



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 10th May 2018

Subject: Licensing Act 2003

Author of Report: Clive Stephenson

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

Plot 22 Exchange Street Sheffield S2 5TS

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

Background Papers: Attached documents

Category of Report: OPEN

LICENSING ACT 2003

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

Plot 22 Exchange Street Sheffield S2 5TS

1.0 PURPOSE OF REPORT

To consider a notice of objection submitted by Environmental Protection Service, relating to four Temporary Event Notices (TEN's) for the premises known as Plot 22 – Exchange Street, Sheffield, S2 5TS

2.0 THE TEMPORARY EVENT NOTICE

- 2.1 The proposed premises user is, Dalton Kershaw, Rite Trax Records CIC
- 2.2 The temporary event notice's, which were received on 26th April 2018, are attached to this report labelled Appendix 'A'.
- 2.3 The event is as follows:
- A weekend of Art, Music and Culture Showcases.
- 2.4 The licensable activities and hours intended to be carried at the premises are:
- Saturday 19th May 2018 00.00 – 05.30 & 18.00 - 23.00
- The activities applied for are
- The sale by retail of alcohol for consumption ON and OFF the premises
 - The provision of regulated entertainment
 - The provision of late night refreshment.

3.0 REASONS FOR REFERRAL

- 3.1 A notice was submitted by Environmental Protection Services on the 27th April 2018, objecting to the temporary event notices. The notices of objection are attached at Appendix 'B'.
- 3.2 The applicant and the objector from 3.1 have been invited to attend the hearing. Copies of the front page of the notices are attached to this report labelled Appendix 'C'.

4.0 POLICIES TO CONSIDER

4.1 Sheffield City Council Licensing Policy

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice.

5.0 FINANCIAL IMPLICATIONS

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

6.0 THE LEGAL POSITION

6.1 A Chief Police Officer or Environmental Protection Service of the Local Authority may object to a Temporary Event Notice.

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

(a) hold a hearing to consider the objection notice, unless the premises user, the Chief Police Officer / Environmental Protection Service who gave the objection notice and the authority agree that a hearing is unnecessary, and

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

7.0 HEARING REGULATIONS

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

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

10.2 To acknowledge the temporary event notice, allowing the event to go ahead on the proposed date with conditions.

10.3 To give the premises user a counter notice if it considers it necessary for the promotion of the Licensing Objectives.



Stephen Lonnie,
Chief Licensing Officer, Head of Licensing

10th May 2018

Appendix A

The Application



*served

Sheffield-612866 -26/4/18

For Committee AI

~~Advised~~ Norid Reg.

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

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes
- No

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

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

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

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

Yes

No

Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Correspondence Address

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

Yes

No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

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

Telephone number

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

Street

District

City or town

County or administrative area

Postcode

Country

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

- Neither Premises licence Club premises certificate

Location Details

Provide further details about the location of the event

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

Continued from previous page...

access to upstairs for customers to access the toilets.

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

The premises is a small multi purpose creative space located in the Castlegate district of Sheffield in a former retail unit. We have used the space for a variety of creative events since May of last year such as art exhibitions and gigs.

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

A weekend of art, music and culture showcases, including performances from musicians, artists, poets and DJs from Sheffield and further afield. Music styles include live acoustic music, guitar based music and electronic dance music. Entrance to the event will be 18+, with a think 25 policy operating on the door. An SIA badged member of security staff will also be present. Drinks on sale at the bar will be served in cans and plastic cups.

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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)

0000-0530, 1800-2300

(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

60

Note that the maximum number of people cannot exceed 499.

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

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 11):

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

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

There will be live music (both amplified and unamplified), playback of recorded and electronic music, performances of spoken word poetry and projected visual art throughout the event period.

Section 6 of 9

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

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

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

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
 Yes No
 a) Ends 24 hours or less before; or
 b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

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

DECLARATION (See also guidance on completing the form, note 18)

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

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

Full name

Capacity

Date / /
 dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/sheffield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	RiteTrax-18-08
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"/>

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Appendix B

Objection – Environmental Protection Service

BI

Tate Emily

From: Gough Jayne (CEX) on behalf of licensingservice
Sent: 27 April 2018 15:40
To: Tate Emily
Subject: FW: Plot 22 Exchange St S2 19 May 2018 SRs
Attachments: 355. Plot 22 Exchange Street.pdf

Importance: High

From: Singh Bob
Sent: 27 April 2018 14:33
To: Rite Trax
Cc: licensingservice; NTETAdmin; Gibbons Sean (DEL); Sheffield.Liquor-Licensing@southyorks.pnn.police.uk; PlanningEnforcement; Hayman Matthew; Pewsey Miriam
Subject: FW: Plot 22 Exchange St S2 19 May 2018 SRs
Importance: High

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

FAO Dalton Kershaw
FAO Michael Thompson

The Environmental Protection Service (EPS) has the following representation to make with regards to the attached TEN application.

The proposed is located in a mixed commercial and residential area with relatively low background noise levels throughout the late evening. As such there is an enhanced potential for licensed activity to give rise to complaints relating to public nuisance. In particular, the EPS is concerned that residents in close proximity will potentially be affected by noise breakout of regulated entertainment, patrons outside the premises and dispersing in to the surrounding areas.

Plot 22 Exchange Street is subject to a significant number of public nuisance complaints and the proposed TEN is likely to result in excessive noise. The EPS considers the hours applied for are excessive, in particular for regulated entertainment to 05:30 hours on 19/05/18. These complaints are currently being investigated and considered justified.

The main weak point of noise breakout is the fabric of the building, it's poor ability to contain noise of amplified music. This Service has offered proactive advice and made recommendations to control said noise and how to effectively manage patrons in the external areas. However, following several meetings and discussions in respect of these matters, the sound attenuation works have not been completed to a satisfactory level and this service is continuing to receive complaints of public nuisance.

As discussed during our recent telecon on 19/04/18, I have strongly recommended a noise impact assessment is prepared by a suitably qualified noise consultant. The noise report should contain recommendations for measures to minimise noise in accordance with Sheffield City Council standards and should be submitted for consideration prior to any future events. No noise report has been received to date.

B2

The premises do not have planning consent to operate in the manner described in the Notice.

In light of the above, the EPS wishes to notify you that we are formally objecting to the above TEN as it currently stands. The grounds of objection are based on the core objective relating to The Prevention of Public Nuisance. To assist in achieving said objective, the EPS would recommend the following amendment as follows:

1. The provision of regulated entertainment is removed from this application (all other details as per the original notice).

The EPS would be grateful if you could please confirm if the above is considered satisfactory as soon as possible in order to respond to our Licensing Service and negate the need to attend a formal hearing.

I have copied the Licensing Service in to this e-mail for reference.

Should you wish to discuss the above in further detail then please do not hesitate to contact me by telephone.

Regards Bob

Bob Singh
bob.singh@sheffield.gov.uk
Environmental Protection Officer
Environmental Protection Service
Sheffield City Council
5th Floor (North)
Howden House
1 Union Street
Sheffield
S1 2SH

Tel +44 (0)114 273 4651 (Admin)
Direct +44 (0)114 273 4658
Mob +44 (0)7736 362322
Internal 34658

Charter Mark Standard for Customer Service Excellence
Visit us at: <http://www.sheffield.gov.uk/environment/environmental-health>

From: Tate Emily
Sent: 27 April 2018 12:01
To: eps admin; EPS.commercial; Fire ; Health Protection; Police Licensing
Subject: TEN App - Plot 22 Exchange Street

Hi,

Please see attached Ten Application.

Many Thanks,

Emily Tate
Licensing Analyst & Processing Officer

Appendix C

Hearing Notices /
Regulations and
Procedures

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

Mr Dalton Kershaw
Plot 22 Exchange Street
Sheffield
S2 5TS

Emailed to ritetrax@gmail.com

The Sheffield City Council being the licensing authority, on the 26th April 2018 received your application in respect of the premises known as;

Plot 22 Exchange Street Sheffield S2 5TS

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;

Environmental Protection 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 10th May 2018 at 15.30**

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: 30th April 2018

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.

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

Bob Singh
Environmental Protection Officer
Environmental Protection Services
Sheffield City Council

Bob.singh@sheffield.gov.uk

The Sheffield City Council being the licensing authority, on the 26th April 2018 received an application in respect of the premises known as;

Plot 22 Exchange Street Sheffield S2 5TS

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

- **Environmental Protection 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 10th May 2018 15.30**

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: 30th April 2018

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.

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.

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