

Licensing Sub-Committee (Statutory)

Monday 27 February 2023 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 Jayne Dunn (Chair), Henry Nottage and Vickie Priestley
Roger Davison (Reserve)

PUBLIC ACCESS TO THE MEETING

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

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

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. 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 John Turner on 0114 474 1947 or email john.turner@sheffield.gov.uk

FACILITIES

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.

**LICENSING SUB-COMMITTEE AGENDA
27 FEBRUARY 2023**

Order of Business

- 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 - 4-7 Smithfield, Sheffield, S3 7AR**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

If you are present at a meeting of the Council, of its Policy Committees, 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.

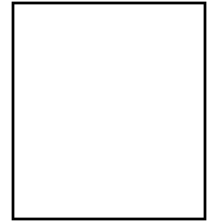
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing david.hollis@sheffield.gov.uk.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 27th February 2023 – 10:00am

Subject: Licensing Act 2003 – Temporary Events Notice

Author of Report: Daniel Parlett

Summary: To consider an objection in relation to a Temporary Event Notice.

4-7 Smithfield, Sheffield, S3 7AR

Recommendations: 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
Licensing Act 2003 – Statement of Licensing Policy
<https://www.sheffield.gov.uk/home/business/licences-permits-registrations/about-licences>

Category of Report: OPEN

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

Ref No 44/23

LICENSING ACT 2003

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

4-7 Smithfield, Sheffield, S3 7AR

1.0 PURPOSE OF REPORT

1.1 To consider objections submitted by both the Environmental Protection Service and the Health Protection Service in relation to a Temporary Event Notice (TEN) for the premises at 4-7 Smithfield, Sheffield, S3 7AR.

2.0 THE TEMPORARY EVENT NOTICE

2.1 The applicant is Daniel Gostkowski, part of the management team at Mondo Radio.

2.2 The Temporary Event Notice was received on the 12th February 2023 and is attached to this report at Appendix A along with additional information regarding the event.

2.3 The event is described as follows:

- The event in question is primarily a book launch and panel discussion with an author named [REDACTED]. The book is an updated and expanded second edition of "Join The Future: Bleep Techno and the Birth of British Bass Music", published by Velocity Press. During the event, we will be holding a panel discussion with a group of artists that have been instrumental to the inception and evolution of electronic music in the UK, followed by performances from several of the artists mentioned in the book.

The panel discussion will take place in the studio space, and the performances will take place in the larger room. The panel discussion will be hosted by [REDACTED], a freelance writer who is heavily featured in The Guardian, and there will be several Sheffield staples on the panel including [REDACTED] and [REDACTED]. The performances will come from several artists, including members of the discussion panel.

There will be a bar serving alcohol and soft drinks.

2.4 The details of the licensable activities applied for are:

- From 20:00 hours on Saturday 18th March 2023 until 05:00 hours on Sunday 19th March 2023:
 - o The sale by retail of alcohol
 - o The provision of regulated entertainment
 - o The provision of late-night refreshment

2.5 The Notice was served to the relevant Responsible Authorities on the 13th February 2023.

3.0 REASONS FOR REFERRAL

3.1 Notices of objection were received from both the Environmental Protection Service and the Health Protection Service on 15th February 2023 and 16th February 2023 respectively. Details of the objections and further information is attached at Appendix B.

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

4.0 POLICIES AND DOCUMENTS TO CONSIDER

4.1 [Sheffield City Council Licensing Policy](#)

5.0 FINANCIAL IMPLICATIONS

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

6.0 THE LEGAL POSITION

6.1 A Chief Police Officer or Environmental Health of the Local Authority may object to a Temporary Event Notice within 3 working days of receiving the Notice.

6.2 Where such an objection is received, the relevant licensing authority must –

(a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the objection notice and the authority agree that a hearing is unnecessary, and

(b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it necessary for the promotion of the relevant licensing objective to do so.

7.0 HEARING REGULATIONS

7.1 Regulations governing hearings under the Licensing Act 2003 have been made by the Secretary of State.

7.2 The Licensing Authority has provided all parties with the information required in the Regulations to the 2003 Act as set out at Appendix 'C'.

7.3 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.

8.0 APPEALS

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

9.0 RECOMMENDATIONS

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

10.0 OPTIONS OPEN TO THE COMMITTEE

- 10.1 To acknowledge the Temporary Event Notice, allowing the event to go ahead on the proposed date as per the notice submitted.
- 10.2 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.



Stephen Lonnie,
Chief Licensing Officer, Head of Licensing

27th February 2023

Appendix A

The Temporary Events Notice
Additional Event Information


The Temporary Events Notice

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr		
Surname	Gostkowski		
Forenames	Daniel		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
	■	■	■
4. Your place of birth			
■			
5. National Insurance Number			
■			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
■			
Post town	■	Postcode	■
7. Other contact details			
Telephone numbers	■		
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			

E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please 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) (Please read note 2)	
4-7 Smithfield S3 7AR	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	

The event will be restricted to a 2 areas on the ground floor of the building. The areas include a small studio/arts space, and a larger events space. The studio space is approx 9x5M in size, and the larger events space is approx 13x9m. There are toilet facilities on site which will also be in use. We will also be using a courtyard area outside of these rooms as a smoking area. Access to and from all other areas of the building will be restricted, except for initial access to the event which leads into the courtyard.

Please describe the nature of the premises below. (Please read note 4)

The premises is an old Cutlery Factory that was repurposed some years ago to be used as an arts/creative/events space. We have created a beautiful, purpose built arts and studio space in one of the rooms, and the larger second room is a purpose built events space.

Please describe the nature of the event below. (Please read note 5)

The event in question is a primarily a book launch and panel discussion with an author named [REDACTED]. The book is an updated and expanded second edition of "Join The Future: Bleep Techno and the Birth of British Bass Music", published by Velocity Press. During the event, we will be holding a panel discussion with a group of artists that have been instrumental to the inception and evolution of electronic music in the UK, followed by performances from several of the artists mentioned in the book. The panel discussion will take place in the studio space, and the performances will take place in the larger room. The panel discussion will be hosted by [REDACTED], a freelance writer who is heavily featured in The Guardian, and there will be several Sheffield staples on the panel including [REDACTED] and [REDACTED]. The performances will come from several artists, including members of the discussion panel.

There will be a bar serving alcohol and soft drinks.

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>

The provision of regulated entertainment (Please read note 7)	√
The provision of late night refreshment	√
Are you giving a late temporary event notice? (Please read note 8)	No
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	18/03/2023-19/03/2023
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)	
The event will run from 20:00 hours on 18/03/2023 until 05:00 hours on 19/03/2023	
Please 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. (Please read note 11)	300
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only √
	Off the premises only
	Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

The licensable activities will include the provision of relevant entertainment. There will be musical performances between the hours of 23:00 and 05:00.

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes	No √
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
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 √

<p>If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year</p>		
<p>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 b) begins 24 hours or less after the event period proposed in this notice?</p>	<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>

<p>6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)</p>		
<p>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?</p>	<p>Yes</p>	<p>No <input checked="" type="checkbox"/></p>
<p>If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.</p>		

<p>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 b) begins 24 hours or less after the event period proposed in this notice?</p>	<p>Yes</p>	<p>No √</p>
<p>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?</p>	<p>Yes</p>	<p>No √</p>
<p>If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.</p>		
<p>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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?</p>	<p>Yes</p>	<p>No √</p>

7. Checklist (Please read note 17)

I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	√
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	√
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	√
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	
Made or enclosed payment of the fee for the application	√
Signed the declaration in Section 9 below	√

<p>8. Condition (Please read note 18)</p> <p>It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.</p>
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<p>9. Declarations (Please read note 19)</p>
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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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	08/02/2023
Name of Person signing	DANIEL GOSTKOWSKI

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Notes for Guidance

General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event

Additional Event Information

Customer Details

Name: Mr Daniel Gostkowski

Date of Birth: [REDACTED]

Number: [REDACTED]

Email: [REDACTED]

Address:

Details

Question or enquiry: Application reference sheffield-1332707

Hi There My name's Daniel Gostkowski, and i'm part of the management team at Mondo Radio, a local community led organisation based in Sheffield. I'm writing today to provide information about the event we have submitted a TEN application for.

In short, the event is a book launch event with a panel discussion hosted by the author and other members of the community, followed by performances from some of the artists mentioned in the book. We are yet to confirm all of the artists, so cannot provide a solid list at this time. We understand that there may have been some issues with noise complaints from previous tenants of the building. We are a completely separate organisation and have no affiliation to any previous tenants.

This will be our first event in the space, but we are all experienced events organisers and understand the technicalities of running an event appropriately. We will be providing SIA accredited security to ensure the safety of attendees. We have also organised for a sound engineer to be present before and during the event to monitor the volume of the event with a decibel meter. We are 100% committed to making sure that this event runs smoothly, and without causing any sort of nuisance to anyone in the surrounding area.

It is intended to be, for the most part, an educational event. If you would like any more information, please feel free to give me a call and we can discuss things in greater detail. My number is [REDACTED] PS I have attached the TEN application to this email.

Kind Regards Daniel Gostkowski Mondo Radio [REDACTED]
[REDACTED]

How would you like us to contact you?: By phone

Appendix B

Objection – Environmental Protection Service
Objection – Health Protection Service

Objection – Environmental Protection Service

Our Ref: [REDACTED]

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

Hi Dan,

Thanks for the meeting today. I spoke to you about noise concerns in my capacity representing SCC Environmental Protection Service, who are the Responsible Authority for the Prevention of Public Nuisance under the Licensing Act 2003.

We discussed concerns about noise, in the context of the significant history we already have of statutory and public nuisance due to music-based TENs events held at the 5-7 Smithfield premises. The indoor space proposed for this TEN (interpreted as taking place at 7 Smithfield) is not that the same as that used for activities which have, in recent years, culminated in the service of a noise abatement notice. However, the same external space is proposed to be used. Further, the extremely poor construction of the building (in terms of sound breakout), means that any loud amplified sound played within the space proposed for the TEN would propagate to that same outside courtyard area, and generally would be liable to break out readily via the weak and holey roof, doorways and windows.

You initially suggested that you would seek to address this by having entertainment at reduced volume, and by using a four speaker array set-up. However, as other concerns regarding the larger room were raised, you went on to say that you were in fact likely to reduce the event to the book launch/discussion only, with a much reduced capacity and entertainment element. It is anticipated this would also have an earlier finish time.

At this stage it is unclear if you wish to progress on the reduced event basis as a licensable activity, or whether all licenced elements would be dropped. I understand that you need to seek clarity on what would be accepted as unlicensable activity from SCC Licensing Service, and also need to check on the availability of certain certificates requested by my Health & Safety colleague, [REDACTED] will write to you separately about this.

Please take this email as confirmation that EPS would maintain a formal objection to the TEN submitted, should it remain in its current form. This is because the event would be too similar to those which have recently caused a S.80 abatement notice to be served at the 5-7 Smithfield location, with a similar risk of statutory nuisance recurring. A scaled down version of the event, for the book launch only, would likely be acceptable in terms of noise, but Responsible Authorities would also need to have their own respective concerns resolved.

I would encourage you to advise EPS, HPS and SYP Licensing, *as soon as possible* whether, and how, you wish to revise the TEN application, to address the various concerns raised by Responsible Authorities today. If you remove *all* licensable activities, then your TEN will be redundant. However, you would still have a responsibility to prevent noise nuisance, and could still be liable for enforcement actions taken under Sections 79-82 of the Environmental Protection Act 1990 (as amended), should statutory nuisance be evidenced.

If you have any questions relating to this **Page 25** notice, please do contact me directly. Please note that tomorrow, 16th Feb, is the last date for representations to be made, hence this interim

objection. However, EPS do typically continue to try to resolve matters after the last day, to avoid progression to a formal hearing by the Licensing Sub-Committee, where possible.

Kind regards,

[Redacted]

[Redacted]

Objection – Health Protection Service

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

FAO Daniel Gostkowski

Hello Dan,

Thank you for your time at our meeting yesterday with [REDACTED] (SYP licensing) and [REDACTED] (SCC – Environmental protection team). I represent SCC Health protection team, who are the Responsible Authority for the Public Safety under the Licensing Act 2003.

We discussed concerns about asbestos, electrical safety and safe capacity of the venue; event management, sanitary provision and public liability insurance. The venue comprises 2 public spaces, a store room and sanitary accommodation with access to a yard.

1. The indoor space proposed for this TEN appears to have an asbestos cement roof which is flaking and shedding debris. You do not have an asbestos management plan for the venue.

The age of the building suggests the roof structure is likely to be asbestos cement. It is not in good condition as it is flaking. Dust and cement roof debris may give rise to release of asbestos fibres therefore you should obtain a copy of the asbestos management plan for the premise before using the room as an event space. An asbestos management plan will identify the location of asbestos containing material and determine what work is needed to maintain it in good condition. **The condition of the roof should be reassessed and any remedial work carried out before using the space for public events.**

For information:-

The duty to manage asbestos is contained in regulation 4 of the [Control of Asbestos Regulations 2012](#). It requires the person who has the duty (ie the 'dutyholder') to:

- take reasonable steps to find out if there are materials containing asbestos in non-domestic premises, and if so, its amount, where it is and what condition it is in
- **presume materials contain asbestos unless there is strong evidence that they do not**
- make, and keep up-to-date, a record of the location and condition of the asbestos-containing materials - or materials which are presumed to contain asbestos
- assess the risk of anyone being exposed to fibres from the materials identified
- prepare a plan that sets out in detail how the risks from these materials will be managed
- take the necessary steps to put the plan into action
- periodically review and monitor the plan and the arrangements to act on it so that the plan remains relevant and up-to-date
- provide information on the location and condition of the materials to anyone who is liable to work on or disturb them

The dutyholder is the owner of the [non-domestic premises](#) or the person or organisation that has clear responsibility for the maintenance or repair of [non-domestic premises](#), for example through an explicit agreement such as a tenancy agreement or contract.

I recommend you contact the owner of the property and check your tenancy agreement to find out who is the responsible person and obtain an asbestos management plan. If there is no plan the responsible person will need to obtain an asbestos management survey. More information is available on the Health and Safety Executive Website here

<https://www.hse.gov.uk/asbestos/>

And information on surveys can be found here <https://www.hse.gov.uk/asbestos/surveys.htm>

Please send me a copy of the asbestos management plan and roof condition report.

2. Electrical safety

The electrical installation should be periodically inspected in accordance with in accordance with the IEE Wiring Regulations and carried out by a competent person.

- **Please provide a copy of the most recent electrical condition report to demonstrate that the installation is satisfactory.** This should include the wiring in the yard within reach of members of the public.
- **A permanently fixed residual current device/s (RCD) must protect the electrical power serving all amplified music equipment for the purposes of live music.** Check with your electrician that this is installed at the locations where DJ's or performers will be installing equipment. See Electrical safety for entertainers
 - <https://www.hse.gov.uk/pubns/indg247.pdf>
- There were multiple adapters (some in poor condition) in use in the premises including for use with electric heaters. **Electric heaters should not be used with multiple adaptors but plugged directly into a socket.** Please ensure you have sufficient sockets for your appliances. Damaged extension cable should not be used.

3. Safe capacity of the venue

You should carry out a fire risk assessment to determine the safe capacity of your premises.

Guidance can be found on South Yorkshire Fire Service website

<https://www.syfire.gov.uk/business-advice/> look for the guidance and resources section (Fire safety risk assessment: small and medium places of assembly)

The occupancy capacity for a building or room is based on the lesser of the two following calculations

1. The number of persons who can safely reside in the premises (using the floor space factors or density)
2. The width and capacity of the exit routes to allow them to escape safely.

The Floor Space Factors are assessed using table C in the Fire Safety Approved Document B [BR PDF AD B2 2013.pdf \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/261212/BR_PDF_AD_B2_2013.pdf)

If you are planning to use the outside yard you would need to make sure that the numbers inside the venue does not exceed the safe capacity of the room/s. There is also likely to be a maximum capacity for the yard. I will also contact the fire officer for advice on capacity.

3. Event management

An event organiser has a duty to plan, manage and monitor the event to make sure that workers and the visiting public are not exposed to health and safety risks. More information can be found on the HSE website see <https://www.hse.gov.uk/event-safety/>

- I am attaching a basic general event management plan outline to help you structure your plan. This is geared more towards small outdoor public events but some information might be useful. The link for safeguarding is www.safeguardingsheffieldchildren.org.

- Consider risks to people leaving your event and consider making links with local taxi companies regarding a safe area to collect customers from your event.
- Check that lighting outside your venue is suitable and sufficient for people to wait safely.
- I am attaching our guidance on health and safety for licensed premises as much of the information applies to any premises.

4. Sanitary provision

If the venue was to become a permanent event space then provision of sanitary appliances for customers with respect to BS6465 must be provided to meet the occupancy capacity.

- Studio/office staff see Welfare at Work Guidance for employers on welfare provisions [Workplace (Health, Safety and Welfare) Regulations 1992]
<https://www.hse.gov.uk/pubns/indg293.htm>

For temporary events the minimum requirement should be in line with the 'purple guide'
<https://www.thepurpleguide.co.uk/>

For 300 persons assume 50:50 male: female ratio, **so 2 female WC and 1 WC plus 1 urinal for males** would be required.

For 40 persons 2 WC in total would be required.

TEN minimum requirement	For gate opening time of 6 hours	less than 6 hours
Female	1 WC per 100 females	1 WC per 120 females
Male	1 WC per 500 males plus 1 urinal per 150 males	1 WC per 600 males plus 1 urinal per 175 males
Office/Studio staff provision		
1-5 persons	1 WC plus 1 Wash hand basin	Hot and cold water to be provided to the wash hand basins
6-25 persons	2 WC plus 2 Wash hand basin	

5. Public liability insurance.

Public liability insurance covers the cost of claims made by members of the public for incidents that occur in connection with your business activities and is required for temporary events.

6. Door to 'toilets' from the yard I understand the access to these toilets has been blocked off, however the yard door to the lobby has been removed. The lobby area is in very poor condition. A door must be refitted and used to prevent members of the public accessing this area.

As it stands the issue of asbestos and electrical condition of the premises need to be resolved before the space is used for public events and you wished to consider the viability of going ahead with this event at this time. As the last day for consultation is today I am putting in a representation to object to the event in its current form. This will also give you some time to find out about the asbestos and electrics in the venue and decide how you wish to proceed.

Please let me know whether you decide to go ahead with your event or wish to modify it in the light of the asbestos concerns.

If you wish to discuss anything in this letter please contact me on [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

Appendix C

Hearing Notices / Regulations and Procedures

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

Daniel Gostkowski
[REDACTED]

Sent via email: [REDACTED]

The Sheffield City Council being the licensing authority, on the 13th February 2023 received your Temporary Events Notice in respect of the premises known as:

4-7 Smithfield, Sheffield, S3 7AR

During the consultation period, the Council received an objection 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:

- **Environmental Protection Service**
- **Health Protection Service**

The Council now GIVES YOU NOTICE that the TEN will be considered at a hearing, in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH on the **27th February 2023 at 10:00am**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 105(2)(a) 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: 17th February 2023

Signed:

Daniel Parlett

The officer appointed for this purpose

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

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

██████████
Environmental Protection Service, Sheffield City Council

Emailed to: ██████████

The Sheffield City Council being the licensing authority, on the 13th February 2023 received a Temporary Events Notice in respect of the premises known as:

4-7 Smithfield, Sheffield, S3 7AR

During the consultation period, the Council received an objection 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:

- **Environmental Protection Service**
- **Health Protection Service**

The Council now GIVES YOU NOTICE that the TEN will be considered at a hearing, in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH on the **27th February 2023 at 10:00am**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 105(2)(a) 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:

- 3) The representations you have made with reference to these particular premises and the four core objectives.
- 4) 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: 17th February 2023

Signed:

Daniel Parlett

The officer appointed for this purpose

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

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

[REDACTED]
Health Protection Service, Sheffield City Council

Emailed to: [REDACTED]

The Sheffield City Council being the licensing authority, on the 13th February 2023 received a Temporary Events Notice in respect of the premises known as:

4-7 Smithfield, Sheffield, S3 7AR

During the consultation period, the Council received an objection 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:

- **Environmental Protection Service**
- **Health Protection Service**

The Council now GIVES YOU NOTICE that the TEN will be considered at a hearing, in a meeting room at Sheffield City Council, The Town Hall, Pinstone Street, Sheffield S1 2HH on the **27th February 2023 at 10:00am**; following which the Council will issue a Notice of Determination of the Temporary Events Notice.

The documents which accompany this notice are the relevant representations which have been made, as defined in Section 105(2)(a) 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:

- 5) The representations you have made with reference to these particular premises and the four core objectives.
- 6) 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: 17th February 2023

Signed:

Daniel Parlett

The officer appointed for this purpose

NOTES

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: 4-7 Smithfield, Sheffield, S3 7AR
Type of App: Temporary Events Notice
Hearing Date: 27th February 2023, 10:00am

Form LAR 1
Regulation 8

Notice of actions following receipt of notice of hearing

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

I 

of **Health Protection Service, Sheffield City Council**

hereby confirm that I have received the Notice of Hearing dated **27th February 2023** and notify you as follows **(please complete)**:

I intend to attend the hearing at 10:00am on 27th February 2023 at Sheffield Town Hall.

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

Dated:

Signed.....

Please see Regulation 8 overleaf

Regulation 8

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

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

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

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

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