have only come to my attention on the third (and last) day for representations to be made. I hope that we can discuss the matter further next week, to establish if suitable controls may be available. If this is the case, I will withdraw my objection. However, if such controls cannot be agreed, or it appears that public nuisance remains a likely outcome, I shall have to make formal representation to any Licensing sub-committee scheduled to hear this objection.

My contact details are below. Alternatively a general number for EPS is (0114) 2734651.

Kind Regards,

Neal Pates

Neal Pates
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
2-10 Carbrook Hall Road
Sheffield
S9 2DB
Tel: +44 (0)114 205 3588
Fax: +44 (0)114 273 6464
web: <http://www.sheffield.gov.uk/environment/environmental-health>

Appendix C

Hearing Notices / Regulations / Procedures

CI

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

Martin Hague
Prospect Farm
Kirk Edge Road
Sheffield
S6 6LJ

martinlegal@mhhcontracting.co.uk

The Sheffield City Council being the licensing authority, on the 17th June 2014 received your applications in respect of the premises known as;

Prospect Farm Kirk Edge Road Sheffield.

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 Environmental Services

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 **Monday 30th June at 11.00am.**

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: 25th June 2014

Signed: Clive Stephenson
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.

C2

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

Neal Pates
Environmental Health Officer
Health Protection Service
Sheffield City Council
2 – 10 Carbrook Hall Road
Sheffield
S92DB

neal.pates@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the **17th June 2014** received applications in respect of the premises known as;

Prospect Farm Kirkedge Road Sheffield

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

- **Sheffield City Council Environmental Services**

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 **Monday 30th June 2014**.

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: 25th June 2014

Signed: Clive Stephenson
The officer appointed for this purpose
Licensing Officer

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.

LICENSING ACT 2003

Premises. Prospect Farm Kirk Edge Road Sheffield
Type of App: **Temporary Event Notices No 2**
Hearing Date 30th June 2014

Form LAR 1
Regulation 8

CH

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 **Martin Hague**

Of **Prospect Farm
Kirk Edge Road
Sheffield
S6 6LJ**

hereby confirm that I have received the Notice of Hearing dated **25th June 2014** and notify you as follows **(please complete)**:

I intend to attend the hearing at 11am on **Monday 30th June 2014**

I do not intend to attend the hearing

I intend to be represented at the hearing by:

I consider the hearing to be unnecessary because:

I request that should 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 see Regulation 8 overleaf

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

Regulation 8

C5

- (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.

C6

Licensing Act 2003 – Hearing Procedure – Regulation 15

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.

Licensing Act 2003 – Hearing Procedure – Regulation 16

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. .

C7

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.

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