

# **Licensing Committee**

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**Thursday 31 May 2012 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**

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Councillors John Robson (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Neale Gibson, Vickie Priestley, Ian Saunders, Clive Skelton (Deputy Chair), Geoff Smith, Stuart Wattam and Philip Wood

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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.

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, or you can ring on telephone no. 2734552.

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

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

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 COMMITTEE AGENDA  
31 MAY 2012**

**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. Minutes of Previous Meetings**  
Minutes of the Meetings held on:-  
  
13 February 2012  
16 February 2012  
20 February 2012  
23 February 2012  
27 February 2012  
28 February 2012  
1 March 2012  
1 March 2012 (Informal Meeting)  
5 March 2012  
8 March 2012  
8 March 2012 (Summary Review)  
12 March 2012  
13 March 2012  
15 March 2012  
19 March 2012  
27 March 2012  
29 March 2012  
2 April 2012  
3 April 2012
- 5. Gambling Act 2005**  
Report of the Chief Licensing Officer
- 6. Police Reform and Social Responsibility Act 2011**  
Report of the Chief Licensing Officer
- 7. Live Music Act 2012**  
Report of the Chief Licensing Officer
- 8. The Government's Alcohol Strategy**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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You will have a **personal interest** in a matter if it relates to an interest that you have already registered on the Register of Interests; relates to an interest that should be registered but you have not yet done so; or affects your well-being or financial position or that of members of your family or your close associates, to a greater extent than it would affect the majority of people in the ward affected by the decision.

The definition of family is very wide and includes a partner, step-relations, and in-laws. A “close associate” is someone whom a reasonable member of the public might think you would be prepared to favour or disadvantage.

**If you have a personal interest you must:** declare the existence and nature of the interest at the beginning of the meeting, before it is discussed or as soon as it becomes apparent to you; but you can remain in the meeting, speak and vote on the matter unless the personal interest is also prejudicial.

However, in certain circumstances you may have an **exemption** which means that you might not have to declare your interest.

- You will have an exemption where your interest arises solely from your membership of or position of control/management in a body to which you have been appointed or nominated by the authority; and/or a body exercising functions of a public nature (e.g. another local authority).

In these exceptional cases, provided that you do not have a **prejudicial interest** you only need to declare your interest if you intend to speak on the matter.

- You will have an exemption if your personal interest is simply having received a gift or hospitality over £25 which you registered more than 3 years ago.

### **When will a personal interest also be prejudicial?**

Your personal interest will also be prejudicial if a member of the public who knows the relevant facts would reasonably think the personal interest is so significant that it is likely to prejudice your judgement of the public interest; and

- i. either the matter affects your financial position or the financial position of any person or body through whom you have a personal interest. For example, an application for grant funding to a body on your register of interests or a contract between the authority and that body; or
- ii. the matter relates to the determining of any approval, consent, licence, permission or registration that affects you or any relevant person or body with which you have a personal interest. For example, considering a planning or licensing application made by you or a body on your register of interests.

**Exemptions:** You will not have a prejudicial interest if the matter relates to:

- i. the Council's housing functions – if you hold a lease or tenancy with the Council, provided that the matter under consideration is not your own lease or tenancy;
- ii. school meals, transport or travel expenses – if you are the parent or guardian of a child of school age, provided that the matter under consideration is not the school the child attends;
- iii. statutory sick pay;
- iv. Members' allowances;
- v. ceremonial honours for Members; or
- vi. setting the Council Tax.

**If you have a prejudicial interest, you must:**

- (a) Declare the existence and nature of the interest (in relation to the relevant agenda item) as soon as it becomes apparent to you.
- (b) Leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If that is the case, you can also attend to make representations, give evidence or answer questions about the matter.
- (c) Once you have finished making representations, answering questions etc., you must leave the room. You cannot stay in the room whilst the matter is being discussed neither can you remain in the public gallery to observe the vote on the matter. In addition, you must not seek to improperly influence a decision about the matter.

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### **FURTHER INFORMATION**

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If at all possible, you should try to identify any potential interest you may have before the meeting so that you and the person you ask for advice can fully consider all the circumstances before reaching a conclusion on what action you should take.

Advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email [lynne.bird@sheffield.gov.uk](mailto:lynne.bird@sheffield.gov.uk)

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# Agenda Item 4

## MEETING OF THE LICENSING SUB-COMMITTEE

held 13<sup>th</sup> February 2012

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong and Ian Saunders

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1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. **APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Philip Wood attended the meeting as reserve Member, but was not required to stay.

3. **EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

4. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 16/12 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 17/12 attended the hearing and addressed the Sub-Committee.

4.4 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case Number</u>	<u>Licence Type</u>	<u>Decision</u>
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- |       |   |   |
|-------|---|---|
| 16/12 | Renewal application for a Private Hire and Hackney Carriage Drivers Licence | (i) Grant a short term licence for 3 months, in view of the offences and convictions now reported and, on renewal, authority be given to grant the applicant an 18 month licence, subject to there being no further offences or convictions reported; (ii) the applicant be issued with a written warning as to his future conduct and should there be any further issues occurring, then the applicant be referred back to the Sub-Committee, and (iii) the applicant be required to inform the Licensing Authority of the outcome of the pending investigation led by Capita regarding potential benefit fraud. |
| 17/12 | Application for a first Private Hire and Hackney Carriage Drivers Licence   | Refuse the application for a licence, on the basis of the offences and convictions now reported and the answers to the questions raised, and accordingly, the Sub-Committee's view that the applicant was not a fit and proper person to hold a licence.  |



## MEETING OF THE LICENSING SUB-COMMITTEE

held 16<sup>th</sup> February 2012

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong and Philip Wood

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### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

- 1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### 2. **APOLOGIES FOR ABSENCE**

- 2.1 There were no apologies for absence received. Councillor Ian Saunders attended the meeting as reserve Member but was not required to stay.

### 3 **EXCLUSION OF PUBLIC AND PRESS**

- 3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

### 4. **LICENSING ACT 2003: PERSONAL LICENCE APPLICATION**

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003.
- 4.2 Present at the meeting were Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Democratic Services), Andrea Marsden (South Yorkshire Police) and the Personal Licence applicant.
- 4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that a representation had been received from South Yorkshire Police.
- 4.5 Andrea Marsden addressed the Sub-Committee, outlining the previous offence and conviction committed by the applicant, and concerns that the full rehabilitation period had not yet been completed.
- 4.6 The applicant then addressed the Sub-Committee, stating that she felt she had been sufficiently rehabilitated, that she deeply regretted the crime she had committed, and that she wished to progress in her current job by

gaining a Personal Licence. She added that the management at her current job were fully supportive of this progression, and that they were aware of her criminal record.

- 4.7 **RESOLVED:** That the attendees involved in the application for a personal licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Licensing Solicitor reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 **RESOLVED:** That the application for the personal licence be granted in the terms now requested (case number 15/12).

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

5.1 **Oliver Coppard – Street Trading Consent (Mobile)**

5.2 The Chief Licensing Officer submitted a report to consider an application for a street trading consent to trade in the City Centre. Present at the meeting were Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

5.3 **RESOLVED:** That the application be deferred to allow the applicant the opportunity to attend the hearing.

5.4 **Abdul Latif – Street Trading Consent (Mobile)**

5.5 The Chief Licensing Officer submitted a report to consider a review of a Street Trading Consent (mobile). Present at the meeting were Kathy Stockdale (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Democratic Services), Abdul Latif (licence holder), Shamsul Dayan (brother of Mr. Latif) and Councillor Robert Murphy (Local Councillor, Central Ward)

5.6 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

5.7 Kathy Stockdale presented the report to the Sub-Committee and it was noted concerns had been raised by Licensing Officers, Ward Councillors and local traders about the conduct of Mr. Latif with regard to his mobile street trading consent and operating conditions. Mr. Latif had previously received several verbal warnings and a formal caution which he had signed, having accepted that he was breaching his consent conditions, and the latest breach had meant he had been called to attend the Licensing Sub-

Committee.

- 5.8 Councillor Murphy addressed the Sub-Committee, commenting that he had received complaints from the traders around the Glover Road area of shops that Mr. Latif had been trading for much longer than the 15 minutes set out in his consent, and that as a consequence, the trade of the local shops was suffering. Complaints had also been received that Mr. Latif had been selling eggs, when his consent stated that he was only allowed to sell fruit and vegetables.
- 5.9 Councillor Murphy had conducted a visit to the area and had discovered that the vehicle which Mr. Latif traded from had been parked in one spot for over an hour, and that there were piles of empty boxes stacked on the pavement, which indicated that he had stayed in the one position a good time longer than the permitted 15 minutes.
- 5.10 Councillor Murphy added that Mr. Latif had been warned by Licensing Officers and also approached by local shopkeepers to point out that his conduct was inappropriate but that he had not heeded these warnings.
- 5.11 Mr. Latif then addressed the Sub-Committee, stating that since he had received the caution, he had had no complaints, and he had been abiding by his consent conditions. He stated that it was often difficult to move on after 15 minutes of trading, as a queue of potential customers had built up. He stated that he was trying to comply with his conditions but this was sometimes difficult.
- 5.12 He described a typical day at work, stating that he often took different routes and served different areas of the City. He added that he only sold fruit and vegetables and that he had never sold eggs. He also emphasised that he did not sell his wares near to shops, and he was aware that he had to keep a certain distance from shops selling similar products.
- 5.13 **RESOLVED:** That the public and press and attendees involved in the application for review be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.14 The Licensing Solicitor reported orally, giving legal advice on various aspects of the application.
- 5.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.16 **RESOLVED:** That the Street Trading Consent (mobile) held by Mr. Abdul Latif be revoked with immediate effect.

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**MEETING OF THE LICENSING SUB-COMMITTEE**

**held 20<sup>th</sup> February 2012**

**PRESENT:** Councillors Ian Saunders (Chair), Simon Clement-Jones and Diane Leek

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Geoff Smith attended the meeting as reserve Member, but was not required to stay.

**3. EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 18/12 attended the hearing accompanied by a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 19/12 attended the hearing accompanied by a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 20/12 did not attend the hearing.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case Number</u>	<u>Licence Type</u>	<u>Decision</u>
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18/12	Renewal application for a Private Hire and Hackney Carriage Drivers Licence	(i) Grant a short term licence for 9 months, in view of the offences and convictions now reported and, on renewal, authority be given to grant the applicant an 18 month licence, subject to there being no further offences or convictions reported, and (ii) the applicant be issued with a written warning as to his future conduct and should there be any further issues occurring, then the licence be referred back to the Sub-Committee.
19/12	Review of a Private Hire and Hackney Carriage Drivers Licence	(i) Take no action, on the basis that the Sub-Committee were satisfied that the licence holder was a fit and proper person, and (ii) issue a written warning as to the licence holder's future conduct, in particular with relation to his obligation to report any convictions to the Licensing Authority within 14 days.
20/12	Application for a new Private Hire and Hackney Carriage Drivers Licence	Defer the application to a date no later than one month hence, to allow the applicant the opportunity to attend the hearing accompanied by his legal representative.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 23<sup>rd</sup> February 2012**

**PRESENT:** Councillors John Campbell (Chair), Isobel Bowler  
and Philip Wood.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LICENSING ACT 2003 – 14-20 EYRE STREET, SHEFFIELD, S1 4QY**

3.1 The Chief Licensing Officer submitted a report to consider an application for a Premises License made under Section 17 of the Licensing Act 2003, in respect of the premises known as 14-20 Eyre Street, Sheffield, S1 4QY.

3.2 Present at the meeting were Andrew O'Brien (Applicant), Superintendent Martin Hemingway (South Yorkshire Police, Objector), Andrea Marsden (South Yorkshire Police, Objector), Shiva Prasad (Health Protection Service, Objector), Marie-Claire Frankie (Solicitor to the Sub-Committee), Claire Bower (Licensing Officer) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Claire Bower presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police and the Council's Health Protection Service, and were attached at Appendices 'B' and 'C', respectively, to the report.

3.5 Superintendent Hemingway stated that, whilst he welcomed the opening of another entertainment venue in the City Centre, he had concerns about the opening hours of 22:00 hours to 06:00 hours on the grounds that, based on Police records, there had been an increase in the number of serious incidents after 04:00 hours. He made reference to the number of incidents, following Police research, at existing venues within the vicinity of the premises, with late opening hours, together with the percentage proportion of incidents in the City Centre which had occurred after 04:00 hours. The venues included the Plug, Lion's Lair, Nocturnal and Dempsey's, and the percentage proportion of incidents occurring after 04:00 at each venue was over 25%. There were also concerns in that the late opening hours would encourage the migration of people from in and outside the City to the

venue, increasing the potential for further crime and disorder. Mr Hemingway stated that, whilst the Police did not object to the principle of the premises opening until 06:00 hours, he would prefer the venue to open initially with an earlier terminal hour to enable the Police to review the operation and to provide an opportunity for the premises to establish itself as a trouble-free venue.

- 3.6 Shiva Prasad reported that, although the three suggested conditions recommended by the Health Protection Service, as detailed in his letter of representation, had been accepted by the applicant, and the plans had been amended to accommodate suggested changes to the main entrance lobby, the layout of the dance floor and an access and egress route for disabled customers, the Service still had concerns regarding public safety within the premises owing to the lack of risk assessment undertaken.
- 3.7 In response to questions from Members of the Sub-Committee, Superintendent Hemingway stressed that whilst it was difficult to prove that there had been an increase in the number of serious incidents within the City Centre after 04:00 hours, his views were based on the Police records referred to, as well as his experience from being responsible for policing in the City Centre since 1999. He stated that it was as a result of a culmination of factors, including the fact that some people had been drinking in the same venue all night and were feeling the effects of alcohol and an increase in the number of groups of people leaving other venues, and looking for trouble. The Police had not got statistics regarding incidents in respect of Affinity, Arundel Gate, but could obtain them if required.
- 3.8 Andrew O'Brien referred to the concerns of the Council's Health Protection Service, indicating that he had only met Mr Prasad at the premises two days prior to the deadline for objections to be submitted in respect of the application. He stated that the venue was to be targeted at gay people and stressed that gay people liked to go out and stay out late, hence his application for the late opening hours. In terms of the opening hours, he reported that he had proposed to PC Clive Tyree that the premises would open during the hours requested for a trial period of six weeks, but this had been rejected as a three-month period was required. He accepted that he could open on a temporary trial basis, using Temporary Events Notices, but indicated that he would rather not do this on the basis that he would need such Notices for other times of the year, such as at Christmas and New Year.
- 3.9 In response to questions from Members of the Sub-Committee and South Yorkshire Police, Mr O'Brien confirmed that he had withdrawn the part of his application regarding the opening hours from 10:00 to 06:00 hours Monday to Sunday, and now wished to open 10:00 to 06:00 hours Friday and Saturday and to 04:00 hours Sunday to Thursday. He stated that the venue would be marketed for the gay community, whereby members only would be admitted. He would be operating a membership scheme, whereby people could register on a website, and would not be able to enter the premises unless they had registered 24 hours before the date of entry.



He indicated that he would be able to provide amended plans in respect of the layout of the premises and a Risk Assessment statement within the next few weeks. He was planning to open the venue in approximately three to four months.

- 3.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of 14-20 Eyre Street, Sheffield, S1 4QY, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-
- (a) Hours open to the public – 10:00 hours to 06:30 hours Friday and Saturday and 10:00 hours to 04:30 hours Sunday to Thursday; sale of alcohol and regulated entertainment 10:00 hours to 06:00 hours Friday and Saturday and 10:00 hours to 04:00 hours Sunday to Thursday;
  - (b) The withdrawal of Part N of the application referring to strip shows; and
  - (c) No licensing activities being carried out on the premises until a Risk Assessment has been submitted to and approved by the Health Protection Service.

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**MEETING OF THE LICENSING SUB-COMMITTEE**

**held 27<sup>th</sup> February 2012**

**PRESENT:** Councillors John Campbell (Chair), David Barker and Gail Smith

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Geoff Smith attended the meeting as reserve Member, but was not required to stay.

**3. EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 11/12 attended the hearing accompanied by a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 21/12 attended the hearing and addressed the Sub-Committee.

4.4 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case Number</u>	<u>Licence Type</u>	<u>Decision</u>
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11/12	Application for a first Private Hire and Hackney Carriage Drivers Licence	(i) Grant a licence for the normal term of 9 months, and, on renewal, authority be given to grant the applicant a 12 month licence, followed by an 18 month licence, subject to there being no further offences or convictions reported, and (ii) the applicant be issued with a written warning as to his future conduct, and should there be any further issues occurring, then the licence be referred back to the Sub-Committee.
21/12	Application for a first Private Hire and Hackney Carriage Drivers Licence	Refuse the application for a licence, on the basis of the offences and convictions now reported and the answers to the questions raised, and accordingly, the Sub-Committee's view that the applicant was not a fit and proper person to hold a licence.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 28<sup>th</sup> February, 2012**

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong, Diane Leek and Ian Saunders.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) – SEXUAL ENTERTAINMENT VENUES – SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD S1 2BS**

3.1 The Chief Licensing Officer submitted a report to consider an application for a Sexual Entertainment Licence made under Schedule 3, Section 10, of the Local Government (Miscellaneous Provisions) Act 1982, as amended, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield S1 2BS.

3.2 Present at the meeting were Julian Skeens, Angela Cromeey, John Specht and Andy Foster (for the applicants), Keith Wilson (Landlord), Laura Sillars, Coralie Hopwood, Patricia Sheerer, Richard Bartle, Andy Ridge, Steve Ellwood and Maureen Storey (Objectors), Shimla Rani and Kathy Stockdale (Licensing Officers), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Kathy Stockdale presented the report to the Sub-Committee and it was noted that representations had been received from interested parties, and were attached at Appendix "B" to the report.

3.5 Maureen Storey, who worked for an organisation that dealt with delivering services to women suffering from violence and harassment, stated that she had particular concerns regarding the safety and wellbeing of female students of Sheffield Hallam University who walked past or nearby the premises on a regular basis. Although she was unable to provide any proof relating to this application, she referred to evidence relating to increases in harassment and intimidation within the vicinity of such establishments

generally. She also referred to the safety and wellbeing of women living, working and engaging in activities in the Cultural Industries Quarter (CIQ) and stated that the decision to locate a sex establishment in the centre of the CIQ was highly inappropriate in terms of its effects on the quality and reputation of the area.

- 3.6 Steve Ellwood, a representative of the CIQ Agency, stated that he believed the premises was inhibiting the growth and development of the numerous businesses in the CIQ, and referred particularly to the CIQ's reputation as an educational centre for young people and children. He also referred to the open space next to the Hubs Student Union Building and the fact that its proximity to the premises made it difficult for local businesses to undertake public activity and work with young people.
- 3.7 Laura Sillars, Artistic Director, Site Gallery, stated that the Gallery, which had been established in the area for 15 years, comprised a number of small independent industries. She believed that Spearmint Rhino was inhibiting business development in the area, referring to percentage figures regarding the levels of funding Leeds and Newcastle received for contemporary arts in comparison to Sheffield. The Site Gallery's funding was dependent upon undertaking participatory work with young people and children and on being accessible to all, and she believed that the level of funding received was as a result of Spearmint Rhino creating a bad impression in the area. She also believed that the public recreational space next to the Hubs was not used as much as it could be, particularly by young people and children, as a result of it being next door to a sex establishment. There were over 200 artists and creative workspaces in the area and the various industries were a key driver to getting people involved in the arts, and it was considered that having a sex establishment in the centre of the area was not only making the area feel threatening to some people, but was also holding back further funding and investment.
- 3.8 Patricia Sheerer stated that she attended a number of events in the area, often accompanied with her grandson, and considered that having such an establishment in an area where a lot of young people and children would visit regularly was not suitable. She indicated that she found the premises intimidating and thought it would be better to be sited in an alternative area.
- 3.9 Coralie Hopwood, a local resident, stated that she often attended activities in the City Centre in the evenings, including the Showroom Cinema, and that she worked in a restaurant close to the Town Hall. She objected to the fact that she should not be forced to walk through areas where she felt unsafe and intimidated. She stated that customers leaving such establishments, often left drunk and could be verbally abusive to people in the area, and referred to evidence indicating that there had been an increase in incidents within areas where such establishments were situated, though not specifically this venue.
- 3.10 Richard Bartle, a self-employed businessman in the area, indicated that business owners and residents were promised a lot in terms of funding and

investment when the CIQ was first established, and whilst there had been considerable growth in the area over the last few years, he believed that the premises was holding back further investment, thereby creating pressure for the existing businesses in the area. He referred to the fact that some people visiting the City by train would leave the station and walk past the venue, and immediately have a bad impression of the area.

- 3.11 In response to questions from Members of the Sub-Committee, it was stated that, whilst the majority of people arriving in the City by train would walk straight up Howard Street, a number of people do use other routes, such as the one along Brown Street, past the premises. The objectors clarified the precise location of their business premises, as referred to in their representations, using the map in the report. In terms of further investment by Sheffield Hallam University in the area, the University opened the Hubs, as its Student Union, within the former building of the Centre for Popular Music in 2004 and opened its Centre for Art on Arundel Street in 2008. In terms of the perception of the area, it was accepted that there was a core, committed audience in terms of the utilisation of the facilities, but it was hard to attract people over and above this, as well as being difficult to persuade key providers and funders, such as the Arts Council, to invest further in the area. This, in their opinion, was due in part to the location of Spearmint Rhino in the centre of the area. When showing people round the area, some people, including the Director of Strategy, Arts Council, have made reference to the premises, and how it must have an adverse effect on the area. It was reported that, as a result of the investment in the area over the past few years, it was only Spearmint Rhino that was now affecting the potential for further funding and investment. If the premises were relocated, it would certainly help to establish the City as one of the Country's major arts providers. Whilst there was no evidence provided in terms of crime linked to the premises, it was reported that the highest levels of crime in Sheffield were in the City Centre. It was indicated that the issues of crime and community safety in respect of the premises referred mainly to harassment and personal safety within the vicinity of the premises. Licensing Officers pointed out that no objections had been received from the Police or any of the Council's Services.
- 3.12 Kathy Stockdale referred to the report which she had presented to the Sub-Committee earlier in the meeting.
- 3.13 Julian Skeens reported that the applicants had took ownership of the premises in 2002 and as part of the application for a new licence and a variation to the Public Entertainment Licence, a number of objections were raised at the hearing at that time. In 2005, the premises licence was converted to that in operation today. Apart from changes to the décor, the layout of the premises has remained the same since 2002, and since the venue had been operating in its present format, since 2005, there had been no complaints in terms of its operation. Spearmint Rhino was a worldwide organisation and very proud of its excellent reputation and there had been no issues in terms of its operation in Sheffield. In terms of the objections received to the application for a Sexual Entertainment Licence, Mr. Skeens

referred to the recreational space next to the premises, pointing out that the nature and layout of the area did not make it suitable for children to play and therefore, young children would not be attracted to play here. Regarding the personal safety of students, he pointed out that there was a student night at the venue, which was one of the busiest nights and also attracted a number of female students. He stated that the venue did not open until 22:00 hours and therefore, there was no reason why students or anyone else should feel intimidated or unsafe when walking past or near the premises during the day. Even when the premises were open, there would only be up to three door supervisors outside the venue who, more often than not, had very little to do other than welcome customers to the venue. In March 2010, management wrote to local businesses and residents, asking for any feedback in terms of the operation of the venue and in terms of responses, there was very little in terms of complaints and several people welcomed the operation on the basis that it created some form of security at night. In terms of concerns regarding crime and disorder relating to the premises, Mr. Skeens referred to the statement by Darryl Butterworth, Licensing and Security Compliance Manager, contained in the additional information circulated, which indicated that, in his experience and following his investigations, lap dancing bars did not produce increases in crime and disorder, public nuisance or a danger to public safety, or issues regarding the protection of children from harm. Mr. Skeens also referred to the latest Police statistics regarding crime and anti-social behaviour in and around Sheffield City Centre, which indicated that, in December, 2011, the area around the premises had the lowest levels of such behaviour. Reference was also made to the views of a Chief Inspector at Scotland Yard, which indicated that the Police favoured lap dancing clubs in the light of the low level of crime and anti-social behaviour associated with their operation. With regard to the location of the premises and in the light of the issues raised by the majority of the objectors, and as set out in the Council's Sexual Entertainment Licence policy, Mr. Skeens stated that there were no schools in the area, nor parks or other recreational areas suitable for use by young children, nor churches or other places of religious worship, nor hospitals, mental incapacity or disability centres or similar premises, it was not within the immediate vicinity of the cultural hub of the City and it was not on the route of the main central gateway to the City. Mr. Skeens also referred to Spearmint Rhino's procedure for disciplinary action, indicating that, as far as he was aware, there was no record of any dancers being fined for disciplinary reasons.

- 3.14 In response to questions from Members of the Sub-Committee, it was reported that there was only one poster on the outside of the premises, advertising events, and whilst there was no reference to the age limit of 18 regarding entry on the poster, there were other notices in and around the entrance relating to this, and the door supervisors also regulated entry. The venue did not randomly hand out flyers in terms of advertising events, other than at other events in the City, such as boxing bouts, where people may be visiting the City on a one-off basis. The majority of advertising was done on the club's website. There would only be a maximum of three door supervisors working at the entrance to the premises at any one time. All the door supervisors were over 30 years of age and would wear a suit and tie at



all times whilst on duty. The club attracted Door Supervisors of such an age as they were aware of the low level of trouble associated with the job. The capacity of the venue was 250 and there would be between 100 and 120 customers visit the venue at weekends, with considerably less during the week. As a result of these numbers, there were never occasions when there were long queues outside the venue. In response to the issues raised by the objectors regarding the safety of students, it was reported that the vast majority of students would feel perfectly safe and would not be intimidated when walking past the venue, both when the premises were closed and when they opened at 22:00 hours. The student night held at the venue was one of the most popular events, and attracted female students as well as male. With regard to the views of local businesses and residents in terms of the operation of the venue, reference was made to the survey, which comprised letters being sent by the club to such business owners and residents, seeking their views, and this had resulted in very few issues being raised. Reference was also made to the findings in a document produced by the University of Leeds, regarding dancers and lap dancing clubs, which indicated that if the dancers were not happy or did not feel safe, clubs would not be able to operate successfully. In terms of the relationship between the venue and other businesses in the area, the landlord of the premises stated that there had been no problems at all with the tenants, both in terms of his relationship with them and their relationship with other businesses in the surrounding area.

- 3.15 At this stage in the proceedings, the public and press and attendees involved in the application were informed that, in accordance with the legislation, the Sub-Committee were not able to determine the application until two further applications for Sexual Entertainment Licences had been made by different applicants. These applications were to be considered by the Sub-Committee at its meeting to be held on 1<sup>st</sup> March, 2012, and all applicants would be informed of the determinations after this date.

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## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 1<sup>st</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong, Diane Leek and Ian Saunders.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982- SEXUAL ENTERTAINMENT VENUES**

#### **Villa Mercedes (Scores), 2-4 Charter Square, Sheffield, S1 4HS**

3.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Sexual Entertainment Venue licence made under schedule 3, section 10, of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the premises known as Villa Mercedes (Scores), 2-4 Charter Square, Sheffield, S1 4HS.

3.2 Present at the meeting were Marie-Claire Frankie (Solicitor to the Sub-Committee), Shimla Rani and Kathy Stockdale (Licensing Officers), Gillian Capewell (Democratic Services), Andreas Baskoutas (applicant) and Paddy Whur (solicitor to the applicant).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Kathy Stockdale presented the report to the Sub-Committee and it was noted that, although no representations had been received, guidance issued by the Home Office recommended that all applications be heard and considered together.

3.5 Mr. Whur addressed the Sub-Committee, informing Members of the nature of the business at Villa Mercedes. He stated that it was a gentleman's club, with self-employed dancers working at the premises. He detailed the operations which took place, including information about dancers' welfare and the security measures which were in place. He stated that the dancers who worked for Mr. Baskoutas were often retained within his company for a long time, as he was an excellent employer. Mr. Whur added that a great deal of work had taken place recently with regard to improving the frontage

of the building where Villa Mercedes was located. Previously, the bar had been called Scores, and had been a sports and striptease bar, which had potentially confused customers as to what to expect. There had also been pictures of scantily dressed women adorning the outside of the property, which had now been removed. The premises were now very discreet, with an entirely black frontage, and just the name of the club above the door, and the sports bar element of the operation had been entirely removed.

- 3.6 The premises were extremely well run, and used SIA trained security staff. There were 32 extremely modern CCTV cameras in the premises, including CCTV in the private dance areas, which many other lapdancing clubs did not have. A senior member of security staff proactively viewed the CCTV footage during each evening to assess any problems if and when they arose.
- 3.7 It was noted that Mr. Baskoutas was the sole owner of Basco Ltd, and that Mr. Whur had represented him for over ten years. Mr. Baskoutas worked closely with South Yorkshire Police, and no problems had been associated with his premises. The Police had visited the building and were impressed with the operation.
- 3.8 There was extremely clear signage at the club which indicated the code of conduct for customers with relation to the dancers. He added that the premises were open from 2100 hours until approximately 0300 hours daily, depending on how busy the premises were.
- 3.9 It was noted that the premises (as Scores) had been owned by ABA Leisure, of whom Mr. Baskoutas was a director. However, the ABA group had since disbanded, and Mr. Baskoutas had formed Basco Ltd in August 2011 to take sole charge of Villa Mercedes.

**La Chambre, 548 Attercliffe Road, Sheffield, S9 3QP**

- 3.10 The Chief Licensing Officer submitted a report to consider an application for the grant of a Sexual Entertainment Venue licence made under schedule 3, section 10, of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the premises known as La Chambre, 548 Attercliffe Road, Sheffield, S9 3QP.
- 3.11 Present at the meeting were Marie-Claire Frankie (Solicitor to the Sub-Committee), Shimla Rani and Kathy Stockdale (Licensing Officers), Gillian Capewell (Democratic Services), Linda Calvert (applicant) and Barry Calvert (husband of the applicant).
- 3.12 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 3.13 Kathy Stockdale presented the report to the Sub-Committee and it was noted that, although no representations had been received, guidance issued by the Home Office recommended that all applications be heard and

considered together.

- 3.14 Linda Calvert addressed the Sub-Committee, outlining that she had submitted proposed amended conditions for the operation of the premises which were contained within the information pack for Members. She added that the club had been in operation for 15 years and there had never been any incidents or trouble associated with the premises.
- 3.15 **RESOLVED:** That the public and press and attendees involved in the applications be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.16 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the applications.
- 3.17 At this stage in the proceedings, the meeting was re-opened to the public, press and attendees.
- 3.18 **RESOLVED:** That the Sub-Committee agrees to grant a Sexual Entertainment Venue licence for the premises known as;
- (a) Spearmint Rhino, 60 Brown Street, Sheffield S1 2BS, as application, and amended standard conditions (this application was heard by the Sub-Committee on Tuesday 28<sup>th</sup> February 2012);
- (b) Villa Mercedes (Scores), 2-4 Charter Square, Sheffield, S1 4HS, in the terms now requested, and
- (c) La Chambre, 548 Attercliffe Road, Sheffield, S9 3QP, as application and amended standard conditions, with the addition of conditions 3 and 4 from the original standard conditions.

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**NOTES OF AN INFORMAL MEETING OF THE  
LICENSING SUB-COMMITTEE**

**held Thursday 1<sup>st</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair) and Ian Saunders

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

**3. LICENSING ACT 2003 – PINKY’S/ AMNESIA, 52-54 WEST STREET, SHEFFIELD, S1 4EP**

3.1 The Chief Licensing Officer submitted a report to consider an application received from South Yorkshire Police, for a summary review made under Section 53A of the Licensing Act 2003, in respect of the premises known as Pinky’s/ Amnesia, 52-54 West Street, Sheffield, S1 4EP.

3.2 Present at the meeting were Shimla Rani (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

3.3 Ms. Rani presented the report to the Sub-Committee and it was noted that the application for the review, which had been made by Superintendent Martin Hemingway, had been received by the Licensing Section on 1<sup>st</sup> March 2012, and, in Superintendent Hemingway’s opinion, the premises were associated with serious crime or disorder.

3.4 The Solicitor to the Sub-Committee provided advice in terms of how the Sub-Committee should proceed, indicating that it would initially have to consider the nature of the crime and disorder at the premises, and look to see if imposing any conditions to the premises licence would stop such crime and disorder. If this was not considered possible, then the Sub-Committee would need to look at the possible suspension of the premises licence. She further advised that if a full review of the premises licence was scheduled, and that if the Sub-Committee considered it suitable to suspend the premises licence, the premises would be required to close until the review date. If representations were received from the Premises Licence Holder in terms of any decision made at this informal meeting, arrangements would have to be made for a meeting to take place within 48 hours (working days only) from the receipt of the representations, to allow such representations to be considered.

- 3.5 Following consideration of the report, and the receipt of the legal advice provided, it was agreed that the Sub-Committee would be minded to suspend the premises licence in the light of the information contained in the application now submitted, pending a full review of the premises licence.



## MEETING OF THE LICENSING SUB-COMMITTEE

held 5<sup>th</sup> March, 2012

**PRESENT:** Councillors John Campbell (Chair), Simon Clement-Jones and Gail Smith.

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### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### 2. **APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received.

### 3. **EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

### 4. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No.22/12 attended the meeting and addressed the Sub-Committee.

4.3 The applicant in Case No.23/12 attended the hearing with a representative and they both addressed the Sub-Committee

4.4 The applicant in Case No.24/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
22/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a

12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no offences or convictions reported.

23/12 Renewal of a Hackney Carriage and Private Hire Driver's Licence

The applicant be requested to retake his driving test and the relevant National Vocational Qualification and if successful, he be granted a licence for the shorter term of six months in view of the offences and convictions now reported, and the answers provided to the questions raised and, on the first renewal, authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further offences or convictions reported.

24/12 Application for a Hackney Carriage and Private Hire Driver's Licence

Refuse to grant a licence on the grounds that the Sub-Committee is of the opinion that the applicant is not a fit and proper person to hold a licence in view of the offence and conviction now reported, and the answers provided to the questions raised.

## **MEETING OF THE LICENSING COMMITTEE**

**held 8<sup>th</sup> March 2012**

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**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong, Diane Leek, Ian Saunders, Clive Skelton and Philip Wood.

### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received from Councillors Isobel Bowler, Simon Clement-Jones, Vickie Priestley, Gail Smith, Geoff Smith and Frank Taylor.

### **3. EXCLUSION OF PUBLIC AND PRESS**

3.1 There were no items identified where the press and public were to be excluded from the meeting.

### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of the Sub-Committee held on 16<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 23<sup>rd</sup>, 26<sup>th</sup>, 30<sup>th</sup> and 31<sup>st</sup> January 2012, and 6<sup>th</sup> and 7<sup>th</sup> February 2012 were approved as correct records, and there were no matters arising.

### **5. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING**

#### **5.1 Drivers' Vehicle Interior ID Badges**

5.2 The Committee received a report of the Chief Licensing Officer to review the current policy relating to the provision of an interior badge within a licensed Private Hire Vehicle or Hackney Carriage, and in attendance for this item were Clive Stephenson (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Gillian Capewell (Democratic Services), Steven Yeardley (taxi driver) and Hafaes Rehman (Sheffield Taxi Trade Association).

5.3 Mr. Stephenson reported that the Licensing Board introduced a new type of badge in 2007, but, after receiving complaints through the trade representatives about the possibility of identity theft, the Licensing Board decided to allow drivers not to display the secondary badge, until the Licensing Section had looked at a way of removing the drivers' names from badges.

- 5.4 The Licensing Section then started to issue the display badge without the drivers' names being detailed; therefore alleviating the potential perceived problem of identity theft.
- 5.5 However, a change in the software and the new style main badge created problems with removing drivers' names from the display badge. Some drivers have now been issued with interior display badges that have their name and licence number on them.
- 5.6 It was further noted that work had been carried out by the Licensing Section to overcome this problem and there were now several designs of interior badges to be used that would conform to the criteria set by the Licensing Sub-Committee at its meeting of 9<sup>th</sup> December 2008. These designs were circulated at the meeting for Members' consideration.
- 5.7 Mr. Rehman commented that there had been issues with customers mispronouncing taxi drivers' names and being racially offensive when drivers' names were displayed on these badges, so he was in favour of the design which just displayed the drivers' ID number.
- 5.8 Members were satisfied with the new improved badges, and agreed that the design where the font was the largest showing the drivers' ID number was the preferred design.
- 5.9 **RESOLVED:** That the Committee;
- (a) notes the contents of the report now submitted, and
- (b) recommends that the vehicle interior badge design now presented by the Chief Licensing Officer with a large font displaying the drivers' ID number be implemented across all taxi fleets as soon as possible.
- 5.10 **Licensed Vehicles' Emissions Policy**
- 5.11 The Committee received a report of the Chief Licensing Officer to consider the need for Sheffield City Council to introduce an Emissions Policy in relation to the vehicles it licenses as Private Hire or Hackney Carriages.
- 5.12 Mr. Stephenson reported that vehicle emissions were a major part of CO2 emissions within the City, and that the Council did not currently have a specific policy in relation to its licensed vehicles. It was noted that current licensed vehicles were tested for emissions at every compliance test attended by the vehicle, and that the vehicles were tested to the levels required by the age and type of vehicle.
- 5.13 It was also noted that, currently, Hackney Carriage and Private Hire vehicles had to be less than five years old, when first licensed, which meant that vehicles purchased by applicants would meet certain levels of emissions standards introduced since 2005.

- 5.14 It was reported that many other major cities were in the process of introducing an Emissions Policy to try and make their licensed vehicle fleets more environmentally friendly; the most publicised of these being the Transport for London policy of reducing carbon emission from their Hackney Carriage fleet of 20,000 plus vehicles.
- 5.15 Mr. Stephenson commented that some of the incentives for licensees to change vehicles potentially included lower licence fees if a greener vehicle was purchased, but that this suggestion carried with it major legal implications.
- 5.16 Mr. Stephenson added that, although an Emissions Policy would have no financial implications for the Council, it could have major financial implications for taxi drivers, who may have to replace their vehicles.
- 5.17 Mr. Stephenson commented that a consultation paper upon the proposals had been circulated to all taxi drivers in January 2012 and that, although no written representations had been received, the taxi trade representatives were present at the meeting.
- 5.18 With regard to incentives that other local authorities had offered, Mr. Stephenson stated that the offer of lower fees had been the only one offered to date, but, as previously stated, this carried with it legal implications, although there had been no legal challenges to date.
- 5.19 Mr. Yeardley commented that, as a taxi driver, this Policy, if introduced, would cost him approximately £1300, plus VAT, plus installation fees, and that this was money which was not available at present to most drivers, as trade in the taxi business was currently poor. He believed that all taxis should be able to run their 15 year duration, which was the policy at present.
- 5.20 Mr. Yeardley added that, by adhering to the constantly changing requirements of the Euro emissions policy, this meant constantly changing goalposts, and taxi drivers being penalised by ever increasing costs. He added that other forms of public transport such as buses were not subject to the same proposed policies, and that buses often had their engines running for much longer than taxis on rank. He believed that taxis should be fit for purpose for the fifteen years they currently operated for, and he added that all taxis were already subject to current emissions tests at every annual or bi-annual compliance examination.
- 5.21 Mr. Rehman added that the taxi drivers he had spoken to about the proposals were extremely concerned about the potential cost of replacing vehicles, and Mr. Rehman felt it was inappropriate to compare Sheffield's situation to that in London, where there were over 20,000 taxis, and the City of London had recently been fined for air quality standards by the European Union.
- 5.22 Mr. Rehman added that it was regrettable that all taxis could not be

replaced and be more environmentally friendly, but that it was was not the appropriate financial climate to be making such changes at present.

5.23 **RESOLVED:** That the Committee;

(a) agrees that all licensed vehicles must be Euro 4 compliant by 2020;

(b) indicates that any vehicle that needs replacing due to the Emissions Policy, or is Euro 3 standard or below currently, must be replaced by a vehicle that is under seven years old, and must meet at least Euro 4 Emission standard, and

(c) requests (i) the Chief Licensing Officer to provide more detailed information regarding the Emissions Policy before making any further recommendations, and (ii) that this additional information be made available for a further review at the next meeting of the Licensing Committee.

## LICENSING SUB-COMMITTEE

Meeting held Thursday 8<sup>th</sup> March 2012

**PRESENT:** Councillors John Campbell (Chair), Ian Saunders and Clive Skelton.

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1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

2. **APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

3. **SUMMARY REVIEW: PINKY'S/ AMNESIA NIGHTCLUB (FORMERLY KNOWN AS RED STONE), 52-54 WEST STREET, S1 4EP.**

3.1 The Chief Licensing Officer submitted a report to consider a summary review of the licence (currently suspended under section 53 of the Licensing Act 2003) for the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP.

3.2 Present at the meeting were:-

Chris Grunert (John Gaunt and Partners, Solicitors)  
Nadia Niwaz (Manager, Amnesia)  
Zaura Niwaz (Bar Manager, Amnesia)  
Naomi Anderson (Operations Manager, Amnesia)  
Superintendent Martin Hemingway (South Yorkshire Police)  
Benita Mumby (Licensing Manager, South Yorkshire Police)  
Marie-Claire Frankie (Solicitor to the Sub-Committee)  
Andy Ruston (Licensing Officer)  
Gillian Capewell (Democratic Services)

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the representatives of the Premises Licence Holder.

3.5 Following representations, questions and answers, the Premises License Holder felt it would be appropriate to withdraw their representations at this stage, and await the full hearing to be held later in the month.

3.6 **RESOLVED:** That it be noted that the Premises License Holder withdraws

the representations now submitted; thus leaving in place the suspension of the licence imposed by the Interim Steps Hearing held on Thursday 1<sup>st</sup> March 2012, pending a full review of the licence of the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP, to be held on Tuesday 27<sup>th</sup> March 2012.



**MEETING OF THE LICENSING SUB-COMMITTEE**

**held Monday 12<sup>th</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair), Isobel Bowler and Philip Wood

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**1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

**2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received.

**3. EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 25/12 attended the meeting and addressed the Sub-Committee.

4.3 The applicant in Case No. 26/12 was unable to attend the meeting, and his son attended the meeting and addressed the Sub-Committee in his place.

4.4 The applicant in Case No. 27/12 attended the meeting and addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
25/12	Application for a Private Hire Vehicle Licence	Take no action; applying the current age limit policy, meaning that the vehicle will cease to be licensed on 31 <sup>st</sup> March 2012, as the applicant

did not demonstrate that there were any exceptional circumstances under which the licence of the vehicle should be extended.

- |       |  |   |
|-------|--|---|
| 26/12 | Application for a Hackney Carriage Vehicle Licence                         | Grant a licence for the normal term of 12 months, as it was deemed appropriate to issue a licence for this vehicle, in light of the circumstances outlined, and the explanations now provided to the Sub-Committee.                                     |
| 27/12 | Application for a first Hackney Carriage and Private Hire Driver's Licence | Grant a licence for the normal term of 9 months, and, on renewal, authority be given to grant the applicant a 12 month licence, and on any subsequent renewal, an 18 month licence, subject to there being no further offences or convictions reported. |

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 13<sup>th</sup> March 2012**

**PRESENT:** Councillors Ian Saunders (Chair), Diane Leek  
and Clive Skelton.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

### **3. LICENSING ACT 2003**

#### **3.1 Royal Domino, Everyone's Community Centre, Broadfield Road, Sheffield, S8 0XQ**

3.1.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Royal Domino, Everyone's Community Centre, Broadfield Road, Sheffield, S8 0XQ.

3.1.2 Present at the meeting were William Simpson, Josylin Allen and Sydney Fagan (for the Applicants), Claire Bower (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.1.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.1.4 Claire Bower presented the report to the Sub-Committee and it was noted that representations had been received from an interested party and were attached at Appendix 'D' to the report, although they were not present at the meeting. She added that the representations received from the Council's Environmental Protection Service and South Yorkshire Police had been withdrawn.

3.1.5 William Simpson stated that he had been associated with the premises for 31 years and had lived near the premises for over 50 years. He was well-known and well-respected in the local neighbourhood and had never been involved in any trouble. The main reason for the variation involved a music night at the premises on Fridays. Mr Simpson stated that following the closure of the Earl of Arundel public house, the landlord had asked him if

he could hold a music night at the premises on the last Friday of every month. The main use of the premises involved the playing of dominos and on Saturdays, members would play dominos against visiting teams and have some food afterwards. On occasions, the female members would have a dance. Domino practice on a Tuesday night would usually cease at midnight but sometimes, the female members would dance afterwards, whilst food was being served.

- 3.1.6 In response to questions from Members of the Sub-Committee, Mr Simpson confirmed how the premises would operate, indicating that they held a lunch club on Fridays, usually between 13:00 hours and 19:00 hours. Members would play dominos against visiting teams on Saturdays only, with all attendees having some food afterwards and some dancing, and on the last Friday in each month the premises were hired by another group and used as a dance night. On the last Friday in each month, door supervisors would be present at the premises if required. Mr Simpson confirmed that there would not be any live music in terms of bands playing. He confirmed that he had agreed to all the conditions requested by the Council's Environmental Protection Service, as set out on Page 33 of the report, and indicated that posters advertising any special events were usually fixed to one of the windows and the door of the premises. In terms of the advertisement regarding the application to vary the Premises Licence, as raised by the objection from the interested party, Mr Simpson stated that, as well as the advert placed in the local press, there was an advert fixed to the premises, although it was accepted that it may not be clearly visible due to its location.
- 3.1.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.1.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.1.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.1.10 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of Royal Domino, Everyone's Community Centre, Broadfield Road, Sheffield, S8 0XQ, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-
- (a) No entry to the premises after 23:00 hours on Tuesdays;
  - (b) No entry to the premises after 01:00 hours on Saturdays;

(c) A minimum of two door supervisors, approved by the Security Industry Authority, to be present at the premises with effect from 22:00 hours on Fridays; and

(d) The current arrangements on Saturdays are to remain.

**3.2 Soyo, 117 Rockingham Street, Sheffield, S1 4EB**

3.2.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Soyo, 117 Rockingham Street, Sheffield, S1 4EB.

3.2.2 Present at the meeting were Mark Welch (General Manager, Soyo), Matthew Jacques and Efeba Omu (Owners, Soyo), Christopher Grunert (John Gaunt and Partners, Solicitors, for the Applicants), Mushall Khan (Consultant, for the Applicants), Councillor Robert Murphy (Objector), Claire Bower (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

3.2.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.2.4 Claire Bower presented the report to the Sub-Committee and it was noted that representations had been received from a local Councillor and a local resident, as interested parties, and were attached at Appendices 'C' and 'D', respectively, to the report, although the local resident was not present at the meeting.

3.2.5 Chris Grunert reported that the Designated Premises Supervisor (DPS) had been involved in the licensing trade for 17 years, therefore had vast experience in running such a business. He was a regular attendee at relevant licence trade meetings and the management committee were represented on all relevant licensing bodies/organisations. In terms of the objections raised to the application, specifically the allegations of anti-social behaviour (ASB) and noise breakout from the premises, Mr Grunert referred to Annexe 2 – Conditions consistent with the operating schedule, contained in the existing Premises Licence, and indicated that such conditions would deal with any potential problems of noise nuisance. He stated that a noise limiter had been in operation since the premises opened and following a complaint of noise nuisance by a member of the public a number of years ago, the system had been re-adjusted, and there had been no further complaints. He made reference to the recent planning application in respect of the premises, indicating that the additional conditions applied to the permission that was granted, would ensure there would be no problems in terms of the future operation of the premises. He stressed that there had been no objections to this application from the responsible authorities, both in terms of potential noise nuisance and crime and disorder. Any of the incidents of ASB referred to by the objector could not be linked specifically to the premises. He also confirmed that the

problems of food waste outside the premises definitely could not be linked to the venue as food was not sold there. He also made the point that the representations raised at the meeting when the planning application had been determined, had not been raised again at this meeting.

- 3.2.6 In response to questions from Members of the Sub-Committee, Mr Grunert stated that, in terms of the list of problems being faced by local residents, as detailed in the representations made by the local Councillor, none of these issues had been brought to the applicant's attention and they tended to refer to general issues regarding ASB and noise nuisance in the area. There was certainly no evidence to prove that any of the problems referred to had been caused by patrons of the premises. In terms of litter and food waste outside the premises, a member of staff would sweep the area directly outside the venue at the end of each night. During the week, there would be two Door Supervisors on duty, together with a further Supervisor in the smoking area, and additional Supervisors on Saturdays. In terms of people being able to complain about noise levels or other incidents linked to the premises, there was a dedicated 24 hour mobile phone number which had been distributed to the local residents for them to utilise if necessary.
- 3.2.7 Councillor Robert Murphy stated that the premises was situated in a predominantly residential area, and that there were no other commercial premises nearby. He made reference to the residential accommodation, stating that there was a mixture of student accommodation, social housing and private housing. He stated that there was evidence in the report submitted to the Planning and Highways Committee showing that noise nuisance and ASB were linked to the premises and that whilst he understood that the licensing and planning regulations were totally separate, he stated that planning officers had recommended earlier closing times in order to address the concerns of local residents. He indicated that he had been contacted by several local residents in connection with both the planning and licensing applications, expressing their concerns of noise nuisance and ASB within the vicinity of the premises and relating specifically to problems caused by customers queuing to enter the premises, customers using the smoking area outside the premises and customers leaving the premises. He concluded by stating that whilst he sympathised with the attempts made by the owners to deal with the problems in terms of noise nuisance and ASB, he considered that whilst it was largely a residential area, the premises should only be allowed to remain open up until 00:30 hours at the latest.
- 3.2.8 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.2.9 The Solicitor to the Sub-Committee reported orally, giving legal advice on

various aspects of the application.

- 3.2.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.2.11 RESOLVED: That the Sub-Committee agrees to vary the Premises Licence in respect of Soyo, 117 Rockingham Street, Sheffield, S1 4EB, in the terms now requested.

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## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 15<sup>th</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair), Jenny Armstrong and David Barker

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received. Councillor Diane Leek attended as reserve Member but was not required to stay.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

### **4. MOTOR SALVAGE OPERATORS REGULATIONS 2002 AND THE VEHICLES (CRIME) ACT 2001**

#### **City Auto Salvage Limited**

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Motor Salvage Operator Registration for the operators known as City Auto Salvage Limited.

4.2 Present at the meeting were Marie-Claire Frankie (Solicitor to the Sub-Committee), Kathy Stockdale (Licensing Officer), Gillian Capewell (Democratic Services) and the applicant.

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Kathy Stockdale presented the report to the Sub-Committee and it was noted that the applicant had failed to notify the Licensing Service of a relevant conviction, and, thus, a representation had been received from South Yorkshire Police. The Police were not in attendance at the meeting.

4.5 The applicant then addressed the Sub-Committee, outlining the

circumstances behind the conviction, and the reasons for the non-declaration of the offence.

- 4.6 **RESOLVED:** That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 **RESOLVED:** That the application for the renewal of a Motor Salvage Operator Registration for the operators known as City Auto Salvage Limited be granted.

## MEETING OF THE LICENSING SUB-COMMITTEE

held 19<sup>th</sup> March, 2012

**PRESENT:** Councillors John Campbell (Chair), Isobel Bowler  
and Clive Skelton

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### 1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### 2. **APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

### 3. **EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

### 4. **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 20/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 28/12 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 29/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
20/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee considers that the applicant is not a fit and proper

		person to hold a licence in view of the offences and convictions now reported.
28/12	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no offences or convictions reported.
29/12	Renewal of a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of nine months in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further offences or convictions reported and (b) the applicant be given a verbal warning as to his future conduct, specifically relating to his speeding conviction.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 27<sup>th</sup> March 2012**

**PRESENT:** Councillors John Campbell (Chair), Geoff Smith and Philip Wood

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence received.

### **3. LICENSING ACT 2003**

#### **Summary Review of Premises Licence: Pinky's/ Amnesia, 52-54 West Street, Sheffield S1 4EP**

3.1 The Chief Licensing Officer submitted a report to consider a summary review of the licence for the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP, on the grounds of serious crime and disorder.

3.2 Present at the meeting were Marie-Claire Frankie (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer), Gillian Capewell (Democratic Services), Chris Grunert (John Gaunt and Partners, Solicitors), Nadia Niwaz (Manager, Amnesia), Tony Wang (Owner, Amnesia), Naomi Anderson (Operations Manager, Amnesia), Superintendent Martin Hemingway (South Yorkshire Police), Andrea Marsden (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Board), Sean Gibbons (Health Protection Service) and Shiva Prasad (Health Protection Service).

3.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and the Sheffield Safeguarding Children Board, and that the applicant was South Yorkshire Police.

3.5 Superintendent Hemingway addressed the Sub-Committee and outlined his concerns with the venue. He indicated that there had been problems with the venue in its previous incarnations, and that, as 'Amnesia' there were still indications that the bar had the potential to attract an undesirable crowd.

- 3.6 He provided a brief history of the club, commenting on the violence which had occurred in the venue when it had been known as 'Redstone', and the fact that the bar had been 'out of control', with management not in a position to run the premises in a satisfactory manner. Following a full review of the premises held on 30<sup>th</sup> December 2011, the venue had then reopened as 'Pinky's', but had not been a commercial success. The bar had now been redecorated and was known as 'Amnesia'. Prior to the planned opening night of Amnesia, the bar had been closed down on 1<sup>st</sup> March 2012 by the Licensing Sub-Committee, following intelligence received from Police, which had led to the hearing today.
- 3.7 There had also been concerns raised prior to the hearing that the proposed Designated Premises Supervisor (DPS), Alex Greenway, was known to the Police, and was not deemed to be a fit and proper person to be in such a position. However, it was confirmed that Mr. Greenway was no longer associated with the premises and that his application to become DPS of the venue had been withdrawn.
- 3.8 The Police had received intelligence just prior to the reopening of the venue in March 2012 as 'Amnesia', that known Organised Crime Gang (OCG) members from Sheffield and Manchester were expected at the venue for the opening night champagne party.
- 3.9 Superintendent Hemingway described to Members how intelligence was received, in that it was fed into his team via a very structured system of specialist intelligence officers, and that the intelligence received deserved a certain level of credibility. South Yorkshire Police had themselves acted on this intelligence and had deployed a specialist Police team to the City Centre to deal with any problems which may have occurred.
- 3.10 Superintendent Hemingway added that, although Mr. Wang had been difficult to contact in the past, this situation had now been rectified. He also added that the venue was still primarily a vertical drinking establishment, and the number of photographs submitted to Members showing the new seating installed at the venue was slightly misleading.
- 3.11 Superintendent Hemingway commented that the 'promotional protocol' set out in the submission by the bar management was very impressive and should be considered as 'best practice' for other establishments. He considered this to be a very positive way forward.
- 3.12 He stated that the application for Summary Review submitted on 1<sup>st</sup> March 2012 had been entirely justified, and he added that the intelligence flow around issues at the venue had remained undiminished since then.
- 3.13 Superintendent Hemingway commented that assurances had been made to the Sub-Committee in December 2011 that the club was to move away from the type of urban music it favoured, but that the venue was back in front of the Sub-Committee again only a few months later, having already

undergone one failed refurbishment, and still seemingly wanting to play urban style music.

- 3.14 Superintendent Hemingway clarified that many discussions had been held with the bar management about the problems with OCG members and their associations with the venue, and that, although some of the documents presented to the Sub-Committee were slightly rushed and amateurish in places, he felt reassured that the new management were attempting to take control of the premises. However, the fact remained that there were entrenched issues associated with the premises which were hard to fully eradicate. He cited examples of previous venues associated with this kind of disorder, who had never fully regained their status as reputable locations (such as Empire bar, Element, Niche, Fontana). He stated that, as long as a venue allowed OCG members to feel like they were 'in control' there, the problem would remain.
- 3.15 Mr. Gibbons then addressed the Sub-Committee, outlining his concerns over the premises. He commented that Mr. Wang had been difficult to contact and that there were ongoing concerns over some unresolved health and safety issues at the venue, including the disabled lift. Mr. Grunert presented a lift report from an engineer, and Mr. Gibbons clarified that this was not a certificate, it was only a report, and was not in a format that he was familiar with.
- 3.16 Mr. Gibbons added that he had raised his concerns initially in a letter to the premises on 16<sup>th</sup> December 2011, and that this had been served as an Improvement Notice. It was confirmed that all of these issues had now been resolved, but that the issue of the lift was still outstanding. Although a copy of the lift report was available at the meeting for Members to scrutinise, the actual lift certificate was still being held by the lift company, due to an unresolved financial dispute with Mr. Wang.
- 3.17 Mr. Prasad added that it was essential that robust management structures were in place at the premises, and that it was essential that the DPS of the bar was familiar with all the conditions of the venue's licence, so that the venue could not become over-powered by its clientele. Mr. Prasad also echoed his frustration with trying to contact Mr. Wang and being unable to reach him on his mobile phone. Mr. Prasad stated that it was essential to know who was in control of the premises and be assured that the management plan would be implemented in a satisfactory manner. He added that it was essential to know that funds could be released if necessary, in order to carry out essential works, repairs and improvements at the venue.
- 3.18 Ms. Hague then addressed the Sub-Committee, commenting that she had also been unable to make contact easily with Mr. Wang, and that there had been a lack of compliance with necessary staff training on child protection systems, with no representatives from the venue attending a training session which had been set up in February 2012. She added that there had been some concerns with the venue (when it had been known as

- Redstone) that there had been vulnerable young women known to the Safeguarding Service in attendance at the premises.
- 3.19 Ms. Hague added that she had also offered in-house child protection training free of charge for the premises, but that this offer had not been taken up either.
- 3.20 Ms. Hague confirmed that there was no intelligence to suggest that there were links with vulnerable young women and the premises at present.
- 3.21 Mr. Grunert then addressed the Sub-Committee, commenting that he was not proud to be back before the Sub-Committee after just three months, but that an effective management structure was now in place at the premises, which comprised experienced members of staff, who had had no associations with the venue when it had been Redstone/ Pinky's.
- 3.22 He added that there had been a great deal of hard work taking place at the premises over the last few months to ensure that effective systems were in place and that the new team were ready for a 'fresh start'. Systems such as the 'promotional protocol' had been devised, and would be implemented immediately.
- 3.23 Mr. Grunert commented that there had been no violence or disorder associated with the premises since December 2011, although he accepted that the bar had not been open for many nights since then.
- 3.24 Mr. Grunert accepted that the bar management had not yet attended the safeguarding children training, and he committed to relevant staff attending the next possible training session organised by Ms. Hague. Mr. Grunert added that up to date contact details for both Mr. Wang and Ms. Niwaz had now been provided to all the relevant authorities. Mr. Grunert also accepted that the rebranding of the bar as Pinky's had not been a success, and that the new management was determined to improve things at the venue.
- 3.25 Mr. Grunert reported that an in-house DJ, Richie Williams, had been employed, who was known to the management and had an excellent reputation in Sheffield. He would play at the venue wherever possible. Mr. Grunert added that DJs previously hired to play at the venue such as DJ Law and DJ Infrared would not be used anymore. Mr. Grunert added that Richie Williams had played at other bars in the City and had attracted a good following.
- 3.26 Mr. Grunert stated that 'Safehouse', the security firm who would be used at the venue, had been given very detailed and specific instructions on the procedures that were to be put in place at the venue, including the operation of the Challenge 25 Scheme and thorough search policies, in particular for smokers re-entering the premises.
- 3.27 Mr. Grunert confirmed that, in terms of ownership of the business, Mr. Wang was a 90% shareholder, and Ms. Niwaz a 10% shareholder. There



was no DPS in place yet, but one would be sought immediately if the suspension of the bar licence were to be lifted.

- 3.28 Mr. Grunert stated that there was a clear chain of command now within the new management structure, and that the communication through the business would be a lot more effective. He stated that Mr. Wang would be a lot more involved operationally from now on, on the 'shop floor', and that the rest of the team brought with them a great deal of experience and expertise from previous work in the hospitality and catering industry. Ms. Anderson and Ms. Niwaz briefly outlined their experience, commenting that they had held positions of responsibility in busy city centre hotels, which had bars and restaurants attached. Mr. Wang clarified that he would be taking a salary from the business, and that he would be responsible for authorising repairs and maintenance expenditure.
- 3.29 Mr. Grunert confirmed that the new management had no desire to be involved with OCG members, and that they were extremely keen to disassociate the bar from this image.
- 3.30 Mr. Grunert commented that there had been no 'trigger' for this review, and that the new management should be allowed the opportunity to prove themselves in their new role.
- 3.31 Mr. Wang confirmed that his business address was registered as one of the flats at the Brew House in the Ward's Brewery complex on Ecclesall Road. He confirmed that this was a property owned by his family, and that his cousin lived there. However, Mr. Wang regularly collected his own post.
- 3.32 Mr. Wang said that he had spoken to Alex Greenway a few days ago, and then he corrected himself and said it was actually a few weeks ago, and he stated that he had advised Mr. Greenway that it would not be appropriate to have him as DPS at the premises, which is when Mr. Greenway's application was withdrawn.
- 3.33 Mr. Wang confirmed that all the health and safety guidance and staff operational guidelines were in place at the premises, and Mr. Gibbons commented that he would look over these documents in due course.
- 3.34 In summary, Mr. Grunert commented that the new management should be allowed the opportunity to prove themselves, and that there was a clear determination from the new team to move the business forward.
- 3.35 **RESOLVED:** That the public and press and attendees involved in the summary review be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.36 The Solicitor to the Sub-Committee reported orally, giving legal advice on

various aspects of the review.

3.37 At this stage in the proceedings, the meeting was re-opened to the public, press and attendees.

3.38 **RESOLVED:** That the Sub-Committee agrees to reinstate the licence for the premises known as Pinky's/ Amnesia, 52-54 West Street, Sheffield, S1 4EP, with the addition of the following conditions:-

(a) no licensable activities to take place at the premises prior to the receipt of a lift safety compliance certificate to be verified by the Health Protection Service;

(b) at least two members of the management team are to attend the next available session of Sheffield Safeguarding Children Training and successfully complete the course;

(c) no external promoters are to be used by the premises, including DJs, and there is to be no external promotion of the venue except by management;

(d) with regard to DJs playing at the venue; (i) a full background check must be conducted on all DJs playing at the premises prior to booking, and records kept of these checks; (ii) once booked, full details of the DJs, including name, address, date of birth and contact details, are to be obtained and these records kept for six months, along with details of dates on which these DJs played at the venue, and (iv) DJs booked to play at the venue are to be instructed not to promote events at the premises, and

(e) details of all security staff used by the premises, including name, address, date of birth and phone numbers are to be kept by the venue management for six months.

## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 29<sup>th</sup> March 2012**

**PRESENT:** Councillors Ian Saunders (Chair), Diane Leek, Vickie Priestley and Clive Skelton.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 An apology for absence was received from the Chair (Councillor John Campbell).

### **3. COMMONS ACT 2006 – APPLICATIONS FOR VILLAGE GREEN REGISTRATIONS**

3.0.1 Further to the decision of the Sub-Committee at its meeting held on 19<sup>th</sup> January 2012, the Director of Legal Services submitted a report on applications by Dore Village Society for the registration of Totley Brook Playing Fields and Kings Croft as Village Greens under Section 15(2) of the Commons Act 2006.

3.0.2 Present at the meeting were Mike Pocock (Solicitor, DLA Piper Solicitors, representing the applicants), Elizabeth Wiseman (DLA Piper Solicitors), David Cooper (Parks and Countryside), David Sellars and Kavita Ladva (Legal Services), Julian Ward (Solicitor representing the Registration Authority and Solicitor to the Sub-Committee) and John Turner (Democratic Services).

#### **3.1 Totley Brook Playing Fields**

3.1.1 Julian Ward presented the report to the Sub-Committee, indicating that the Sub-Committee had deferred consideration of the application at its meeting held on 19<sup>th</sup> January 2012, as a result of lack of clarity regarding the legal issues raised at that meeting, as well as a lack of opportunity afforded to the applicants to consider the case put forward by the Council. It had been agreed that both parties would seek Counsel's opinion on the legal position and the opinion of Mr Vivian Chapman QC, was appended to the report now submitted. Mr Ward made specific reference to the minutes of the meeting of the Council's former Recreation Programme Committee held on 9<sup>th</sup> February, 1978, which contained the resolution regarding the appropriation of the land from the former Housing Programme Committee to the former Recreation Programme Committee, for general recreational purposes.

- 3.1.2 Mike Pocock referred to the letter dated 28<sup>th</sup> March 2012, which was circulated to Members of the Sub-Committee, indicating that there was some confusion as to whether there had been a statutory appropriation under Section 122 of the Local Government Act 1972, or simply a transfer of responsibility between Committees. He also referred to Counsel's opinion, stating that in his opinion, the Council had not provided any statutory evidence of the appropriation under the Local Government Act 1972.
- 3.1.3 In response to a question from Councillor Clive Skelton, Mr Ward confirmed that Counsel's opinion had been received prior to the discovery of the minutes of the Recreation Programme Committee, and that Vivian Chapman QC had indicated that he would be happy to accept that it was a valid appropriation if the relevant Committee minutes could be found. He did not request that the evidence be sent to him for further review.
- 3.1.4 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

RESOLVED: That, in the light of the information and evidence set out in the report now submitted, and Counsel's opinion, the Sub-Committee is satisfied that there were valid appropriations of the land for general recreational purposes and that the use of the land is 'by right' and not 'as of right' therefore, the application for the registration of Topley Brook Playing Fields as a Village Green, under Section 15(2) of the Commons Act 2006, is not legally valid.

### 3.2 Kings Croft

- 3.2.1 Julian Ward presented the report to the Sub-Committee, indicating that Counsel had been sent copies of the relevant conveyances regarding the land and was of the view that the use of the land was 'as of right' and not 'by right'. On this basis, the Council had accepted that the application for the registration of Kings Croft was valid. He made reference to the letter from DLA Piper, Solicitors, dated 28<sup>th</sup> March 2012, and stated that Mr Pocock's views in terms of the objections to the application were immaterial as this was a matter for the consideration of the Sub-Committee. He stated that the Sub-Committee was not in a position to agree to register land as a Village Green as it had not considered any of the objections or any valid evidence relating to the application.

- 3.2.2 Mike Pocock stressed that he was not asking the Sub-Committee to make a decision on the application, but asking that the application be remitted to the Council, as the earliest possible opportunity, to enable the application to be considered.
- 3.2.3 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.2.4 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.2.5 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.2.6 RESOLVED: That, in the light of the information contained in the report now submitted, including Counsel's opinion and the comments now made, the Sub-Committee is satisfied that the application for the registration of Kings Croft as a Village Green, under Section 15(2) of the Commons Act 2006, is valid and that arrangements be made for its determination at a non-statutory local inquiry.

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## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 2<sup>nd</sup> April 2012**

**PRESENT:** Councillors Ian Saunders (Chair), David Barker  
and Philip Wood.

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received.

### **3. EXCLUSION OF THE PUBLIC AND PRESS**

3.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on the item of business to be considered on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

### **4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 30/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 31/12 attended the hearing with three representatives, who all addressed the Sub-Committee.

4.4 The applicant in Case No. 32/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
30/12	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence

and, on any subsequent renewal, an 18 month licence, subject to there being no offences or convictions reported and (b) the applicant be required to undertake all tests required of a new applicant.

31/12            Application for a new  
Hackney Carriage and  
Private Hire Driver's  
Licence

(a) Grant a licence for the shorter term of six months in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further offences or convictions reported and (b) the applicant be given a written warning as to his future conduct.

32/12            Application for a first  
Hackney Carriage and  
Private Hire Driver's  
Licence

(a) Grant a licence for the shorter term of six months in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further offences or convictions reported and (b) the applicant be given a written warning as to his future conduct.



## **MEETING OF THE LICENSING SUB-COMMITTEE**

**held 3<sup>rd</sup> April 2012**

**PRESENT:** Councillors John Campbell (Chair), Diane Leek and Clive Skelton

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### **1. WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed attendees to the meeting and outlined basic housekeeping and fire safety arrangements.

### **2. APOLOGIES FOR ABSENCE**

2.1 No apologies for absence were received. Councillor Geoff Smith attended the meeting as a reserve Member, but was not required to stay.

### **3. LICENSING ACT 2003**

#### **3.1 Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS**

3.2 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS.

3.3 Present at the meeting were Ian Harries (Area Manager), Paddy Whur (Solicitor for the applicants), David Davies (General Manager), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

3.4 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.5 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from local residents and a local Councillor, although they were not present at the meeting.

3.6 Mr. Whur addressed the Sub-Committee, explaining that the present management of the bar had taken control of the premises in September 2011. He stated that the management had been disappointed to see the number of letters of objections submitted from local residents, adding that they were keen to work together to resolve any issues. Mr. Whur was also surprised at the nature of the complaints as the bar had worked very closely with the Environmental Protection Service (EPS) to try and ensure that the noise limits at the premises were correct.

3.7 Mr. Whur continued to report that new double glazing had been installed in

the VIP area, and a new lobby had been created to improve sound proofing. There were live music events every Wednesday, where a newly installed acoustic curtain would be used, and Mr. Whur assured Members that the doors to the premises would remain closed at all times during the week.

- 3.8 Mr. Whur stated that the premises would like the extra hour to be added into the licence for the start of British Summer Time, as most licences contained this, and it seemed to be an anomaly that this one did not.
- 3.9 Mr. Whur also indicated that the required work had been carried out to the lobby area and a noise limiter was in operation at the premises. Mr. Whur indicated that the reason the venue wished to apply for a 0400 hours licence was to fit in with the conditions of other surrounding businesses and have fair competition. Mr. Whur confirmed that the fire doors at the venue were alarmed and that the music cut off immediately when they were opened.
- 3.10 Members encouraged the venue management to establish a rapport with the local residents and to set up a meeting where any concerns could be aired. Members also requested that EPS examine the venue in operation at night in two months' time.
- 3.11 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 3.12 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 3.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 3.14 **RESOLVED:** That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of the premises known as Viper Rooms and Viper Lounge, 35 and 35a, Carver Street, S1 4FS, subject to the amended application, operating schedule, agreed conditions and to the modified conditions now made as follows:-

**Viper Rooms**

(a) the opening hours to be extended to 0400 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(b) no entry to the premises after 0300 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(c) the condition regarding the improvements to the lobby area be removed as these works had now been completed, and

(d) an extra hour be added into the licensed hours to incorporate the start of British Summer Time.

**Viper Lounge**

(a) the opening hours to be extended to 0400 hours for Thursdays, Fridays, Saturdays and Sundays before Bank Holiday Mondays;

(b) Condition 2 to be amended to read - Persons will not be permitted to enter the premises after 0200 hours Sunday to Wednesday and after 0300 hours Thursday to Saturday, Sundays preceding Bank Holidays;

(c) the condition regarding the improvements to the lobby area be removed as these works had now been completed, and

(d) an extra hour be added into the licensed hours to incorporate the start of British Summer Time.

**3.15 The Dam House, Mushroom Lane, Sheffield, S3 7NZ**

3.16 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under the Licensing Act 2003, in respect of the premises known as the Dam House, Mushroom Lane, Sheffield, S3 7NZ.

3.17 Present at the meeting were Simon Badh, Mr. Sanghr and Harminder Bains (applicants), Lorraine Moshiri, Siavash Moshiri, Nicholas Ralph, Penelope Ralph, Sara Mills, Sarah Durlinger, Debbie Rodgers, Rupert Till, Chris Pick, Lucy Harper and Jon Slate (residents of Harcourt Road), Councillors Paul Scriven and Stuart Wattam (local Councillors), Bernard Little (Green Party), Andy Ruston (Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Gillian Capewell (Democratic Services).

3.18 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

3.19 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from local Councillors and local residents, as interested parties, and were attached at Appendices 'C' and 'D', respectively, to the report. It was noted that concerns raised by the Environmental Protection Service had been resolved prior to the meeting.

3.20 Mr. Till addressed the Sub-Committee, commenting that, although he was pleased to see that the Dam House was reopening, there were certain elements of the application that he was concerned about; mainly to do with the late licence. He described to Members how the venue was situated in

Crookes Valley Park, which was bowl-shaped, with a large boating lake, which amplified sound. He commented that other park cafés did not have late licences and he felt it was inappropriate that the Dam House should be granted a late licence.

- 3.21 Mr. Pick then addressed Members, commenting that there was a group of residents on Harcourt Road who comprised the Harcourt Road Action Group. He reiterated the fact that he was looking forward to the venue reopening but he raised his concerns around several of the licensing objectives, including public nuisance, crime and disorder, public safety and the protection of children from harm. He stated that the venue had suffered previously from bad management, and that the lifebuoy had often been thrown into the park lake by inebriated people. There had also been a fatal drowning in the past at the site. There was often broken glass in the Park which was dangerous for children and animals.
- 3.22 Mr. Pick's main concern was that when the application was first submitted it had stated that the venue wished to be 'family friendly'. However, subsequent marketing for the venue had centred on drinks promotions, ladies nights, karaoke events, sports nights, and cheap food and drinks, which contradicted the original application.
- 3.23 Mr. Pick stated that the houses on Harcourt Road directly backed onto the Park and that customers leaving the Dam House had often caused a disturbance to local residents in the past. He referred to a letter sent by the new venue management to local residents to reassure them that the venue would not be a 'nightclub', and that the new owners would like to 'preserve the tranquillity' of the area. Mr. Pick wished to confirm that this was still the case, as it seemed that one thing had been said to the community, and a very different message conveyed through social media and marketing of the venue. Mr. Pick emphasised the importance of establishing a good relationship between the community and the business owners.
- 3.24 Councillor Scriven emphasised the amphitheatre bowl-like effect of the Park, which caused greater noise disturbance to residents. He wished to see the correct manner of usage for this venue, and reiterated the importance of residents being able to obtain a good night's sleep. Councillor Scriven referred to a recent article in Exposed Magazine which stated that the Dam House would be aiming at a student market, with many cheap food and drinks offers.
- 3.25 Ms. Harper stated that the late licence would not be in keeping with the area and that the venue needed to become a destination place with high standards, rather than just trying to entice people in with cheap drinks offers. She also cited several examples of licensing cases which had featured similar applications from other cities. She stated that there could also be noise problems associated with smokers congregating outside the venue and leaving the venue in large numbers, for example, after a wedding.

- 3.26 A representative from the Friends of Crookesmoore Parks welcomed the reopening of the venue but also emphasised concerns around the marketing of the new venture, particularly around some statements made on twitter and facebook. Concerns were also highlighted around litter and mess, the responsibility for clearing litter from the lake, potential drowning and sexual assaults, broken glass, and impact on the biodiversity of the area, especially the lake, and the fact that this proposed usage was not conducive to a park setting.
- 3.27 The applicants for the Dam House licence then addressed the Sub-Committee. Mr. Bains stated that the social marketing had now been withdrawn, and he apologised that the wrong message had been conveyed. He stated that the deputy manager, James Travis, had got 'carried away' and gone ahead with his own marketing to get people talking about the venue.
- 3.28 Mr. Bains stated that the Dam House had been bought in an auction, and that, since the purchase, a great deal of work had taken place with regard to sound-proofing the venue. He stated that the new management were fully aware of their responsibilities with regard to the licensing objectives, and that their aim was to provide a menu of inexpensive food and drinks which appealed to a mass market. The team had worked together for over 20 years in the licensing trade with no complaints. The management had strong family values, and Mr. Sanghr would be living at the premises with his family.
- 3.29 Mr. Sanghr took full responsibility for the advertising which had taken place, stating that it had been misleading. The venue would be student-friendly, but not specifically aimed at students. He was very keen to work proactively with the local community.
- 3.30 Mr. Sanghr stated that the whole team were more than happy to work with the community and establish a rapport. He added that staff at the premises were all trained in Challenge 21 and such schemes, and that staff would be responsible for clearing any litter from around the vicinity of the premises every night. Mr. Bains added that cleanliness was essential to the image of the business.
- 3.31 Mr. Sanghr stated that the late licence had been applied for to allow them the flexibility to cater for weddings and parties, although the premises was not going to be hired out as a whole; he only intended to cater for small parties.
- 3.32 Mr. Bains stated that he had previously taken over the Fox and Hounds public house at Grenoside and had turned the venue around into a very desirable location, and he intended to repeat this success with the Dam House.
- 3.33 Mr. Sanghr stated that the new management had already agreed that the terrace doors would be closed at 2230 hours every night to prevent noise

breakout and that all music would stop at 2300 hours, in order to stagger the times people were leaving the premises. No music would be played outside the premises at any time.

3.34 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

3.35 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.

3.36 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

3.37 **RESOLVED:** That the Sub-Committee agrees to grant the Premises Licence in respect of the premises known as the Dam House, Mushroom Lane, Sheffield, S3 7NZ, as per the amended operating schedule, and with the addition of the following conditions:-

(a) all promotional material and marketing for the premises, including social media, is to be approved by the Designated Premises Supervisor;

(b) the door to the terraced area must remain closed from 2230 hours every night;

(c) all litter and broken glass must be removed from the curtilidge of the premises every night;

(d) no music is to be played in the outside areas and no speakers installed in external areas;

(e) all music inside the venue is to be played through a noise limiter, with the Environmental Protection Service (EPS) to set a level for the music, and

(f) the premises are not to be made available to hire in its entirety for the purpose of a private party.



## SHEFFIELD CITY COUNCIL Committee Report

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

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**Date:** 31<sup>st</sup> May 2012

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**Subject:** Gambling Act 2005  
Statement of Principles (Policy) Consultation

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**Author of Report:** Shimla Rani - 2037752

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**Summary:** To notify and consult with Members of the Licensing Committee on the draft revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005 (the 2005 Act).

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**Recommendations:** That Members of the Licensing Committee note the contents of the report and comment on the revised Statement of Principles (Policy) document.

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**Background Papers:** Draft Statement of Principles (Policy) which can be viewed following the link [www.sheffield.gov.uk/gamblingpolicyupdate](http://www.sheffield.gov.uk/gamblingpolicyupdate).

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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: 41/12

## GAMBLING ACT 2005 - DRAFT STATEMENT OF PRINCIPLES (POLICY)

### 1.0 PURPOSE OF REPORT

1.1 To notify and consult with Members of the Licensing Committee on the draft revised Statement of Principles (Policy) written by the Licensing Authority in accordance with section 349 of the Gambling Act 2005 (the 2005 Act).

### 2.0 STATEMENT OF PRINCIPLES (POLICY)

2.1 Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish the statement.”

2.2 Sheffield City Council's first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and then revised and published again in January 2010. The Licensing Authority is now in the process of revising the policy as required under section 349 (1) of the 2005 Act and will follow the same process as it did when consulting with previous policies.

2.3 Revisions have been made to the previous policy in all sections to ensure compliance of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006. The revised policy provides more detailed information for each of the processes. I have listed below the main changes to the policy:

- **Part 1 – Overview**
  - Inclusion of section 1.3 '*Summary of matters dealt with in this statement*' to comply with the 2006 regulations.
  - Section 1.4 '*The Sheffield Area*' updated to include Sheffield City Council's Corporate Plan 2011-14.
- **Part 2 – General Principles**
  - Inclusion of '*Representations*' at section 2.6.
  - Updates in local and nation strategies at section 2.8 '*Integrating Strategies*'.
- **Part 4 & 5**
  - More detailed information provided on all of the licensing functions.
- **Part 6 – Equality, Hearings and Conditions**
  - This part includes updates on equality issues and additional information on hearings and rights of an applicant.
- **Part 7 – Applications Reviews and Enforcement**
  - Inclusion of section 7.1 '*Applications*' and 7.2 '*Fees*'.



- **Part 8 – Useful information and Contact Details**

- Inclusion of addition contacts

- **Inclusion of a ‘Glossary of terms’**

2.4 A link to the revised draft Statement of Principles (Policy) document has been circulated to all Members and a single copy will be available in the meeting if required. Should Members wish to view the document, please follow the link [www.sheffield.gov.uk/gamblingpolicyupdate](http://www.sheffield.gov.uk/gamblingpolicyupdate).

2.5 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and guidance issued by LACORS and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

### **3.0 WHAT DOES THE POLICY DEAL WITH**

3.1 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include;

- |  |                         |
|--|-------------------------|
| - Casinos                              | - Bingo Halls           |
| - Betting Shops                        | - Tracks                |
| - Adult Gaming Centres                 | - Lotteries             |
| - Family Entertainment Centres         | - Club Gaming Machines  |
| - Gaming Machines in Licensed Premises | - Temporary Use Notices |
| - Occasional Use Notices               |                         |

3.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.

3.3 The policy sets out how the Licensing Authority intends to deal with applications etc. under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.

3.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.

3.5 It is intended that the Statement of Principles (Policy) will assist the Licensing Authority in carrying out its powers in a socially responsible manner, whilst promoting the three core objectives, which are:

- Preventing gambling from being a source of crime and disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open manner; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **4.0 CONSULTATION**

4.1 The formal consultation process commenced on 2<sup>nd</sup> April 2012 and will last for twelve weeks, concluding at 5:00pm on the 25<sup>th</sup> June 2012.

4.2 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

(a) either-

- (i) in England and Wales, the chief officer of police for the authority’s area, or
- (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,

(b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and

(c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority’s functions under this act.”

4.3 Approximately 2,600 letters and emails (where possible) regarding the consultation have been sent out. The letters and emails have included a link to our website where the draft Statement of Principles (Policy) can be viewed. Consultees have the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access, a hard copy is also available in the Town Hall, First Point for Business, Howden House and the Central Library.

4.4 All Members of the Council have been notified of the consultation and provided with a link to the website.

## **5.0 A BRIEF TIMETABLE FOR DETERMINATION OF THE STATEMENT OF PRINCIPLES (POLICY)**

5.1 For the benefit of Members, I have set out below the key dates in the process of determining the revised Statement of Principles (Policy):

- Formal Approval by the Licensing Committee - July/August 2012
- Report to Executive Management Team (EMT) - September 2012
- Report to Leadership EMT - October 2012
- Report to Cabinet - November 2012
- Report to Full Council - December 2012

## **6.0 SO WHAT DOES THE POLICY DELIVER**

6.1 The Statement of Principles (Policy) recognises the need of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit. Also ensure licensees understand the importance of safe well run premises.

6.2 The document recognises the need to protect Children and the Vulnerable from gambling addiction etc. The Licensing Service is working closely with the Safeguarding Children Service and GAMCARE.

6.3 Whilst promoting inclusive, vibrant, safe and strong communities and supporting small businesses the Licensing Service will work closely with external partners to support the improvement of public health and wellbeing.

6.4 The revision of the document means that we can improve the content and design in a way that assists us in achieving our vision of “Doing the right things and doing things right, for our customers and the City, making Sheffield a Great Place to be”.

- 6.5 The work we are doing fits with many of our service objectives;
- Effective – customer satisfaction
  - Equitable – provision to all without disadvantaging anyone
  - Empowering – engaging customers and involving them
  - Enabling – helping make things happen

And also our design principles;

- Collaboration – working with customers, partners and other stakeholders
- Responsiveness – listening and acting in a timely fashion
- Openness – transparent and accountable
- Flexibility – making it easier for customers
- Learning – listening / learning and improving overtime

6.6 The overarching benefits are that the new Policy will assist in achieving the Place core strategic outcome of “Making Sheffield a Great Place to Be”.

By supporting the following outcomes;

- A Strong & Competitive Economy – working with businesses
- A Great Place to Live – place management / effective service delivery
- Vibrant City – night time economy / destination of choice
- Safe & Secure Communities – working with police, safer neighbourhood officers etc. around “Crime Prevention”
- Successful Young People – protect and promote the welfare of children

## **7.0 FINANCIAL IMPLICATIONS**

7.1 The work on the revision of the Statement of Principles (Policy) has been undertaken within the current resources of the Licensing Service.

## **8.0 RECOMMENDATIONS**

8.1 That Members of the Licensing Committee note the contents of the report.

8.2 That Members of the Licensing Committee comment on the revised Statement of Principles (Policy) document.

Stephen Lonnia,  
Chief Licensing Officer  
Head of Licensing  
Business Strategy and Regulation  
Place Portfolio  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD.

10<sup>th</sup> May 2012

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## SHEFFIELD CITY COUNCIL Policy Report



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

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**Date:** 31<sup>st</sup> May 2012

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**Subject:** **Police Reform and Social Responsibility Act 2011**  
Summary of Amendments made to the Licensing Act 2003 by the  
Police Reform and Social Responsibility Act 2001

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**Author of Report:** Claire Bower – 203 7751

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**Summary:** Summary of Amendments made to the Licensing Act 2003 by the  
Police Reform and Social Responsibility Act 2001

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**Recommendations:** That members note the detail of the changes to the legislation.

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**Background Papers:** Attached documents

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**Category of Report:** OPEN

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**The Police Reform and Social Responsibility Act 2011**

**1.0 PURPOSE OF REPORT**

- 1.1 To notify members of amendments made to the Licensing Act 2003 by the Police Reform and Social Responsibility Act 2011 (PR&SR Act) as part of the Government's alcohol reforms.

**2.0 INTRODUCTION**

- 2.1 The Government has legislated via the PR & SR Act to overhaul the Licensing Act 2003 and to rebalance it in favour of local communities.
- 2.2 The new measures give the police and licensing authorities in England and Wales more local powers to tackle irresponsible premises and crack down on unacceptable sales of alcohol, to children.

**3.0 CHANGES TO THE LICENSING ACT 2003 – EFFECTIVE 25<sup>TH</sup> APRIL 2012**

**3.1 Temporary Event Notices (TENs)**

- 3.1.1 Environmental Health Authorities (EHA's) are now able to object to TENs in addition to the Police.
- 3.1.2 The Police and EHA's are able to object on the grounds of all four of the licensing objectives.
- 3.1.3 The Police and EHA's have 3 working days to object to a TEN as opposed to the previous 2 working days for the Police.
- 3.1.4 Where an objection is made, Licensing Authorities are able to apply conditions included on the premises licence for that premises to the TEN.
- 3.1.5 The period that may be covered by a single TEN is increased from 96 hours (four days) to 168 hours (seven days).
- 3.1.6 A limited number of "late TENs" may be submitted up to five days before an event – ten for a personal licence holder and two for a non-personal licence holder.
- 3.1.7 "Late TENs" are notices received no later than 5 clear working days but no earlier than 9 clear working days before the event begins.

**3.2 Licensing Policy Statements**

- 3.2.1 The frequency for publication of the statements has changed from 3 to 5 years.

### **3.3 Responsible Authorities**

3.3.1 The Licensing Authority is now a “responsible authority” providing stronger powers such as the ability to comment on applications and instigate review proceedings.

3.3.2 Primary Care Trusts/Local Health Boards are also now a “responsible authority”.

### **3.4 Annual Fees**

3.4.1 Failure to pay an annual fee must result in the suspension of the licence.

3.4.2 Exemptions are built in to allow for administrative error, disputes and a ‘grace period’.

### **3.5 Removal of the Vicinity Test**

3.5.1 The ‘vicinity’ test is removed from the Act.

3.5.2 The term ‘interested party’ is removed from the Act and replaced with ‘other persons’.

3.5.3 This means that any person, body or business is able to make a relevant representation in relation to a premises, regardless of their geographic proximity.

3.5.4 Regulations require the licensing authority to advertise applications ‘in a manner which is prescribed and likely to bring the application to the attention of the persons who are likely to be affected by it’.

### **3.6 Reducing the Evidence Threshold**

3.6.1 When making decisions and exercising their licensing duties, licensing authorities were required to show their decisions were ‘necessary’ for the promotion of the licensing objectives.

3.6.2 The changes to the Act amend this wording requiring instead that licensing authorities take steps that are ‘appropriate’ for the promotion of the licensing objectives thereby reducing the evidential burden on the Licensing Authority.

### **3.7 Persistent Sale of Alcohol to Children**

3.7.1 ‘Persistently selling alcohol to children’ is defined as when a licence holder is found to be selling alcohol to children, two or more times within a three month period.

3.7.2 The fine for persistent underage sales has doubled to £20,000.

3.7.3 The period of voluntary closure will be a minimum of 48 hours and a maximum closure period of two weeks. Police are able to apply this flexibly to take into account the nature of the premises.

### **3.8 Additional Relevant Offences**

3.8.1 Additional offences have been added to the list of ‘relevant offences’ at Schedule 4 of the Licensing Act 2003.

3.8.2 Relevant offences are taken into account for personal licence applicants and holders.

## **4.0 CHANGES TO THE LICENSING ACT 2003 – NOT YET IN FORCE**

### **4.1 Late Night Levy**

4.1.1 This will be a new power for licensing authorities to introduce a charge for premises that have a late alcohol licence in order to fund extra enforcement costs that the night-time economy generates for police and local authorities.

### **4.2 Extended Early Morning Restriction Orders (EMRO's)**

4.2.1 A power allowing licensing authorities to restrict sales of alcohol in the whole or part of their area for any specified period between 3am and 6am if they consider this appropriate for the promotion of the licensing objectives.

### **4.3 Locally Set Fees**

4.3.1 Allowing Licensing Authorities to set their own fees for licensing applications based on cost recovery.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 Some of the proposed amendments have resource implications, because they give licensing authorities additional responsibilities.

5.2 These should be offset by proposals to allow licensing authorities to set fees on a cost recovery basis, however, this will not come into force and further detail will not be known until April 2013 after further consultation.

## **6.0 RECOMMENDATIONS**

6.1 That members note the contents of the report.

## **7.0 OPTIONS OPEN TO THE COMMITTEE**

7.1 To note the contents of the report.

Steve Lonnia  
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Sheffield  
S9 3HD

LIC/CB/March 2012





## SHEFFIELD CITY COUNCIL Policy Report

# Agenda Item 7



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

**Date:** 31<sup>st</sup> May 2012

**Subject:** **The Live Music Act 2012**  
To notify members of amendments made to the Licensing Act 2003 by the Live Music Act 2012 as part of the Government's reforms.

**Author of Report:** Steve Lonnia – 20 53798

**Summary:** Details of the Live Music Act.

**Recommendations:** That members note the detail of the changes to the legislation.

**Background Papers:** Attached documents

**Category of Report:** OPEN

**The Live Music Act 2012**

**1.0 PURPOSE OF REPORT**

1.1 To notify members of amendments made to the Licensing Act (2003 Act) by the Live Music Act 2012 as part of the Government's reforms.

**2.0 INTRODUCTION**

2.1 The Live Music Act received Royal Assent on the 8<sup>th</sup> March 2012 and the changes are expected to come in to force in October 2012.

2.2 The Section 182 Guidance will be amended to reflect the proposed changes and again, this should be published in October 2012.

**3.0 CHANGES TO THE LICENSING ACT 2003**

3.1 Once the Live Music Act comes into force it will:

- Remove the licensing requirement for *unamplified* live music taking place between 8am and 11pm in all venues, subject to the right of the licensing authority to impose conditions about live music following a review of the premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises;
- Remove the licensing requirement for *amplified* live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of the licensing authority to impose conditions about live music following a review of the premises licence or club premises certificate;
- Remove the licensing requirement for *amplified* live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment);
- Remove the licensing requirement for the provision of regulated entertainment facilities; and
- Widen the licensing exemption for live music integral to a performance of Morris Dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified music.

**4.0 FINANCIAL IMPLICATIONS**

4.1 There are no financial implications for the Council arising from this report.

**5.0 RECOMMENDATIONS**

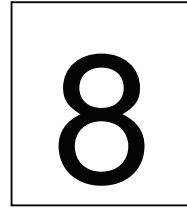
5.1 That members note the contents of the report.

**6.0 OPTIONS OPEN TO THE COMMITTEE**

6.1 To note the contents of the report.



## SHEFFIELD CITY COUNCIL Committee Report



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

**Date:** 31<sup>st</sup> May 2012

**Subject:** The Government's Alcohol Strategy

**Author of Report:** Claire Bower – 203 7751

**Summary:** An information report to inform members of the new Alcohol Strategy launched by the Government recently

**Recommendations:** That member's note the content of the report and consider the content of the new Alcohol Strategy

**Background Papers:** Attached documents

**Category of Report:** OPEN

**The Government's Alcohol Strategy**

**1.0 PURPOSE OF REPORT**

- 1.1 This is an information report to inform members of the new Alcohol Strategy launched by the Government recently.
- 1.2 The strategy is attached at "Appendix A" of the report.

**2.0 INTRODUCTION**

- 2.1 The government unveiled their new "Alcohol Strategy" on Friday 23<sup>rd</sup> March 2012 which is claimed to be a radical plan to turn the tide against irresponsible drinking and empower communities to reclaim their High Streets.
- 2.2 The government's alcohol strategy sets out proposals to crack down on our binge drinking culture, cut booze fuelled violence and disorder that affects our communities and slash the number of people drinking to harmful levels.
- 2.3 It is government's ambition that the alcohol strategy will radically reshape the approach to alcohol and reduce the number of people drinking to excess. The outcomes they want to see are;
  - A change in behaviour so that people think that it is not acceptable to drink in ways that could cause harm to themselves or others;
  - A reduction in the amount of alcohol fuelled violent crime;
  - A reduction in the number of adults drinking above the NHS guidelines;
  - A reduction in the number of people binge drinking;
  - A reduction in the number of alcohol fuelled deaths; and
  - A sustained reduction in both the numbers of 11-15 year olds drinking alcohol and the amounts consumed.

**3.0 THE ALCOHOL STRATEGY**

- 3.1 The strategy is set out in 5 parts;
  - 1 - Introduction – a new approach
  - 2 - Turning the tide
  - 3 - Taking the right action locally
  - 4 - Shared responsibility with industry
  - 5 - Supporting individuals to change

**3.2 Introduction – a new approach**

- 3.2.1 This section of the strategy sets out the background information to how alcohol consumption as changed over the years, the cost of alcohol on the economy and what they want to achieve. (see paragraph 2.3 above)

3.2.2 Paragraph 1.5 of the strategy states that it wants to see a radical change in the approach to alcohol and an understanding that this can not be achieved overnight. This will require long term and sustained action by local agencies, industry, communities and the government.

This will include;

- Taking firm and fast action where immediate and universal change is required;
- Introducing a minimum unit price for alcohol;
- Consultation on the introduction of a ban on multi-buy options in the off trade;
- Ensure local areas are able to tackle local problems;
- Encourage partnership working;
- Stronger powers to tackle to control density of licensed premises;
- Introduce early morning restriction orders;
- Introduce a late night levy;
- Secure industry's support in changing individual drinking behaviour;
- Support individuals to make informed choices about healthier and responsible drinking; and
- Introduction of alcohol checks within the NHS Health Checks for adults.

### **3.3 Turning the tide**

3.3.1 This section sets out how we might start to make changes and highlights three main areas:

- Reducing availability of cheap alcohol
- Alcohol advertising
- Responding to emerging issues

3.3.2 Over the last decade, we have witnessed a dramatic change in peoples attitude to, and the harms caused by, alcohol consumption. The government have estimated that in a community of 100,000 people, each year:

- 2,000 people will be admitted to hospital with an alcohol related disorder;
- 1,000 people will be a victim of alcohol related violent crime;
- Over 400 11-15 year olds will be drinking weekly;
- Over 13,000 people will binge drink;
- Over 21,500 people will be regularly drinking above the lower risk levels;
- Over 3,000 will be showing some signs of alcohol dependence; and
- Over 500 will be moderately or severely dependant on alcohol.

3.3.3 Paragraphs 2.4 to 2.11 of the strategy set out information around reducing the availability of cheap alcohol. This will include the introduction of the minimum unit price for the first time ever in England and Wales. Government are to release a consultation on this in the coming months with a view to introducing legislation as soon as possible.

- 3.3.4 Another proposal in this area is the ban on multi-buy promotions in the off trade, meaning that bottles or cans can not be sold cheaper than the multiple of one bottle or can. Again a consultation will take place later this year.
- 3.3.5 Paragraphs 2.12 to 2.17 of the strategy discuss the issue of alcohol advertising. There is a known link between advertising and people's consumption particularly with those under 18 years of age.
- 3.3.6 Finally in this section paragraphs 2.18 to 2.20 talk about responding to emerging issues. These include crime related issues such as alcohol duty fraud and health related issues such as the rising incidence of liver disease in young adults or both such as the growing availability of counterfeit alcohol.

### **3.4 Taking the right action locally**

- 3.4.1 The government feels that local communities, services and businesses are best place to tackle alcohol related issues in there are and enforce the behaviour and develop the cultures that they want.
- 3.4.2 This section highlights five key areas to assist in taking the right action locally, they are:
- Changing behaviour at the local level
  - Challenge and enforcement
  - Rights and responsibilities
  - Working across boundaries
  - Evidence based actions on health harms
- 3.4.3 Paragraphs 3.3 to 3.8 cover the issue of changing behaviours at a local level and it talks about such schemes as Best Bar None, Purple Flag, Community Alcohol Partnerships, Pubwatch and Business Improvement Districts showing that a thriving night time economy can operate where excessive drinking is tackled consistently and robustly by business, police and local authorities working together.
- 3.4.4 This section goes on to talk about the potential benefits of locally elected police commissioners under the Police Reform & Social Responsibility Act 2011.
- 3.4.5 It goes on to talk about the new powers given to Licensing Authorities and Health Bodies as responsible authorities and the ability to review licences.
- 3.4.6 Paragraphs 3.9 to 3.13 concentrate on the issue of challenge and enforcement.
- 3.4.7 These paragraphs are about communities not having to tolerate alcohol related crime and disorder and nuisance; tackling underage sales and the potential to use the late night levy.
- 3.4.8 This part also spells out the potential benefits of the police and local authorities undertaking more prosecutions for the offence of serving alcohol to a person who is drunk.
- 3.4.9 Paragraphs 3.14 to 3.20 discuss the issue of rights and responsibilities.

- 3.4.10 This section concentrates on the issue of alcohol and its impact on the A&E departments such as workloads; costs and abuse / violence.
- 3.4.11 Other issues it mentions is about the potential for income from the late night levy funding a Police Officer post to be situated in A&E during these busy weekend periods.
- 3.4.12 The paper states that Government are to launch a consultation on a new health related licensing objective, so that the health harms particularly those witnesses in A&E departments, are a key factor in deciding whether to grant licences.
- 3.4.13 Paragraphs 3.21 to 3.23 look at the issue of working across boundaries and promotes partnership working and information sharing as essential good practice to tackle problem drinking.
- 3.4.14 Paragraphs 3.24 to 3.26 cover the final issue in this section which is evidence based action on health harms. Which discusses closer working relationships between local authorities and clinical commissioning groups.

### **3.5 Shared responsibility with industry**

- 3.5.1 This section considers how the alcohol industry and wider retail hospitality industries play a key role in our economy. Well run and responsible community pubs form an important component of the social fabric of our communities and such supervision of drinking can help prevent crime and disorder.
- 3.5.2 However, it also states that too much of the industry still supports and encourages irresponsible behaviour through poor product location, under age sales, excessively cheap drinks and encouraging excessive drinking.
- 3.5.3 This section therefore concentrates on three key areas;
- Industry's responsibility to change behaviour
  - Supporting growth and responsible business
  - Cutting red tape
- 3.5.4 Paragraphs 4.3 to 4.10 concentrate on the issue of the industry's responsibility to change behaviour. Government are clear that it is the ethical responsibility of the entire industry to promote, market, advertise and sell their products in a responsible way.
- 3.5.5 The alcohol industry has a direct and powerful connection and influence on consumer behaviours and they know that;
- People consume more when prices are lower
  - Marketing and advertising affects drinking behaviour
  - Store layout and product location affect the type and volume of sales
- 3.5.6 Through the "Responsibility Deal" the alcohol industry has adopted a core commitment to "foster a culture of responsible drinking, which will help people drink within guidelines.

- 3.5.7 There many examples set out in paragraphs 4.5 and 4.6 of some of the current initiatives / pledges made by the industry.
- 3.5.8 Paragraphs 4.11 to 4.13 look at the issue of supporting growth and responsible businesses. The alcohol industry contributes around £29 billion to the UK economy and provides an estimated 1.8 million jobs.
- 3.5.9 The final part of the section is set out in paragraph 4.14 which talks about cutting red tape. Essentially this is looking at reducing the unnecessary hops that businesses have to jump through. However, it wishes to maintain the integrity of the licensing system to protect society from those businesses that exploit loopholes to gain business at any cost, regardless of the risks to the individual and to society.

### **3.6 Supporting individuals to change**

- 3.6.1 This final section looks at the support mechanisms and drinking habits of individuals. The sections concentrates on four main areas;
- Understanding the risks
  - Treatment and recovery
  - Mental health
  - Offenders
- 3.6.2 The key aims of this section is about how government can support individuals to change by;
- Ensuring everyone is aware of the risks of excessive alcohol consumption and can make informed choices about responsible drinking; and
  - Recognising that some people will need support to change their behaviour and ensuring that this is available, particularly for the most vulnerable in our communities.
- 3.6.3 Paragraphs 5.3 to 5.20 discuss the issues around understanding the risks. This section concentrates on the amount of alcohol being drunk, the impact of starting drinking at an early age and drinking cultures.
- 3.6.4 Some of the key facts include;
- More people under the age of 25 report getting very drunk than any other age adult group
  - 50% of students drink more than the lower risk guidelines
  - Under 25's also have the highest risk of being a victim of violent crime
- 3.6.5 Paragraphs 5.21 to 5.23 discuss the issue of treatment and recovery. This section stresses that recovery goes beyond medical or mental health treatment issues to include dealing with the wider factors that reinforce dependence, such as childcare, housing needs, employability and involvement in crime.
- 3.6.6 Paragraphs 5.24 and 5.25 set out the issues around mental health and paragraphs 5.26 to 5.30 discuss issues around offenders.



## **4.0 SUMMARY**

4.1 The alcohol strategy sets out a clear commitment from government to address the harms of alcohol and to encourage responsible behaviour.

4.2 Individuals, communities, local agencies, local premises and national industries all have a role to play.

4.3 The following list sets out the issues / items we need to keep fully abreast of or respond to in the future;

- Consultation on a minimum unit price for alcohol
- Consultation on a ban of multi buy options in the off trade
- Consultation on anti fraud measure, including the introduction of fiscal marks for beer, supply chain and a licensing scheme for wholesale alcohol dealers
- Consider Early Morning Restriction Orders
- Consultation on a new Health Objective for licensing
- Consider the Late Night levy
- Encourage much closer working relationships with NHS, A&E, Trade etc.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

## **6.0 RECOMMENDATIONS**

6.1 That member's note the content of the report and consider the content of the new Alcohol Strategy.

Steve Lonnia  
Chief Licensing Officer  
(Head of Licensing)  
Licensing Services  
Business Strategy and Regulation  
Staniforth Road Depot

SJL/2012

# Appendix 'A'

# The Government's Alcohol Strategy



# The Government's Alcohol Strategy

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

March 2012

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## **The Government's Alcohol Strategy**

## PM Foreword

Binge drinking isn't some fringe issue, it accounts for half of all alcohol consumed in this country. The crime and violence it causes drains resources in our hospitals, generates mayhem on our streets and spreads fear in our communities.

My message is simple. We can't go on like this. We have to tackle the scourge of violence caused by binge drinking. And we have to do it now.

This strategy sets out how we will attack it from every angle. More powers to stop serving alcohol to people who are already drunk. More powers for local areas to restrict opening and closing times, control the density of licensed premises and charge a late night levy to support policing. More powers for hospitals not just to tackle the drunks turning up in A&E – but also the problem clubs that send them there night after night. And a real effort to get to grips with the root cause of the problem. And that means coming down hard on cheap alcohol.

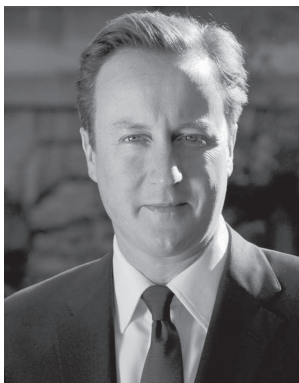
When beer is cheaper than water, it's just too easy for people to get drunk on cheap alcohol at home before they even set foot in the pub. So we are going to introduce a new minimum unit price. For the first time it will be illegal for shops to sell alcohol for less than this set price per unit. We are consulting on the actual price, but if it is 40p that could mean 50,000 fewer crimes each year and 900 fewer alcohol-related deaths a year by the end of the decade.

This isn't about stopping responsible drinking, adding burdens on business or some new kind of stealth tax - it's about fast, immediate action where universal change is needed.

And let's be clear. This will not hurt pubs. A pint is around two units. If the minimum price is 40p a unit, it won't affect the price of a pint in a pub. In fact, pubs may benefit by making the cheap alternatives in supermarkets more expensive.

We are working in partnership with business on all the proposals in the strategy, and I am pleased that the drinks industry are playing their part in promoting responsible drinking - including by giving consumers a wider choice of lower strength products and smaller servings to take one billion units out of the market by 2015.

Of course, I know the proposals in this strategy won't be universally popular. But the responsibility of being in government isn't always about doing the popular thing. It's about doing the right thing. Binge drinking is a serious problem. And I make no excuses for clamping down on it.



A handwritten signature in black ink that reads "David Cameron". The signature is written in a cursive, flowing style.

# 1. Introduction – a new approach

- 1.1 Fifty years ago, the United Kingdom had one of the lowest drinking levels in Europe but it is now one of the few European countries whose consumption has increased over that period. Over the last decade we have seen a culture grow where it has become acceptable to be excessively drunk in public and cause nuisance and harm to ourselves and others.
- 1.2 In moderation, alcohol consumption can have a positive impact on adults' wellbeing, especially where this encourages sociability. Well-run community pubs and other businesses form a key part of the fabric of neighbourhoods, providing employment and social venues in our local communities. And a profitable alcohol industry enhances the UK economy. The majority of people who drink do so in an entirely responsible way, but too many people still drink alcohol to excess. The effects of such excess – on crime and health; and on communities, children and young people – are clear.
- 1.3 A combination of irresponsibility, ignorance and poor habits – whether by individuals, parents or businesses – led to almost 1 million alcohol-related violent crimes<sup>1</sup> and 1.2 million alcohol-related hospital admissions in 2010/11 alone. The levels of binge drinking among 15-16 year olds in the UK compare poorly with many other European countries<sup>2</sup> and alcohol is one of the three biggest lifestyle risk factors for disease and death in the United Kingdom after smoking and obesity. It has become acceptable to use alcohol for stress relief, putting many people at real risk of chronic diseases. Society is paying the costs – alcohol-related harm is now estimated to cost society £21 billion annually.
- 1.4 The problem has developed for the following reasons:
  - Cheap alcohol is too readily available and industry needs and commercial advantages have too frequently been prioritised over community concerns. This has led to a change in behaviour, with increasing numbers of people drinking excessively at home, including many who do so before they go on a night out, termed 'pre-loading'. In a recent study, around two-thirds of 17-30 year olds arrested in a city in England claimed to have 'pre-loaded'<sup>3</sup> before a night out, and a further study found 'pre-loaders' two-and-a-half times more likely to be involved in violence than other drinkers<sup>4</sup>.
  - Previous governments have failed to tackle the problem. The vibrant café culture, much promised by the previous Government's Licensing Act, failed to

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<sup>1</sup> Chaplin, R., Flatley, J. and Smith, K. (2011) Crime in England and Wales 2010/11. Home Office Statistical Bulletin 10/11. London: Home Office. Supplementary Table 7.11- <http://www.homeoffice.gov.uk/science-research/research-statistics/crime-statistics/bcs-supplementary-tabs/>.

<sup>2</sup> Hibell, B. (et al) The 2007 ESPAD report. Substance use among students in 35 European countries.

<sup>3</sup> Barton, A. and Husk, K. (forthcoming) Controlling pre-loaders: alcohol related violence in an English night time economy. *Drugs and Alcohol Today*.

<sup>4</sup> Hughes, K., Anderson, Z., Morleo, M. and Bellis, M.A. (2008) 'Alcohol, nightlife and violence: the relative contributions of drinking before and during nights out to negative health and criminal justice outcomes', *Addiction*, 103 (1), pp 60-5.



materialise. Too many places continue to cater for, and therefore remain blighted by, those who drink to get drunk, regardless of the consequences for themselves or others.

- There has not been enough challenge to the individuals that drink and cause harm to others, and of businesses that tolerate and even encourage this behaviour.

The result is a situation where responsible citizens and businesses are paying the price for irresponsible citizens and businesses.

1.5 This strategy signals a radical change in the approach and seeks to turn the tide against irresponsible drinking. Such change will not be achieved overnight. It will require long-term and sustained action by local agencies, industry, communities and the Government. We will:

- Take firm and fast action where immediate and universal change is needed. Chapter 2 sets out how we will end the availability of cheap alcohol and irresponsible promotions. We will introduce a minimum unit price for alcohol and will consult on the introduction of a ban on multi-buy promotions in the off-trade.
- Ensure that local areas are able to tackle local problems, reduce alcohol-fuelled violent crime on our streets, and tackle health inequalities. Chapter 3 sets out the extensive range of tools and powers we are giving to local agencies to challenge those people that continue to behave in an unacceptable way and make it easier to take action against and, if necessary, close down, problem premises. It asks local areas to make decisions for themselves, working effectively in partnership and giving communities the information they need to hold local services to account. We will give stronger powers to control the density of licensed premises and make health a licensing objective for this purpose. We will give areas the powers to restrict alcohol sales if late opening is causing problems through extended powers to make Early Morning Restriction Orders; introduce a new late night levy so that those businesses that trade into the late night contribute towards the cost of policing; and end the notion that drinking is an unqualified right by piloting sobriety schemes for those people whose offending is linked to excessive alcohol consumption. We will also support hospitals to tackle unacceptable drunken behaviour at A&E.
- Secure industry's support in changing individual drinking behaviour. Chapter 4 recognises the crucial role that the industry can play in changing the drinking culture, from one of excess to one of responsibility; and from one where alcohol is linked to bad behaviour to one where it is linked to positive "socialising". It sets out how we will build on the Responsibility Deal to drive greater industry responsibility and action to prevent alcohol misuse, including giving consumers a wider choice of lower strength products in both the on-trade and off-trade, taking one billion units out of the market by 2015. We promise to support and free up businesses that are acting responsibly but, through the Responsibility Deal, extend a challenge to all of industry to make more progress, more quickly on the responsible production, sale and promotion of alcohol.
- Support individuals to make informed choices about healthier and responsible drinking, so it is no longer considered acceptable to drink excessively. Chapter 5

sets out how we will ensure that everyone understands the risks around excessive alcohol consumption to help them make the right choices for themselves and their families, including through asking Dame Sally Davies, the Chief Medical Officer, to oversee a review of the alcohol guidelines for adults. It provides details on the support system that should be available for those that need particular help in changing their behaviour, including an alcohol check within the NHS Health Check for adults.

1.6 Our ambition is clear – we will radically reshape the approach to alcohol and reduce the number of people drinking to excess. The outcomes we want to see are:

- A change in behaviour so that people think it is not acceptable to drink in ways that could cause harm to themselves or others;
- A reduction in the amount of alcohol-fuelled violent crime;
- A reduction in the number of adults drinking above the NHS guidelines<sup>5</sup>;
- A reduction in the number of people “binge drinking”<sup>6</sup>;
- A reduction in the number of alcohol-related deaths; and
- A sustained reduction in both the numbers of 11-15 year olds drinking alcohol and the amounts consumed.

1.7 Further information on trends in alcohol use and harm and effective practice is available at the Alcohol Learning Centre (<http://www.alcohollearningcentre.org.uk>).

1.8 The taxation aspects of this strategy will apply UK-wide. The provisions on crime and policing, alcohol licensing and pricing set out in this strategy are only intended to apply to England and Wales. We will work closely with the devolved administrations in Scotland and Northern Ireland to ensure a co-ordinated approach to those issues that is in line with the devolution settlement.

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<sup>5</sup> No more regularly than 3 to 4 units per day for men and no more regularly than 2 to 3 units per day for women.

<sup>6</sup> Measured by those who self-report drinking on their heaviest drinking day in the previous week more than 8 units per day for men and more than 6 units per day for women.

## 2. Turning the tide

2.1 Over the last decade, we have witnessed a dramatic change in people's attitude to, and the harms caused by, alcohol consumption. We estimate that in a community of 100,000 people, each year:

- 2,000 people will be admitted to hospital with an alcohol-related condition;
- 1,000 people will be a victim of alcohol-related violent crime;
- Over 400 11-15 year olds will be drinking weekly;
- Over 13,000 people will binge-drink;
- Over 21,500 people will be regularly drinking above the lower-risk levels;
- Over 3,000 will be showing some signs of alcohol dependence; and
- Over 500 will be moderately or severely dependent on alcohol.

2.2 These statistics highlight the urgent and unquestionable need for all of those who drink alcohol – no matter who they are or what they do – to take responsibility for their drinking behaviour and establish a less risky approach to drinking as the norm. Such change will require collective action by individuals, communities, local agencies and industry. The following chapters set out how the Government will support, enable and challenge them to achieve this.

2.3 Wherever possible, action to tackle alcohol-related harm, crime and disorder should be taken at the local level by those who understand the problems that their community is facing. However, at times, action is needed to achieve universal and radical change across the country and tackle the underlying issues. This chapter sets out how the Government will lead the way and turn the tide against irresponsible sales and promotion of alcohol.

### ***Reducing the availability of cheap alcohol***

2.4 In 2010, £42.1 billion was spent on alcohol in England and Wales alone<sup>7</sup>. Alcohol has been so heavily discounted that it is now possible to buy a can of lager for as little as 20p or a two litre bottle of cider for £1.69. There is strong and consistent evidence that an increase in the price of alcohol reduces the demand for alcohol which in turn can lead to a reduction in harm, including for those who regularly drink heavily and young drinkers under 18.<sup>89</sup> We can no longer afford to ignore this.

2.5 The Government's Review of Alcohol Taxation in November 2010, recognised that the majority of drinkers consume alcohol in a responsible manner. However, the harms associated with problem consumption of alcohol remain a concern. The Government has already taken action to tackle the availability of heavily discounted alcohol by:

- Raising alcohol duty by 2% above retail inflation (RPI) each year to 2014-15;
- Introducing a 'minimum juice' rule for cider, so that high strength white ciders can no longer qualify for the lower rates of duty that apply to cider; and

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<sup>7</sup> Clancy, G. (2011). Consumer Trends Quarter 1 2011, No. 60. Office for National Statistics. <http://www.ons.gov.uk/ons/rel/consumer-trends/consumer-trends/q1-2011/index.html>.

<sup>8</sup> Booth, A., Meier, P., Stockwell, T., Sutton, A., Wilkinson, A., Wong, R. (2008) Independent review of the effects of alcohol pricing and promotion. Department of Health.

<sup>9</sup> The likely impacts of increasing alcohol price: a summary review of the evidence base (2011). Home Office.

- Introducing a new higher rate of duty for high strength beer over 7.5% Alcohol By Volume (ABV) and a new lower rate of duty for beer at 2.8% ABV and below to align duty more closely to alcohol strength.
- 2.6 The UK would support any future changes to the EU rules to allow duty on wine to rise in line with alcoholic strength. The UK will also seek a full impact assessment, including the health aspects, of the EU Commission's proposal on the Reform of the Common Organisation of the Market in Wine due in 2013.
- 2.7 These are significant steps forward but, as there is such a strong link between price and consumption, we need to go further still to end the irresponsible promotion and discounting of alcohol. This is why we will take an ambitious approach to tackling the issue of excessive alcohol consumption.
- 2.8 We will introduce a minimum unit price (MUP) for alcohol meaning that, for the first time ever in England and Wales, alcohol will not be allowed to be sold below a certain defined price. We will consult on the level in the coming months with a view to introducing legislation as soon as possible.
- 2.9 We will also consult on a ban on multi-buy promotions in the off-trade (shops) meaning that multiple bottles or cans could not be sold cheaper than the multiple of one bottle or can. This would put an end to any alcohol promotion or sale that offers customers a discount for buying multiple products in stores and therefore those that encourage and incentivise customers to buy larger quantities than they want.
- 2.10 We do not currently intend to apply this ban to the on-trade (pubs, bars, restaurants etc.) as this is already a more controlled and regulated drinking environment. We will launch a review of current commitments within the Mandatory Code for Alcohol to ensure they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs. We will also consult on applying the Mandatory Code to all sectors involved in the sale of alcohol, where relevant.
- 2.11 Given our intention to introduce MUP, we do not currently intend to implement a ban on the below cost sale of alcohol (defined as Duty+VAT). The introduction of MUP is likely to provide a net benefit to many retailers without a specific tax on any surplus profits. Rather than introducing a new levy or tax on surplus profits, we intend to work with industry to use any additional revenue to provide better value to customers in other areas (ending the situation where loss-leading on alcohol means that moderate drinkers effectively subsidise heavy drinkers through the cost of their weekly shop).

### ***Alcohol Advertising***

- 2.12 There is known to be a link between advertising and people's alcohol consumption, particularly those under the age of 18.<sup>10</sup> Some countries have introduced a complete ban on alcohol advertising (Norway) or a ban on TV advertising with other controls (France) to tackle this. So far we have not seen evidence demonstrating that a ban is

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<sup>10</sup> Booth, A., Meier, P., Stockwell, T., Sutton, A., Wilkinson, A., Wong, R. (2008) Independent review of the effects of alcohol pricing and promotion. Department of Health.

a proportionate response but we are determined to minimise the harmful effects of alcohol advertising.

- 2.13 Alcohol advertising in the UK is already subject to controls that seek to prevent advertisers targeting and appealing to young people. The controls cover broadcast, print and online advertising and are a mix of co-regulation (with Ofcom) and self-regulation, administered by the Advertising Standards Authority (ASA) and the Portman Group. The Portman Code covers marketing such as sponsorship, promotion and product packaging. We will work with the Portman Group to ensure that where unacceptable marketing does occur, it results in the removal of offending brands from retailers.
- 2.14 The existing controls have the ability to address the problems associated with advertising alcohol but the system depends on people being aware of the controls and how they can complain. We will work with industry and other relevant bodies to help raise public awareness of the controls and encourage public feedback.
- 2.15 There are specific rules to prevent adverts being shown in a context which will have 'a particular appeal' to people aged under 18<sup>11</sup>. While these rules restrict the targeting of young people, they still allow potentially large numbers of under-18s to see alcohol advertising. We will work with the ASA and Ofcom to examine ways to ensure that adverts promoting alcohol are not shown during programmes of high appeal to young people.
- 2.16 Due to the proliferation of media channels in recent years, the opportunities to interact with alcohol marketing have increased. It is important that this increased capacity allows advertisers more precisely to minimise young people's interaction with alcohol marketing. The ASA recently extended its remit further into new media marketing. We will work with the ASA to ensure the full and vigorous application of ASA powers to online and social media and work with industry to develop a scheme to verify people's actual ages, which will apply to alcohol company websites and associated social media.
- 2.17 As part of the Bailey Review, a range of media regulators, including the ASA and Ofcom, recently set up a single, user-friendly website, called ParentPort, to make it easier for parents to make complaints, get information on regulation, and leave comments if they feel a programme, advertisement, product or service is inappropriate or unsuitable for their children. We will look for opportunities to create links through to ParentPort from high traffic sites to ensure that people can easily report any alcohol adverts they think are unsuitable. We will also work with the ASA and other relevant bodies to look at the rules and incentives that might inhibit the promotion of lower strength alcohol products and the encouragement of responsible drinking behaviours.

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<sup>11</sup> For broadcast adverts the restriction is triggered when the Broadcasters' Audience Research Board (BARB)<sup>11</sup> audience index for those aged 10-15 is 120 or more (i.e. more than 20% above their share in the population). Similarly for non-broadcast advertising there is a specific rule that no medium can be used to advertise alcoholic drinks if more than 25% of its audience are under 18.

### ***Responding to emerging issues***

2.18 The Government has a responsibility to identify and tackle new and emerging threats or issues, whether they are crime-related such as the increase in alcohol duty fraud; health-related such as the rising incidence of liver disease in young adults; or both such as the growing availability of counterfeit alcohol.

2.19 Alcohol duty fraud costs the Government up to £1.2 billion per year and organised crime groups are responsible for much of this cost. In 2010, HMRC introduced a renewed strategy to tackle all forms of alcohol duty fraud. Despite this, beer duty fraud in particular remains a significant problem. In 2012, Government announced its intention to consult on alcohol anti-fraud measures, including the introduction of fiscal marks for beer, supply chain legislation, and a licensing scheme for wholesale alcohol dealers.

2.20 In the UK, There has been a 25% increase in liver disease between 2001 and 2009. Alcohol-related liver disease accounts for over a third (37%) of all liver disease deaths<sup>12</sup>. It is predicted that the cost to the NHS of managing this could be around £1 billion per year by 2015. While liver disease is not caused solely by excessive drinking, alcohol is the major contributor. The recently published liver disease strategy sets out: the reasons why liver disease is an increasing concern for the country; the vital need to prevent this disease better; and what the NHS and local areas will need to do to tackle it.

#### **We will take national action to:**

- Tackle the availability of cheap alcohol through the introduction of a minimum unit price for alcohol and consult on a ban on multi-buy promotions in the off-trade.
- Launch a review of current commitments within the Mandatory Code for Alcohol to ensure they are sufficiently targeting problems such as irresponsible promotions in pubs and clubs.
- Consult on alcohol anti-fraud measures, including the introduction of fiscal marks for beer, supply chain legislation, and a licensing scheme for wholesale alcohol dealers.
- Work with the Portman Group to ensure that where unacceptable marketing does occur, it results in the removal of offending brands from retailers.
- Work with the ASA and Ofcom to examine ways to ensure that adverts promoting alcohol are not shown during programmes of high appeal to young people.
- Work with the ASA to ensure the full and vigorous application of ASA powers to online and social media and work with industry to develop a scheme to verify people's actual ages which will apply to alcohol company websites and associated social media.
- Work with the ASA and other relevant bodies to look at the rules and incentives that might inhibit the promotion of lower strength alcohol products.

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<sup>12</sup> Deaths from liver disease Implications for end of life care in England (2012). NHS National End of Life Care Programme.

### 3. Taking the right action locally

3.1 Local communities, services and businesses are best placed to tackle alcohol-related issues in their area and enforce the behaviour and develop the cultures that they want. Over the last year, we have taken significant steps to enable local agencies to take the right action locally. We have set out a new approach to crime, policing and health, reforming the delivery landscape so that:

- From April 2013, upper tier and unitary local authorities will receive a ring-fenced public health grant, including funding for alcohol services. Local authorities will be supported by Public Health England. They will be free to design services to meet local needs, working in partnership where this makes sense for them. This can maximise the scope for early interventions and can better meet the needs of specific groups.
- Health and Wellbeing Boards will bring together councils, the NHS and local communities to understand local needs and priorities through the Joint Strategic Needs Assessment (JSNA) and develop a joint Health and Wellbeing Strategy, which will set out how they will work together to meet these needs. The boards will be able to promote integration of health and social care services with health-related services like criminal justice services, education or housing. This will help join up services around individuals' needs and improve health and wellbeing outcomes for the local population.
- From November 2012, directly elected Police and Crime Commissioners (PCCs) will ensure the public's priorities drive local police force activity and hold chief constables to account on action taken locally. As well as their core policing role, PCCs will have a remit to cut crime and anti-social behaviour and will have commissioning powers and funding to enable them to do this with partners. They will need to work collaboratively with other local leaders – including establishing strong links with Health and Wellbeing Boards, Clinical Commissioning Groups and local authorities – to develop common causes with partners on a range of crime and health issues and achieve the most effective community safety and criminal justice outcomes for communities.

3.2 These local structures will provide mechanisms to ensure that the needs of all populations, and all issues, are considered, from the health of the population through to community safety and the needs of offenders or those dependent on alcohol. Local areas should ensure commissioning for drugs and alcohol services has the right representation, accountability and engagement to deliver on these broad aims.

#### ***Changing behaviour at the local level***

3.3 Over the last few years, town centres have become increasingly focused on the night time economy and, as a result, we have seen a growth in licensed premises. Areas such as Durham, and schemes such as Best Bar None, Purple Flag, Community Alcohol Partnerships, Pubwatch and Business Improvement Districts across the country have shown that a thriving and growing night time economy can operate where excessive drinking is tackled consistently and robustly by business, the police and local authorities working together.

- 3.4 It is up to local communities to set the standards and behaviours that they want to see in their surrounding area. This is why we have radically reformed our approach to policing with the introduction of directly elected PCCs, and to licensing through the Police Reform and Social Responsibility Act 2011. This gives power back to local agencies for local alcohol issues and more control over the opening and closing hours of local businesses to stop crime and disorder from stretching into the early hours of the morning.
- 3.5 We are giving local areas powers to take firm action to address the harms from alcohol and, if necessary, close down problem premises. From 25 April 2012, licensing authorities and local health bodies will formally become 'responsible authorities' under the Licensing Act 2003, ensuring that they are automatically notified of an application or review, and can more easily instigate a review of a licence themselves. At the same time, new powers will make it easier to refuse, revoke or impose conditions on a licence by reducing the evidential threshold from 'necessary' to 'appropriate', thereby making it easier to challenge irresponsible businesses.
- 3.6 Individuals and local communities will also have more power to input into decisions locally. The vicinity test on licensing will be removed, meaning that anyone – no matter where they live – will be able to input into a decision to grant or revoke an alcohol licence, not just those that live in the immediate vicinity. From October 2012, extended powers to make Early Morning Restriction Orders (EMROs) will enable local areas to restrict alcohol sales late at night if they are causing problems.
- 3.7 There is evidence of a link between the number of venues selling alcohol in one area and levels of harm, whether this is crime, damage to health, or harm to young people<sup>13</sup>. We therefore believe local communities should be able to limit the density of premises where this is contributing to the major types of harm. Cumulative Impact Policies (CIPs) can do this to tackle certain issues, but we want to go further and will amend the statutory guidance on the Licensing Act 2003 to make clear that CIPs apply to both the on-trade and the off-trade and that licensing authorities can reflect the needs of their local area by using measures such as fixed closing times, staggered closing times and zoning where they consider them to be appropriate. We will also strengthen local powers and the public's ability to control the density of premises by making it easier to introduce CIPs by reducing the burden of evidence on licensing authorities when making their decision.
- 3.8 We want to go further and ensure local action on alcohol is even more open and transparent to the public. Police.uk provides communities across England and Wales with street-level crime and anti-social behaviour information, including those occurring on or near a number of key public spaces, hospitals, nightclubs and supermarkets. From May 2012, this will include information on what happens after crimes are recorded occurring in those places, for example information on the action

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<sup>13</sup> Popova, S., Giesbrecht, N., Bekmuradov, D. and Patra, J. (2009) Hours and days of sale and density of alcohol outputs: Impacts on alcohol consumption and damage: A systematic review. *Alcohol & Alcoholism*. Vol. 44, No. 5, pp500-516



taken by the police or the sentence imposed by the court. Locally, some areas may publish even more detailed information, such as details of those individuals subject to Drinking Banning Orders (DBOs).

- 3.8 As part of our reforms to encourage greater community involvement in local alcohol licensing decisions, from April 2012, we will require licensing authorities to publish locally key information about new licensing applications, including details of the address of the relevant premises and guidance on how to make representations to the licensing authority. We will pilot how to provide further information on crime occurring on or near local alcohol hotspots as well as trialling publication of further licensing data online. This could include, for example, work with local authorities to encourage publication of licence conditions for premises online so that the public know what they are and can report when conditions are being broken or information on irresponsible licensed premises whose failure to tackle drunken behaviour results in hospital admissions.

### ***Challenge and enforcement***

- 3.9 Communities should not have to tolerate alcohol-related crime and disorder. Almost a quarter (24%) of the public think that drunk or rowdy behaviour is a problem in their local area<sup>14</sup>. Individuals should not expect to be able to ignore their responsibilities when drunk. We will ensure local agencies and the police have the powers to make those who cause harm face the consequences of their actions.

- 3.10 Local services already have access to a wide range of tools and powers to challenge those that cause harm to themselves and others. We expect the police and local authorities to take quick and firm action to tackle and punish those premises and individuals that are acting irresponsibly and to protect the most vulnerable in our communities. Proactive visible policing is vital to managing the night time economy – nipping bad behaviour in the bud and setting the tone locally. In many areas the police play a preventative role – focusing targeted effort to reduce problems to prevent the need for greater action later on. The need for an increased police presence on the streets at night to manage the problems from alcohol can put pressure on local resources. From October 2012, a new late night levy will empower local areas to make those businesses that sell alcohol late into the night contribute towards the cost of policing and wider local authority action. This will help enable visible and proactive policing at targeted locations where there are local needs.

- 3.11 We are also making sure local areas have strong powers to protect the vulnerable. We are doubling the maximum fine for persistently selling alcohol to a person under 18 to £20,000 and making it easier to close down premises found to be persistently selling alcohol to young people. The police also have powers to seize alcohol from young people under the age of 18 and can prosecute a further offence of persistently possessing alcohol in a public place. We are working with the Sentencing Council

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<sup>14</sup> Chaplin, R., Flatley, J. and Smith, K. (2011) *Crime in England and Wales 2010/11*. Home Office Statistical Bulletin 10/11. London: Home Office.

and others in the criminal justice system to encourage greater use of existing powers to prosecute and sentence those that have committed the persistent sales offence.

- 3.12 Where we identify that tools and powers are being used insufficiently, we will work with the police and others to change this. For example, it is an offence, under the Licensing Act 2003, to knowingly serve alcohol to a drunk but there were only three convictions for this offence in 2010. This could send a powerful message locally and we will work with the police to tackle the issue of serving alcohol to drunks including exploring how greater use can be made of existing powers and how test purchasing can support this.
- 3.13 Where local communities think tools are not targeted or effective enough, we will give the police and local partners faster and more flexible powers to tackle local problems. We know, for example, that increasing numbers of licensing teams are now made up of Police Community Support Officers (PCSOs) and support staff and will therefore explore the benefit of an additional discretionary power for PCSOs to enter licensed premises (Section 179 of the Licensing Act 2003) to support the enforcement of licensing locally. We will also tackle problem drinking through our reforms to anti-social behaviour tools and powers.

#### ***Rights and responsibilities***

- 3.14 A&E departments can be a particular flashpoint for those who have drunk to excess, causing fear and distress to others awaiting and administering treatment. We should not tolerate any violence or disorder in hospitals and will make a range of measures available to tackle this unacceptable behaviour.
- 3.15 We will support NHS Trusts and Foundation Trusts to work with their local police to ensure that appropriate action is taken, including through hospital security staff being empowered through the Community Safety Accreditation Scheme. Under this scheme, accredited staff can be given powers to issue Penalty Notices for Disorder (£80 fines) to those individuals whose drunken behaviour is likely to cause harassment, alarm or distress. They can also take action against the consumption of alcohol in a designated public place. Some hospitals have found it effective to place police officers in A&Es. We would encourage forces to look at this model and consider using late night levy funding to support such a role according to local needs.
- 3.16 Those who seek treatment in A&E departments must respect their surroundings or lose their right to the same service standards as others. The NHS Constitution sets a maximum waiting time for A&E departments of four hours but recognises that abusive or violent behaviour would be reasonable grounds to refuse access to NHS services, meaning staff can refuse to treat drunks who are abusive in A&E. We will go even further to tackle violence against hospital staff. We are developing new injunctions as part of our reforms to anti-social behaviour tools and powers and we will explore giving NHS Protect (the body that leads work to identify and tackle crime across the health service) the power to apply for these injunctions. This would give the NHS the ability to deal with individuals who persistently cause a problem in hospitals, for example those who are regularly drunk and abuse staff.

- 3.17 We are also giving local areas new powers to take firm action against irresponsible premises which fail to tackle drunken behaviour. From 25 April 2012, licensing authorities and local health bodies will formally become 'responsible authorities' under the Licensing Act 2003. For the first time, local health bodies will be able to instigate a review of a licence. This means that a hospital that is regularly dealing with patients at A&E as a result of alcohol-related violence at a particular pub will now be able to instigate a review of the licence at those premises. If things do not improve, we would expect the premises to lose their licence.
- 3.18 It is vital that licensing authorities are able to take health-related harms into consideration in decisions on Cumulative Impact Policies (CIPs). This is a current gap and could make an important contribution to local wellbeing, including in deprived communities that are suffering health inequalities. We will therefore launch a consultation on a new health-related objective for alcohol licensing related specifically to cumulative impact. This will enable health bodies to input into decisions on applications for new licences, so that local health harms, including those seen in A&E departments, are a key factor in deciding whether a new licence is granted.
- 3.19 We will also end the notion that drinking is an unqualified right without any associated sense of responsibility. We will run innovative trials of enforced sobriety schemes making use of existing powers as part of Conditional Cautions and community sentence orders, for people convicted of alcohol-related crimes. The Conditional Caution scheme will focus on lower level offences such as drunk and disorderly, criminal damage and public disorder. The pilot areas for the conditional caution scheme will be Westminster, St. Helens, Hull, Plymouth and Cardiff. Later this year, we also intend to pilot compulsory sobriety measures for community orders which will focus on more serious offences such as common assault and actual bodily harm. We are also introducing new powers on sobriety in the Legal Aid, Sentencing and Punishment of Offenders Bill.
- 3.20 Through the trials, we intend to test both the use of breathalysers and specialist electronic tags which monitor alcohol levels to determine what forms of monitoring are most suitable in terms of effectiveness, enforceability and cost. We have already commenced testing this innovative tagging equipment as this will be the first time that it has been trialled for these purposes in this country.

### **Working across boundaries**

- 3.21 None of this can be achieved by one agency or service alone. The factors contributing to harmful alcohol use are complex and vary significantly from place to place. Effective partnership work to reduce and prevent alcohol-related harm will contribute to a range of other local priorities including improving wellbeing, especially that of young people; reducing crime and disorder; reoffending; improving health; and also supporting the local economy. The Alcohol Learning Centre<sup>15</sup> summarises advice on effective local partnerships. In her recent report, Baroness Newlove<sup>16</sup> set out how the Government is investing £1million to help local agencies, businesses

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<sup>15</sup> <http://www.alcohollearningcentre.org.uk>

and, crucially, local people in ten areas to come together and tackle problem drinking head on. The fund is being provided by the Department for Communities and Local Government and the work will be led by Baroness Newlove.

3.22 Good information sharing is critical if local partners are to understand the scale and range of the problems locally, identify vulnerable groups who are likely to be at higher risk of alcohol-related harm and identify priorities for action. The Coalition Programme for Government included a commitment to require hospitals to share non-confidential information with the police, so they know where gun and knife crime is happening. The implementation of this commitment focuses on all types of violent assault – many of which are alcohol-related. To deliver this commitment, we have promoted the College of Emergency Medicine guidance which is based on the 'Cardiff model'. This sets out the importance of sharing non-personal data with the police, particularly core information on the date, location and type of assault. It highlights the important role of senior clinical, police and local authority leadership in promoting active use of the intelligence to target policing and tackle problem premises.

3.23 In Cardiff, this approach has shown a sustained reduction of violence-related attendances of up to 40%<sup>17</sup>. We will encourage all hospitals to share non-confidential information on alcohol-related injuries with the police.

#### **Evidence based action on health harms**

3.24 Local Authorities and Clinical Commissioning Groups will need to work together to meet local needs as identified in the Joint Strategic Needs Assessment. Funding through the Public Health Grant will allow local authorities to commission Identification and Brief Advice, which is proven to be effective in reducing the drinking of people at risk of ill health, and specialised treatment for those with greater needs. Alcohol liaison nurses within A&E have been shown to reduce re-presentations and may in future be co-funded by Clinical Commissioning Groups alongside Local Authorities.

3.25 Local areas should work in partnership to support as much integration across clinical pathways as possible, maximising the scope for early interventions and secondary prevention. Working in partnership will allow the needs of specific groups, such as offenders, to be adequately addressed.

3.26 The *Liberating the NHS* White Paper and the NHS Future Forum's recent report made clear that the NHS will continue to have a responsibility to take every opportunity to prevent poor health and promote healthy living, including healthier choices on alcohol, by making the most of healthcare professionals' contact with individual patients. The NHS Future Forum working group on the NHS Constitution will consider this as part of its work on strengthening the Constitution.

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<sup>17</sup> Florence, C., Shepherd, J. Brennan, I. and Simon, T. (2011) 'Effectiveness of anonymised information sharing and use in health service, police, and local government partnership for preventing violence related injury: experimental study and time series analysis. *British Medical Journal* 2011

**ACTIONS: We will ensure that local areas are able to tackle local problems and will:**

- Give local agencies powers to reduce alcohol harm through the changes to public health, new Police and Crime Commissioners, and by rebalancing the Licensing Act.
- Give local communities the tools to restrict alcohol sales late at night, if they are causing problems, through extended powers to introduce Early Morning Restriction Orders.
- Give local communities the power to introduce a new late night levy to ensure those businesses that sell alcohol into the late night contribute towards the cost of policing.
- Work with 5 areas to pilot sobriety schemes, removing the right to drink for those who have shown they cannot drink responsibly.
- Strengthen local powers to control the density of premises licensed to sell alcohol, including a new health-related objective for alcohol licensing for this purpose.
- Work with Baroness Newlove, investing £1m to help local agencies, businesses and local people come together and tackle problem drinking head on.
- Pilot how to provide further information on crime occurring on or near local alcohol hotspots as well as trialling publication of further licensing data online.
- Develop new injunctions as part of our reforms to anti-social behaviour tools and powers and explore giving NHS Protect the power to apply for these injunctions.
- Encourage all hospitals to share non-confidential information on alcohol-related injuries with the police and other local agencies.

## 4. Shared responsibility with industry

4.1 The alcohol industry and wider retail and hospitality industries play a key role in our economy. Of the 200,000 premises licensed to sell alcohol, most make a positive and valuable contribution to their local communities and to the economy with wider tourist, cultural and export benefits. Well-run and responsible community pubs form an important component of the social fabric of our communities and such supervision of drinking can help prevent crime and disorder.

4.2 However, too much of the industry still supports and encourages irresponsible behaviour through poor product location, under age sales, excessively cheap drinks and encouragement of excessive drinking. We have already set out in Chapter Two the action that the Government will take to put an end to irresponsible practices. The Government is clear though that this responsibility is shared with industry and wants industry to go significantly further on action to tackle the harms of excessive alcohol consumption.

### ***Industry's responsibility to change behaviour***

4.3 We are clear that it is not just the responsibility of Government or local agencies to tackle the issue of alcohol-related harm. It is the ethical responsibility of the entire industry – alcohol retailers, alcohol producers and both the on-trade and off-trade – to promote, market, advertise and sell their products in a responsible way. This is recognised by the major alcohol producers, who have established the Portman Group as a self-regulator. We are working with the industry in collaboration with Non-Governmental Organisations (NGOs) through the Responsibility Deal, which does not cover pricing issues or other measures that only Government can take.

4.4 The alcohol industry has a direct and powerful connection and influence on consumer behaviours. We know that:

- people consume more when prices are lower;
- marketing and advertising affect drinking behaviour; and
- store layout and product location affect the type and volume of sales.

4.5 Through the Responsibility Deal, the alcohol industry has adopted a core commitment to “foster a culture of responsible drinking, which will help people to drink within guidelines”. We have a way to go to achieve that culture, as 22% of people say they drink regularly above the guidelines. Industry have already taken action by making pledges in a range of areas:

- Product labelling on unit content, NHS guidelines and drinking when pregnant to cover 80% of products by December 2013;
- Unit messaging in the on-trade and off-trade;
- Combating under age sales through Challenge 21 and 25;
- Funding Drinkaware;
- Actions on advertising, including not putting adverts near schools; and
- Supporting Community Alcohol Partnerships (CAPs) and other local schemes.

4.6 Some individual companies have demonstrated particular leadership, by making additional individual pledges including:

- Heineken in reducing the number of units in popular products;
- ASDA in not stacking alcohol at the front of their stores;
- Diageo in supporting training provided by the National Organisation for Fetal Alcohol Syndrome for 10,000 midwives to advise a million women over the next three years about the dangers of drinking during pregnancy; and
- Support of local schemes such as Best Bar None and Community Alcohol Partnerships (CAPs).

4.7 The Responsibility Deal has made good progress though industry, NGOs and the Government have consistently accepted that we need to make more progress, more quickly. We will therefore continue to work with producers, retailers and NGOs to help reshape how people drink and how they think about alcohol in support of the core commitment.

4.8 We welcome the new pledge from industry to give consumers a wider choice of lower strength products in both the on-trade and the off-trade to take one billion units out of the market by 2015. This will bring significant benefits for public health, reduce crime and demonstrates the positive contribution that industry can make.

4.9 The Responsibility Deal Alcohol Network, which includes industry and NGOs, will seek to make further progress in the following areas:

- Giving consumers better information on their consumption by extending the Responsibility Deal agreement on labels to include calorie content;
- Incentivising smaller servings by providing single / small measures as the default and only providing large measures when specifically requested;
- Providing clearer information about unit content, subject to any revised drinking guidelines; and
- Changing the ease of availability of alcohol through responsible product placement, for example ensuring that alcohol sold in shops is not sold alongside any product that appeals to children.

4.10 Subsequently, we would expect to see progress on:

- Delivery of evidence-based, effective education and prevention programmes intended to reduce drinking by young people;
- Better training for bar staff to reduce sales to people who are drunk;
- Workplace alcohol education and prevention programmes;
- A major extension of schemes such as CAPs, Best Bar None, Purple Flags and Business Improvement Districts including a new focus on health and wellbeing;
- A long-term commitment (through to 2020) to an increased scope and funding for Drinkaware, including how it can best direct interventions to the target groups. There is a strategic review this year of Drinkaware and the Government will participate to seek to maximise its effectiveness and accountability; and
- Harnessing the power of industry's own advertising to link positive and responsible behaviour to decisions on the consumption of alcohol. We will work with the Portman Group to ensure their Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks is robust, and that it actively encourages advertising which builds more positive associations (for example, between alcohol and

positive socialising) instead of negative ones (for example, between alcohol and wild, disinhibited behaviour).

### ***Supporting growth and responsible businesses***

4.11 We are committed to freeing up responsible industries and supporting positive growth. It is estimated that the alcohol industry contributes around £29 billion to the UK's economy. In total, it is estimated that, over 1.8 million jobs in the UK economy are supported by the alcohol industry<sup>18</sup>.

4.12 We know that growth and responsibility can exist well together. The Government strongly endorses and welcomes self-regulating and pro-active initiatives, driven by the licensed trade in partnership with the police and local authorities. In particular, licensed premises receiving Best Bar None accreditation; town and city centres achieving Purple Flag status; and Business Improvement Districts are good examples of what can be achieved through a determination to make a difference.

4.13 As well as sending out clear messages that crime and disorder will not be tolerated in pubs, clubs and wider locations, these and other improvement schemes have been proven to increase footfall and stimulate business. For example, over the three year period of taking part in a Best Bar None scheme in Durham, licensees have reported an estimated 75% cumulative increase in trade; a 50% increase in town centre footfall and an expected 87% reduction in violent crime.

### ***Cutting red tape***

4.14 We see no merit in making responsible businesses jump through unnecessary hoops, but equally we need to maintain the integrity of the licensing system to protect society from those irresponsible businesses that exploit loopholes to gain business at any cost, regardless of the risks to the individual and to society. We therefore intend to seek views on giving licensing authorities greater freedom to take decisions that reflect the needs of their local community, including:

- Allowing them to introduce simpler, locally-determined processes for issuing a Temporary Event Notice (TEN); and increasing the current limit for TENs that can be used at single premises from 12 to 15 or 18, to enable occasional sales of alcohol at community events;
- Reducing the burden of licensing on certain types of businesses that provide minimal alcohol sales and are not impacting on crime and disorder, for example by removing the need for some premises to hold a personal licence; and
- Giving local areas more flexibility over the licensing of late-night refreshments at premises where alcohol is not sold, enabling them to determine locally where such a licence is necessary.

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<sup>18</sup> The economic outlook for the UK drinks sector and the impact of the changes to excise duty and VAT announced in the 2008 Budget and Pre-Budget Report, Oxford Economics (February 2009).



**We will drive greater industry responsibility and action in tackling alcohol misuse.**

**We will:**

- Challenge the industry to meet a new set of commitments to drive down alcohol misuse.
- Continue work through the Responsibility Deal to support the alcohol industry to market, advertise and sell their products in a responsible way and deliver the core commitment to “foster a culture of responsible drinking, which will help people to drink within guidelines”.
- Cut red tape for responsible businesses by giving licensing authorities greater freedom to take decisions that reflect the needs of their local community.
- Continue work with industry on areas such as calorie labelling, not serving people when drunk and a renewed commitment to Drinkaware.

## 5. Supporting individuals to change

5.1 There is no 'one size fits all' solution to tackle excessive alcohol consumption and we have already set out the wide range of action that Government, local agencies and the industry should take to achieve this in the preceding chapters. Ultimately, individuals need to take control of and change their behaviours – though some may need help to do so. We know that:

- 83% of those who regularly drink above the guidelines do not think their drinking is putting their long term health at risk<sup>19</sup>;
- Whereas most smokers wish to quit, only 18% of people who drink above the lower-risk guidelines say they actually wish to change their behaviour; and
- External and environmental factors can hugely influence – positively and negatively – the amounts that individuals or groups of the population drink and the ways they drink.

5.2 This chapter sets out how we can support individuals to change by:

- Ensuring everyone is aware of the risks of excessive alcohol consumption and can make informed choices about responsible drinking; and
- Recognising that some people will need support to change their behaviour and ensuring that this is available, particularly for the most vulnerable in our communities.

### *Understanding the risks*

5.3 Drinking patterns change as individuals move through life, in response to changing social groups, partners, family, or work pressures. Life events such as becoming a parent, divorce, bereavement, or a health scare may influence drinking patterns and can affect people in different ways.

5.4 Drinking too much too soon is a significant risk to young people's health and development. Most children under 16 (55%) have never drunk alcohol<sup>20</sup>. However, despite declining rates of drinking in the last decade, the UK compares poorly with other European countries for drinking by 15-16 year old students in regular European surveys and we cannot be complacent<sup>21</sup>. The Chief Medical Officer for England's 2009 guidance that young people under 15 should not drink alcohol at all is based on the fact that young people who start drinking alcohol at an early age drink more frequently and more than those who start drinking later; as a result, they are more likely to develop alcohol problems in adolescence and adulthood. We will ensure that young people know the risks associated with alcohol by making it a key feature of a new £2.6 million youth marketing programme aimed to drive further reductions in regular smoking, drinking, drug use and risky sexual behaviour during the teenage years.

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<sup>19</sup> Social marketing data, Department of Health (unpublished).

<sup>20</sup> Fuller, E. (2011) Smoking, drinking and drug use among young people in England in 2010, Information Centre for Health and Social Care.

<sup>21</sup> Hibell, B. (et al) The 2007 ESPAD report. Substance use among students in 35 European countries.

- 5.5 We will support those that have the greatest influence on young people to promote healthy drinking. Parenting style is a key influence on whether a child will drink responsibly in adolescence and adulthood but only 17% of parents have a planned conversation with their child about the harm alcohol can cause<sup>22</sup>. As Baroness Newlove set out in her recent report, parents need to take proper account of the impact of how they behave on their children's attitudes to alcohol as they grow up and become adults themselves. We will ensure that guidance is available for parents through a range of public and community organisations including; NHS Choices, Directgov, Family Lives and NetMums, Mumsnet, Dad Talk, and Contact a Family.
- 5.6 The Government is investing £448 million to turn around the lives of the 120,000 most troubled families in the country. Working with local authorities, we will support them into education and employment and tackle their criminal and anti-social behaviour. A significant number of these families will have other problems including alcohol dependence, mental illness, domestic abuse, poor parenting and long-term benefit dependence. These families are not beyond help and their lives can be turned around with co-ordinated and intensive support.
- 5.7 Good schools play a vital role as promoters of health and wellbeing in the local community. They understand the connections between pupils' physical and mental health, their safety, and their educational achievement, and are well placed to provide good pastoral care and early intervention for problems which may arise from, or lead to, alcohol misuse. The Government's review of Personal, Social, Health and Economic (PSHE) education is focused on improving the quality of PSHE in all schools and its core outcomes. This will include exploring how schools can better decide for themselves what pupils need to know, in consultation with parents and others locally. Schools and out-of-school services will also be able to access information about effective alcohol prevention programmes through the Centre for the Analysis of Youth Transitions (CAYT).
- 5.8 Supportive relationships, strong ambitions and good opportunities are key protective factors against early drinking and young people's misuse of alcohol. These are the key elements of the vision set out in Positive for Youth, which brings together all Government youth policy into a single plan. Assessment of local need through the Joint Strategic Needs Assessment and integrated commissioning and cross-sector partnership will be critical in ensuring young people get early help and advice from practitioners and services they trust, such as youth organisations. Young people's involvement will be key in shaping effective local support.
- 5.9 Up to one-third of alcohol-related A&E attendances are for under 18 year olds and local areas vary significantly in how they approach the care of young people in this situation<sup>23</sup>. Health services have a responsibility to ensure this 'treatable moment' is used to advise young people about their drinking. The Department of Health will also work with practitioners, the Royal Colleges and the Association of Directors of Children's Services to develop a model that ensures young people who attend A&E

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<sup>22</sup> Williams, B., Davies, L. and Wright V. (2010) Children, Young People and Alcohol. Department for Children, Schools and Families.

<sup>23</sup> Data from East Midlands Public Health Observatory (unpublished).

due to alcohol receive proper follow-up and care, including their parents being informed, where appropriate. A recent report has highlighted the opportunities for sexual health services to help tackle alcohol misuse, given the strong links between drinking and poor sexual health in the young<sup>24</sup>. The Department of Health is piloting interventions which provide alcohol advice in sexual health clinics.

- 5.10 More people under the age of 25 report getting very drunk than any other adult age group<sup>25</sup> and around 50% of students drink more than the lower-risk guidelines<sup>26</sup>. Under 25s also have the highest risk of being a victim of violent crime<sup>27</sup>. There have been some good examples of how to make appropriate information easily accessible for young adults such as Drinkaware's "Why let good times go bad?" campaign and we expect to see more campaigns such as this in the future.
- 5.11 We expect universities to play a key role in helping students to understand and act on the risks of excessive alcohol consumption and ensure that an environment of subsidised bars does not unduly promote drinking. Drinkaware is also funding research in Welsh universities based on the use of 'social norms' - perceptions that a peer group drinks more than is the reality can be countered with information on real (lower) drinking levels. We want to do all we can to ensure that we are not bringing up a generation who believe that you can't have fun without alcohol.
- 5.12 Around a third of adult men (25-64) and a fifth of women in the same age group say they drink at levels above the lower-risk guidelines. Moreover, 8% of men and 4% of women in this age group admit to drinking at levels more than twice the lower-risk guidelines<sup>28</sup>. Many in this age group are parents, whose excessive parental drinking will be a risk to their children. It has become acceptable to develop a habit of routinely using alcohol for stress relief, putting many people at risk of chronic diseases, such as liver disease; diabetes; cardiovascular disease; and cancers of the breast and gastrointestinal tract. The latest estimate is that up to 70,000 people could die avoidably over the next twenty years if the wrong actions are taken.
- 5.13 We are already taking significant steps to address this. In February 2012, we launched a fully-integrated Change4Life<sup>29</sup> campaign to communicate the health harms of drinking above the lower-risk guidelines and provide a range of tips and tools to encourage people to drink responsibly. The campaign was based on the insights around how people use alcohol to unwind, and that what starts off at one glass can all too easily become more. The television adverts are backed up by posters for offices and public places, and leaflets for NHS staff to use with patients.

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<sup>24</sup> Alcohol and sex: a cocktail for poor sexual health, Royal College of Physicians and British Association for Sexual Health and HIV, December 2011.

<sup>25</sup> Matthews, S. and Richardson, A. (2005) Findings from the 2003 Offending, Crime and Justice Survey: alcohol-related crime and disorder. Home Office Research Findings 261. Home Office: London.

<sup>26</sup> Gill, J. S. (2002) Reported levels of alcohol consumption and binge drinking within the UK undergraduate student population over the last 25 years. Alcohol and Alcoholism.

<sup>27</sup> Chaplin, R., Flatley, J. and Smith, K. (2011) *Crime in England and Wales 2010/11*. Home Office Statistical Bulletin 10/11. London: Home Office.

<sup>28</sup> Office of National Statistics (2011). Smoking and drinking among adults, 2009. A report on the General Lifestyle Survey.

<sup>29</sup> <http://www.nhs.uk/Change4Life/Pages/change-for-life.aspx>

Our intention is to extend this social marketing campaign, if the evidence shows the campaign improves health outcomes and is good value for money.

- 5.14 To support this further, we will ask Dame Sally Davies, the UK Government's Chief Medical Officer, to oversee a review of the alcohol guidelines for adults. This will also take account of available science on how we can best communicate the risks from alcohol, improving the public's understanding of both personal risks and societal harms. This will include whether separate advice is desirable for the maximum amount of alcohol to be drunk in one occasion and for people over 65. This could complement the existing guidelines for young people and women who are pregnant or trying to conceive.
- 5.15 Fetal alcohol spectrum disorders (FASD) result from mothers drinking alcohol during pregnancy. They are lifelong conditions that can have a severe impact on individuals and their families - leading to a wide range of difficulties including low IQ, memory disorders, attention disorders, speech and language disorders, visual and hearing defects, epilepsy and heart defects. They are caused entirely by drinking during pregnancy, and so are completely preventable. We do not have good information about the incidence of FASD, so it is likely that significant numbers of children are not diagnosed. FASD can be caused by mothers drinking even before they know they are pregnant; so preventing them is strongly linked to reducing the levels of heavy drinking in the population as a whole, and especially among women. We will also continue to raise awareness of the need for women who are pregnant or trying to conceive to avoid alcohol, including by increasing the awareness of health professionals.
- 5.16 There are real opportunities, often under-exploited, for health services to identify those at risk and provide advice and support to those that need it, whether via regular contact with NHS staff, or in particular settings such as A&E, through well evidenced brief interventions. Identification and Brief Advice (IBA) is a simple intervention aimed at individuals who are at risk through drinking above the guidelines, but not typically seeking help for an alcohol problem. IBA has been proven to reduce drinking, leading to improved health and reduced calls on hospital services. At least one in eight at-risk drinkers reduce their drinking as a result of IBA. The National Institute for Health and Clinical Excellence (NICE) recommends that NHS health professionals routinely carry out alcohol screening as an integral part of their practice, focusing on groups at increased risk.
- 5.17 The Department of Health will include alcohol identification and any subsequent brief advice needed within the NHS Health Check for adults from age 40 to 75 for the first time from April 2013. It will also look at the data from the recently published Screening and Intervention Programme for Sensible Drinking (SIPS) research to see if it can support further action by GPs via the Quality and Outcomes Framework.
- 5.18 We also encourage Local Authorities, newly responsible for public health, to examine the strong case for further local investment in IBA by primary care staff, using the evidence set out in reports from the SIPS research.

5.19 Alcohol Liaison Nurses offer a vital NHS contribution to secondary prevention, improving the future health of patients, including those who enter hospital with severe alcohol problems and multiple health problems. We encourage all hospitals to employ Alcohol Liaison Nurses to provide:

- Medical management of patients with alcohol problems in the hospital;
- Liaison with community alcohol and other specialist services;
- Education and support for other healthcare workers in the hospital; and
- Delivery of IBA within the hospital with a focus on key groups, including pregnant women.

5.20 Alcohol is known to be a driver in some cases of domestic violence. Ending violence against women and girls, including domestic violence, is a priority for this Government. Last year the Government published the Call to End Violence Against Women and Girls which set out how we will achieve this. A detailed range of supporting actions was updated this month<sup>30</sup> including ensuring that front-line practitioners are equipped so that they can respond appropriately to perpetrators and victims. Understanding how the use of drugs and alcohol can potentially increase the frequency and severity of violence is key to this. We expect all areas to implement the recent NICE guidance and a quality standard on the management of harmful drinking and alcohol dependence<sup>31</sup>.

#### ***Treatment and recovery***

5.21 It is vital that we provide effective treatment and recovery. The Government's Drug Strategy sets out how we are raising the ambition to support full recovery for those suffering from addiction, including alcohol. Increasing effective treatment for dependent drinkers will offer the most immediate opportunity to reduce alcohol-related admissions and to reduce NHS costs. Treating alcohol dependence, where successful, has also been shown to prevent future illnesses.

5.22 Around 31,000 (33%) of adults in alcohol treatment are parents with childcare responsibilities. A further 20% are parents whose child lives elsewhere<sup>32</sup>. Local treatment services and children's and family services are increasingly working together – as part of a wider team around the family – to identify and respond to alcohol-related problems. Evidence shows that Family Intervention Projects (FIPs) are effective in tackling these families' entrenched problems including a 34% reduction in drug and alcohol problems, 58% reduction in anti-social behaviour and over 50% reduction in truancy<sup>33</sup>.

5.23 Recovery goes beyond medical or mental health issues to include dealing with the wider factors that reinforce dependence, such as childcare, housing needs, employability and involvement in crime. The Government's Drug Strategy sets out how we are working with eight pilot areas developing approaches to paying for

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<sup>30</sup> Home Office (2012) Call to end violence against women and girls. Taking Action - the next chapter

<sup>31</sup> [www.guidance.nice.org.uk/](http://www.guidance.nice.org.uk/)

<sup>32</sup> Data from National Alcohol Treatment Monitoring System, National Treatment Agency (unpublished).

<sup>33</sup> Monitoring and Evaluation of Family Intervention Projects and Services to March 2011.

outcomes for recovery from drug or alcohol dependency. They all plan to commission services from April 2012.

### **Mental Health**

5.24 There is a clear association between having a mental illness and increasing risk of alcohol dependence – if you drink too much, you put your mental health at risk. If you have a mental health problem, you are more likely to drink at levels that put your health at risk. For children, emotional and mental health problems are associated with the misuse of alcohol. Promoting good mental health in children and adults can help prevent alcohol misuse. Parenting programmes and prevention programmes for children can both help, particularly when problems are identified early.

5.25 We will publish the implementation framework for No Health Without Mental Health, the Government's mental health strategy, soon. It will set out what local organisations can do, and what Government and national organisations are doing to support them in the promotion of good mental health and wellbeing, as well as in the treatment of mental illness, including dual diagnosis (co-existing mental health and drug and alcohol problems).

### **Offenders**

5.26 Alcohol contributes to too many crimes. Almost a million (44% of the total) violent crimes are alcohol-related<sup>34</sup>. There is a high prevalence among the offender population of drinking at higher risk levels, both among adults and young offenders. We need to ensure that entry into the criminal justice system punishes offenders but also provides an opportunity to provide support to overcome alcohol problems and prevent further offending.

5.27 Areas are advised to identify and address problems as early as possible by identifying treatable stages throughout the criminal justice pathway. To support local areas we will produce a cost-benefit analysis to make the case for local investment in alcohol interventions and treatment services for offenders. We will use the learning from evaluations of the eight pilot areas (those developing approaches to paying for outcomes for recovery from drug or alcohol dependency) to inform a potential Payment by Results approach to alcohol treatment for offenders.

5.28 Prisons are important places for rehabilitation and tackling dependency and we will develop, by July 2012, an alcohol interventions pathway and outcome framework in four prisons, to inform the commissioning of a range of effective interventions in all types of prison. From April 2013 the NHS Commissioning Board (NHSCB) will be responsible for commissioning health services and facilities for those in prisons and other places of prescribed detention. This will support the work at a national and local level to prevent and reduce alcohol related ill health and reoffending in the prison population.

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<sup>34</sup> Chaplin, R., Flatley, J. and Smith, K. (2011) *Crime in England and Wales 2010/11*. Home Office Statistical Bulletin 10/11. London: Home Office. Supplementary Tables 7 <http://www.homeoffice.gov.uk/science-research/research-statistics/crime/crime-statistics/bcs-supplementary-tabs/>.

5.29 We will increase the flexibility of the Alcohol Treatment Requirement imposed by the court as part of a community sentence so areas can tailor treatment to target more serious alcohol-related offending problems. We have consulted on reforms on anti-social behaviour, including a new civil order which could require individuals to undertake positive activities to address underlying issues that may be driving their behaviour, for example by accessing alcohol treatment.

5.30 Many areas are providing an integrated approach to drug and alcohol arrest referrals, for example joint drug and alcohol workers in the police custody suite assessing the needs of offenders and signposting them to appropriate treatment services. Areas can currently, on the basis of local priorities, use the Drug Interventions Programme funding from the Home Office for both drug and alcohol arrest referral.

**ACTIONS:**

**We will challenge people to change their behaviour by giving them the information and support they need. We will:**

- Review the alcohol guidelines for adults so that people can make responsible and informed choices about their drinking.
- Integrate alcohol into the wider Change4Life brand for the first time and commit to an on-going social marketing campaign to communicate the health harms of drinking above the lower-risk guidelines.
- Include an alcohol check within the NHS Health Check for adults from April 2013.
- Support parents to have a real impact on their children's behaviour through our social marketing for young people.
- Invest £448 million to turn around the lives of the 120,000 most troubled families in the country, a significant number of which will have alcohol-related problems
- Develop a model pathway to reduce under 18 year olds' alcohol related A&E attendances.
- Develop an alcohol interventions pathway and outcome framework in four prisons, to inform the commissioning of a range of effective interventions in all types of prison.
- Increase the flexibility of the Alcohol Treatment Requirement imposed by the court as part of a community sentence.
- Produce a cost-benefit analysis to make the case for local investment in alcohol interventions and treatment services for offenders
- Work with pilot areas to develop approaches to paying for outcomes for recovery from drug or alcohol dependency.



## Next Steps

This strategy sets out a clear commitment to address the harms of alcohol and encourage responsible behaviour. Individuals, communities, local agencies, local premises and national industries all have a role to play. Over the coming months we will launch consultations and take action forward on areas highlighted in the strategy. To keep up to date of these see <http://www.homeoffice.gov.uk/about-us/consultations/>.



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