

# **Licensing Sub-Committee**

**Thursday 30 October 2014 at 10.00 am**

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

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

## **Membership**

**Councillors David Barker (Chair), Josie Paszek and Stuart Wattam**

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## **PUBLIC ACCESS TO THE MEETING**

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

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

Whilst recording is allowed at Committee meetings under the direction of the Chair of the meeting, Licensing Sub-Committee meetings may not be suitable for recording due to the nature of some of the evidence to be given, and the Chair will use discretion to decide if recording is allowed. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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

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

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

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## **FACILITIES**

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

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

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**LICENSING SUB-COMMITTEE AGENDA  
30 OCTOBER 2014**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Licensing Act 2003 - Riverside, Mowbray Street, Neepsend, Sheffield**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

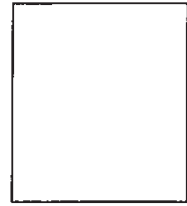
Further advice can be obtained from Gillian Duckworth, Interim Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



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

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**Date:** 30<sup>th</sup> October 2014

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**Subject:** Licensing Act 2003

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**Author of Report:** Clive Stephenson

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

Riverside Mowbray Street Sheffield S3 8EN

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

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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

Ref No 106/14

**LICENSING ACT 2003**

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

**Riverside Mowbray Street Neepsend Sheffield**

**1.0 PURPOSE OF REPORT**

1.1 To consider a notice of objection submitted by Sheffield City Council Environmental Protection Service relating to a temporary event notice for the premises known as Riverside Mowbray Street Sheffield S3 8EN

**2.0 THE TEMPORARY EVENT NOTICE**

2.1 The proposed premises user is Mr David Shaw.

2.2 The temporary event notice, which was received on 16<sup>th</sup> October 2014 is attached to this report labelled Appendix 'A'.

2.3 The events are as follows;

DJ's (playing recorded music)

12<sup>th</sup> December 2014, 00.00 hours until 13<sup>th</sup> December 2014 03.00am

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
- The provision of late night refreshment

**3.0 REASONS FOR REFERRAL**

3.1 A notice was submitted by Sheffield City Council on 21<sup>st</sup> October 2014, objecting to the temporary event notice. The notice 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  
30<sup>th</sup> October 2014

# Appendix A

The Applications

Licensing Service  
Sheffield City Council  
Block C, Staniforth Road Depot  
Staniforth Road  
Sheffield, S9 3HD  
Tel: 0114 273 4264

E-mail: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)  
Date: 16 October 2014



David Shaw  
Riverside  
Mowbray Street  
Sheffield  
S3 8EN

Dear Sir,

**Licensing Act 2003 – Temporary Event Notice**  
**Re : Riverside, Mowbray Street, Neepsend, Sheffield, S3 8EN**

Dates of event - 12 December 2014 to 13 December 2014  
Times of event - 12:00 to 03:00 hours  
Parts of premises to be used - All the Premises  
Type of Event - DJ's

**Approved licensable activities:**

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

Thank you for your Temporary Event Notice for the above mentioned premises, for which we acknowledge receipt.

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.

A2



Sheffield  
Application for a Temporary Event Notice  
Licensing Act 2003

For help contact  
licensing@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

Not Currently In Use

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

Your reference

12/12/14

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

David

Family name

Shaw

E-mail address

riversideam@pointblank.org.uk

Main telephone number

07758421873

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.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

Building number or name	Riverside
Street	Mowbray Street
District	Neepsend
City or town	Sheffield
County or administrative area	South Yorks
Postcode	S3 8EN
Country	United Kingdom

**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

14	/	07	/	1979
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

JK430850C

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Boston

**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	Riverside
Street	Mowbray Street
District	Neepsend
City or town	Sheffield
County or administrative area	South Yorks
Postcode	S3 8EN
Country	United Kingdom



Continued from previous page...

### Additional Contact Details

Are the contact details the same as (or similar to) those 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

E-mail

riversideam@pointblank.org.uk

Telephone number

07758421873

Other telephone number

### 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?

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

Riverside

Street

Mowbray Street

District

Neepsend

City or town

Sheffield

County or administrative area

South Yorks

Postcode

S3 8EN

Country

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

SY 0814 PR

#### Location Details

Provide further details about the location of the event

In the bar 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)

[Empty box for description and details]

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

Pub

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

DJ's

**Section 4 of 9**

**LICENSABLE ACTIVITIES**

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

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

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

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

**Event Dates**

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

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

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

Event start date       /  /   
    dd            mm            yyyy

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

Event end date         /  /   
    dd            mm            yyyy

**Continued from previous page...**

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

1200 to 300

(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

250

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

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 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

2000 to 300

**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

**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

Continued from previous page...

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

State the total number of temporary event notices your associate(s) have given for events in the same calendar year

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

- a) Ends 24 hours or less before; or  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 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 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

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.

A9

**OFFICE USE ONLY**

Applicant reference number	12/12/14
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

< Previous 1 2 3 4 5 6 7 8 9 Next >

# Appendix B

Objection – Sheffield City Council  
Environmental Services

**From:** Gough Jayne (CEX) on behalf of licensingservice  
**Sent:** 21 October 2014 17:05  
**To:** Stephenson Clive (CEX)  
**Subject:** FW: David Shaw; RE: TEN - 12/12/2014 - The Riverside

Clive,  
Objection for Riverside TEN from Neal Pates  
Thanks

**From:** Pates Neal  
**Sent:** 21 October 2014 11:18  
**To:** licensingservice  
**Subject:** FW: David Shaw; RE: TEN - 12/12/2014 - The Riverside

Hi,

I have been chasing the applicant for a response on this TEN to no avail. Prior to this email I have been in discussions with the PLH and DPS about outstanding actions from them in relation to noise control measures, and have discussed my concerns in relation to this TEN in that context. Following the email below that I sent to the applicant Mr D Shaw on Friday explaining the urgent need for a response, I also phoned Mr Shaw yesterday at 3pm and explained that I really needed an urgent response from him within the hour to enable the TEN to proceed without formal objection. He said he would get back to me in time, but I have come in this morning and no such response was received.

Please now register my formal objection this TEN.

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>

**From:** Pates Neal  
**Sent:** 17 October 2014 09:59  
**To:** [riversideam@pointblank.org.uk](mailto:riversideam@pointblank.org.uk)  
**Cc:** Steve Jackson; 'Karl Nosek'; licensingservice  
**Subject:** FAO: David Shaw; RE: TEN - 12/12/2014 - The Riverside

Dear David,

I have ongoing concerns about repeated noise nuisance issues at The Riverside. Whilst some changes are anticipated to address this (refer to email thread below), I am unhappy with the very sparse detail provided on the TEN application form for the event you have applied for on 12/12/2014.

I would be grateful if you could reply to me ASAP with full details of the event, the type of music to be played and how noise nuisance will be prevented. Please pay particular attention to commenting on how outside noise levels will be monitored and controlled, and how use of outside areas will be managed to prevent music noise breakout caused by persons going outside to drink and/or smoke.



B2

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>

**From:** Steve Jackson [mailto:[saj@pointblank.org.uk](mailto:saj@pointblank.org.uk)]

**Sent:** 25 September 2014 09:36

**To:** Pates Neal

**Cc:** licensingservice; Karl Nosek

**Subject:** Re: Proposed Premises Licence Variation Application - The Riverside, Mowbray Street

Dear Neil

Thankyou for making this suggestion to offer us a way forward. This looks agreeable upon first reading. There may be some further advice that we would like on controlling sound. I will review this fully next week with our manager, Karl with a view to implementation.

Best Regards

Steve

Steve Jackson

Creative Director

# Appendix C

Hearing Notices / Regulations / Procedures

CI

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

David Shaw  
Riverside  
Mowbray Street  
Sheffield  
S3 8EN

[riversideam@pointblank.org.uk](mailto:riversideam@pointblank.org.uk)

The Sheffield City Council being the licensing authority, on 16<sup>th</sup> October 2014 received your applications in respect of the premises known as;

**Riverside Mowbray Street Sheffield S3 8EN**

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 **Thursday 30<sup>th</sup> November 2014 10.00.**

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: 22<sup>nd</sup> October 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.

**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.

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

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

The Sheffield City Council being the licensing authority, on the **16<sup>th</sup> October 2014** received applications in respect of the premises known as;

**Riverside Mowbray Street Sheffield S3 8EN**

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 **Thursday 30<sup>th</sup> October 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: 22<sup>nd</sup> October 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.

## Regulation 8

C4

- (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.

# Appendix D

Riverside (current licence & conditions)



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

E-mail: [general.licensing@sheffield.gov.uk](mailto:general.licensing@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk/licensingact](http://www.sheffield.gov.uk/licensingact)  
Date: 18<sup>th</sup> December 2013

Steven Jackson  
Riverside Live Ltd  
1 Mowbray Street  
Sheffield  
S3 8EN

Dear Sir

**Licensing Act 2003:** Application to Change the Designated Premises Supervisor  
**Premises:** Riverside Cafe Bar, 1 Mowbray Street, Sheffield, S3 8EN.  
**Premises Licence Number:** SY 0814 PR

I enclose:

- a) **the updated premises licence;** and
  - a) **the updated premises licence summary**
- for the above named premises.

Please check both documents carefully, including all attached papers, and ensure that all details are correct. If they are not, please contact us immediately.

Please also be aware of the following:

- The original (or a certified copy) of the *entire* **premises licence** must be kept on the premises and available for inspection at all times. This includes any annexes, appendices & other related documents.
- The original (or a certified copy) of the **premises licence summary** must be prominently displayed at the premises.
- Failure to comply with any conditions attached to a licence is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both.

You must inform the Licensing Authority if you wish to do any of the following:

- Vary the licence;
- Vary the Designated Premises Supervisor (DPS) named on the licence;
- Transfer the licence; or
- Surrender the licence.

You must also inform us if the premises licence holder or DPS change their name or address.

D2

Should you wish to make any changes to the licence, please contact us for the relevant forms or refer to the website for information at [www.sheffield.gov.uk/licensingact](http://www.sheffield.gov.uk/licensingact). The original premises licence and premises licence summary must be returned for amendment and accompanied by the required fee (if applicable).

If the original premises licence or premises licence summary is lost or stolen, you must report this to South Yorkshire Police and immediately forward us a statement containing the incident number and/or the officer's details to whom it has been reported and a fee of £10.50 for the replacement.

Please contact me if you have any queries.

Yours faithfully

Emma Rhodes  
Licensing Officer

Enquiries to: **0114 2734264 / 0114 2734880**  
Enc.

**THE LICENSING ACT 2003****Premises Licence No: SY 0814 PR****ISSUE NO:11**

The Sheffield City Council being the Licensing Authority under the above Act, hereby grant this licence in accordance with the requirements of the Licensing Act 2003 in respect of and subject to the conditions attached:

**PART 1 – Premises details**

Riverside Cafe Bar  
1 Mowbray Street  
Sheffield  
S3 8EN

**Telephone Number:** 0114 272 4633

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

**1. Provision of regulated entertainment:****Live Music****Recorded Music**

Indoors &amp; Outdoors

Sunday to Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day

**2. Late Night Refreshment:**

Indoors &amp; Outdoors

Sunday to Thursday	23:00 to 24:00 hours
Friday & Saturday	23:00 to 01:00 hours the following day

**3. Sale by retail of alcohol**

a) for consumption on the premises

b) for consumption off the premises

Sunday to Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
Christmas Eve	10:00 to 01:00 hours the following day
Boxing Day	10:00 to 01:00 hours the following day
New Years Eve	10:00 to 01:00 hours the following day

D4

**The opening hours of the premises are**

Sunday to Thursday                      07:00 to 24:00 hours  
Friday & Saturday                      07:00 to 01:00 hours the following day

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption both on and off the premises.

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Riverside Live Ltd  
1 Mowbray Street  
Sheffield  
S3 8EN

**Telephone Number:** 0114 2724640

**Registered number of holder, for example company number, charity number (where applicable):**

6856829

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Karl Jan Nosek  
154 Albert Road  
Heeley  
Sheffield  
S8 9RA

D5

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Personal Licence Number:** SY 5139 Per  
**Issuing Authority:** Sheffield City Council

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**This Premises Licence shall be in force from the 24<sup>th</sup> November 2005.**

**Issued on: 9th November 2005.**



.....  
**Steve Lonnia**  
**Chief Licensing Officer**  
**Head of Licensing Services**  
**On behalf of Sheffield City Council (issuing licensing authority)**

<b>Sheffield City Council – For Office use only</b>	
Variation of Premises Licence	No: Issue Date:
Variation of DPS	No:10 Issue Date: 26th November 2013
Transfer of Premises Licence	No: 4 Issue Date: 8th April 2009
Minor Variation	No: Issue Date:
Change of Name/Address	No: Issue Date:

## **Annex 1A – Mandatory Conditions**

### **Mandatory Condition 1 (Section 19 ss 2)**

Where a licence authorises the sale of alcohol then no supply of alcohol may be made under the premises licence –

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (a) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

### **Mandatory Condition 2 (Section 19 ss 3)**

Where a licence authorises the sale of alcohol then every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Mandatory Condition 3 (Section 20)**

1. Where a premises licence authorises the exhibition of films, the licence includes the following conditions relating to the admission of children to the exhibition:
  - (a) The admission of children (under 18) to the exhibition of any film must be restricted in accordance with the classification set by the film classification body (currently the BBFC).
  - (a) In a case where there is no classification given by the classification body (the BBFC) the admission of children to the exhibition of any film must be restricted in accordance with any recommendation given by the Licensing Authority.
2. In this section -
  - “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

### **Mandatory Condition 4 (Section 21)**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity each such individual must be licensed by the Security Industry Authority.

## **Annex 1B - Mandatory Conditions effective from 6<sup>th</sup> April 2010:**

**These mandatory conditions apply where the licence authorises the supply of alcohol. The conditions in paragraph 1 to 3 do not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.**

1.
  - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to–

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on–
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

### **Annex 1C - Mandatory Conditions effective from 1st October 2010:**

**These mandatory conditions apply where the licence authorises the supply of alcohol. The condition 5 does not apply where the licence authorises the sale by retail or supply of alcohol only for consumption off the premises.**

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  
 (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that–
- (a) Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) Customers are made aware of the availability of these measures.

**Annex 2 – Conditions consistent with the operating schedule**

1. The designated premises supervisor or some such other person will be designated to act as lead safe guarder for children's issues at the premises.
2. Children under the age of 16 must be accompanied by an adult.
3. A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 28 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder.
4. There shall be no adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Schedule to Public Entertainment Licence - 3335

Special Licence Conditions

1. Capacity

The number of members of the public who may be present at any one time on the premises or in any part of such premises specified below shall not exceed

<b>Area</b>	<b>Capacity</b>
<b>Ground Floor</b>	<b>150</b>



D9

## LICENSING ACT 2003

### Premises Licence Summary

ISSUE NO:11

The Sheffield City Council being the Licensing Authority under the above Act hereby issue this Premises Licence Summary in respect of:

**Premises licence number**      **SY 0814 PR**

Riverside Cafe Bar  
1 Mowbray Street  
Sheffield  
S3 8EN

**Telephone Number:** 0114 272 4633

**Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities:**

#### 1. Provision of regulated entertainment:

**Live Music**

**Recorded Music**

Indoors & Outdoors

Sunday to Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day

#### 2. Late Night Refreshment:

Indoors & Outdoors

Sunday to Thursday	23:00 to 24:00 hours
Friday & Saturday	23:00 to 01:00 hours the following day

#### 3. Sale by retail of alcohol

a) for consumption on the premises

b) for consumption off the premises

Sunday to Thursday	10:00 to 24:00 hours
Friday & Saturday	10:00 to 01:00 hours the following day
Christmas Eve	10:00 to 01:00 hours the following day
Boxing Day	10:00 to 01:00 hours the following day
New Years Eve	10:00 to 01:00 hours the following day

#### The opening hours of the premises are

Sunday to Thursday	07:00 to 24:00 hours
Friday & Saturday	07:00 to 01:00 hours the following day

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Sale by retail of alcohol for consumption both on and off the premises.

**PLEASE NOTE:**

In the event, that the hours permitted on this premises licence differ from those authorised on your planning consent, you **MUST ONLY** operate to which ever is the most restrictive permission.

Both Licensing and Planning carry out enforcement activities and if you are found to be in breach of either your premises licence and / or your planning consent, it may result in legal action being taken against you.

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence:**

Riverside Live Ltd  
1 Mowbray Street  
Sheffield  
S3 8EN

**Telephone Number:** 0114 2724640

**Registered number of holder, for example company number, charity number (where applicable):**

6856829

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:**

Mr Karl Jan Nosek

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**The Premises Licence shall be in force from 24<sup>th</sup> November 2005**

**Issued on: 9th November 2005**



.....  
**Steve Lonnia**  
**Chief Licensing Officer**  
**Head of Licensing Services**  
**On behalf of Sheffield City Council (issuing licensing authority)**

Application Type «activity»

Unique Flare ID «marefno»