

Licensing Committee

Thursday 25 July 2013 at 10.00 am

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

The Press and Public are Welcome to Attend

Membership

Councillors John Robson (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Denise Reaney, Nikki Sharpe, Clive Skelton (Deputy Chair), Stuart Wattam, Philip Wood and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

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

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

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

FACILITIES

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

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

**LICENSING COMMITTEE AGENDA
25 JULY 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-

15 April 2013
22 April 2013
23 April 2013
25 April 2013
29 April 2013
9 May 2013
13 May 2013
15 May 2013
16 May 2013
20 May 2013
23 May 2013
3 June 2013
4 June 2013
6 June 2013
- 6. Private Hire and Hackney Carriage Licensing - Enforcement Review**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) -
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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

You have a personal interest where –

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

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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

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

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

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Licensing Sub-Committee

Meeting held 15 April 2013

PRESENT: Councillors David Barker (Chair), Geoff Smith and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.29/13 attended the hearing and addressed the Sub-Committee

4.3 The applicant in Case No.30/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.31/13 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 32/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
29/13	Application for the renewal of a Private Hire and Hackney Carriage Driver's Licence	(a) Grant a licence for the normal term of 18 months, (b) the applicant be given a written warning as to his future conduct and (c) should there be any

- further cause for concern arising during the period of the licence, the licence be referred back to the Sub-Committee for review
- 30/13 Application for a Private Hire and Hackney Carriage 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 cause for concern and (b) the applicant be given a written warning as to his future conduct.
- 31/13 Application for the renewal of a Private Hire and Hackney Carriage Driver's Licence (a) Grant a licence for the shorter term of nine months in view of the complaints made against him as now reported 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 cause for concern and (b) the applicant be given a written warning as to his future conduct.
- 32/13 Application for the renewal of a Private Hire and Hackney Carriage Driver's Licence (a) Grant a licence for the normal term of 18 months, (b) the applicant be given a written warning as to his future conduct and (c) should there be any further cause for concern arising during the period of the licence, the licence be referred back to the Sub-Committee for review

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 April 2013

PRESENT: Councillors John Robson (Chair), Clive Skelton and Geoff Smith

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 33/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 34/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 28/13 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 36/13 attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
33/13	Application for a Private Hire and Hackney Carriage Driver's Licence	(a) Grant a licence for the shorter term of six months in view of the offences 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 cause for concern and (b) the applicant be informed that if he accrues any further points on his DVLA driving licence, his taxi driver's licence will be brought back before the Sub-Committee.
- 34/13 Application for a First Private Hire and Hackney Carriage 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 further cause for concern.
- 35/13 Application for a Private Hire and Hackney Carriage Driver's Licence Refuse to grant the 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 and the responses given by the applicant to the questions raised at the hearing.
(NOTE: At the conclusion of the hearing, the applicant became verbally aggressive and abusive. He was also hostile and intimidating towards the Chair of the Sub-Committee. The applicant was told to leave the room as there was another hearing to conduct, but repeatedly refused. He finally left after he was strongly advised to do so before the police were summoned to remove him).
- 28/13 Application for a Private Hire and Hackney Carriage Driver's Licence It was agreed that no additional action be taken against the applicant above that determined at a previous meeting of the Sub-Committee, and accordingly (a) a licence be granted 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 cause for concern and (b) the applicant be given a strongly worded, written warning as to his future conduct.

5. LICENSING ACT 2003 - UNIT 1A, CLARENCE WORKS, EFFINGHAM ROAD, SHEFFIELD S4 7YS

5.1 This item of business was withdrawn from consideration by the Chief Licensing Officer.

6. LICENSING ACT 2003 - NO. 1 ORIENTAL BUFFET, CANADA HOUSE, COMMERCIAL STREET, SHEFFIELD S1 2AT

6.1 This item of business was withdrawn from consideration by the Chief Licensing Officer.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 April 2013

PRESENT: Councillors John Robson, Clive Skelton (Deputy Chair) and David Barker

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SAINSBURY'S, 26-28 BARBER ROAD, SHEFFIELD, S10 1ED

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence, made under Section 17 of the Licensing Act 2003, in respect of the premises known as Sainsbury's, 26-28 Barber Road, Sheffield, S10 1ED.

4.2 Present at the meeting were Sabrina Cader (Solicitor for the Applicants), Phil Ronan (Area Manager, Sainsbury's), Bernard Little, Jan Symington, Jennifer Carpenter (on behalf of Lin Harrison), Zakar Malook and Bianca Huggins (Counsel representing Mr Malook) (Objectors), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from nine local residents or traders, and were attached at Appendices 'C1' to 'C9' to the report.

4.5 Bernard Little, on behalf of Crooksmoor Community Forum, stated that he was very concerned about the changing nature of the area over the last few years due to the rapid increase in the level of private rented accommodation in the area, resulting in a very transient

population. He stated that, as a result of this, there was no settled community and therefore, there was very little capacity to provide pastoral care for students and other people living in the area. He considered that extending the hours in terms of the sale of alcohol was not conducive to the prevention of crime and disorder or public nuisance, and could result in an increase in anti-social behaviour and noise nuisance in the area. He accepted that the proposal involved the conversion of the former Hadfield Hotel public house, but considered that the former public house provided a safe place for people to drink in a controlled environment, whereas people could purchase alcohol from Sainsbury's and drink on the streets. He also considered that supermarkets did not have the same level of rapport with the local community as local public houses. In terms of anti-social behaviour in the area, which he considered was predominantly fuelled by the consumption of alcohol, Mr Little stated that there had been incidences of threatening behaviour towards other people and damage to business and shop premises in the area.

4.6 Jan Symington, who owned a local business in the area, stated that she also objected to the long hours in terms of the sale of alcohol at the premises, indicating that there were already a number of other licenced premises in the area, where people could purchase alcohol. She made specific reference to the proposed hours in terms of the sale of alcohol exceeding those of the former public house on the site, and those of the Co-op Supermarket, which was situated nearby. She considered that having alcohol on sale for such long hours would not be conducive to the prevention of crime and disorder or public nuisance, and could fuel both. Ms Symington stated that herself and a number of other traders in the area often had to get up very early in the morning, and they had witnessed anti-social behaviour, some of a threatening and aggressive nature, against other people, and some against property, including several broken windows, with the majority of the incidences having been fuelled by the consumption of alcohol. She urged Members to reject the application or, at a minimum, reduce the licensable hours in line with other traders in the area.

4.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Bernard Little stated that whilst he had no evidence in terms of anti-social behaviour or crime and disorder, the Forum had received a number of calls from concerned residents in terms of noise nuisance and property being damaged in the area. There were particular problems, mainly with regard to noise nuisance, when the students arrived for the Autumn term, with several parties being held. Up to 95% of some streets in the area comprised privately rented accommodation, therefore there were no long-term local residents to voice their concerns. There were also two hostels accommodating vulnerable residents in the area, and having yet another licenced premises could add to the problems already being experienced. Whilst the Crookesmoor Community Forum was only in its infancy, and had no communications with the Universities or the Police, the

Harcourt Community Group had been in regular contact with the two Universities during the past 20 years. The Community Group had successfully campaigned to maintain a level of family housing in the area. Mr Little stated that local residents were regularly affected by noise nuisance into the early hours of the morning and the Forum had concerns in that, as a result of the changing culture in terms of young people's drinking habits, together with the changes of social structures in society, the problems of noise and anti-social behaviour would only get worse. He stressed that he was not suggesting that Sainsbury's was not a responsible company, but indicated that it was simply yet another outlet where people could purchase alcohol for the majority of the day, as well as there being no control as to where and how much of the alcohol was drunk. He confirmed that since September 2012, the Forum had not recorded any incidents of noise nuisance and that he was not aware of any contact between the Forum and any letting agencies or landlords in connection with the actions and/or behaviour of tenants in the area. He also stated that he was not aware of any official complaints regarding noise nuisance being made to the Council's Environmental Health Service. The Forum was currently an informal body, but discussion had been held with the former Central Community Assembly Manager in connection with taking steps to formally constitute it.

- 4.8 Jan Symington, whilst not being able to provide any evidence to show that Sainsbury's would result in an increase in noise nuisance and crime and disorder in the area, indicated that it was yet another outlet selling alcohol for long hours, which was highly likely to result in an increase in public disorder. She referred specifically to damage being caused to glass panels in her shop during the last few years. She confirmed that the comments made in her letter of representation, where reference was made to people wanting to purchase alcohol at 06:00 hours as 'having a problem' was a comment from one of her customers, and not from her and further, that such a comment was subjective. She accepted that the issue of competition, in terms of having yet another convenience store in the area, was not relevant in terms of the licensing objectives.
- 4.9 At this stage in the proceedings, Sabrina Cader stated that the applicants would like to amend the application, in order to limit the sale of alcohol from 07:00 hours to 23:00 hours.
- 4.10 The Chair adjourned the meeting for a period of approximately five minutes to give the objectors an opportunity to consider whether they wished to withdraw their objections in the light of this amendment.
- 4.11 Upon re-commencement of the hearing, the objectors indicated that they wished to continue with the hearing, based on their objections.
- 4.12 Bianca Huggins, representing Zakar Malook, Store Manager, Costcutter, stated that there would be a considerable number of

deliveries to the Sainsburys store, which would cause further traffic problems in what was already a congested area. Such traffic problems could have a potential effect on public safety. In particular, she referred to the narrow road and that a potential increase in deliveries may affect access for emergency services, and stated that Members should have regard to this pursuant to the Licensing Act published guidance. As well as the traffic problems, there were also already problems of noise nuisance and anti-social behaviour in the area, and a further application for a Premises Licence was likely to increase such problems. The long hours in terms of the sale of alcohol was likely to expose children to increased levels of anti-social behaviour, as well as increasing the likelihood of underage drinking in the area. Ms Huggins accepted that there was no evidence to show that any potential increase in noise nuisance and anti-social behaviour in the area would be caused as a result of the new store, but she stated that the existence of a further outlet selling alcohol was highly likely to result in an increase in problems in the area. Reference was made to a petition, containing 854 signatures, signed by local residents and customers of Costcutter, objecting to the proposed application by Sainsbury's for the reasons outlined above.

- 4.13 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Huggins confirmed that she did not have any evidence to show that a further licenced premises in the area would result in an increase in noise nuisance and anti-social behaviour. With regard to the levels of underage drinking in the area, specifically relating to test purchases, she stated that she had been informed that there had been an increase in the number of test purchases in licenced premises, and that Mr Malook had noticed that such tests had been undertaken on a more frequent basis than previously. She stated that supermarkets generally sold alcohol cheaper than other licenced outlets, and that this could potentially lead to an increase in underage and excessive drinking. In terms of the petition, although it was accepted that there was a reference to the planning application in respect of the store, it had been made clear to everyone that by signing the petition, they were objecting to the application for a Premises Licence.
- 4.14 Sabrina Cader put forward the case on behalf of the applicants, referring to the reduction in hours now being requested regarding the sale of alcohol, from 06:00 hours to 24:00 hours to 07:00 hours to 23:00 hours. She stated that the shop would comprise a convenience store, selling a basic range of goods, and alcohol would only form a small part of the overall sales. It was planned that, subject to planning permission being obtained, the store would open in early 2014. Deliveries to the store would be made once a day, using a small lorry. This would include all goods at the shop being delivered at the same time, with no separate delivery for alcohol. Reference was made to the fact that there were a number of existing stores on Barber Road which received daily deliveries, so deliveries to the premises were not

likely to result in a major increase in traffic congestion. In terms of the concerns raised with regard to underage drinking in the area, Ms Cader stated that Sainsbury's prided itself on being a responsible operator, with all its staff being trained to operate the Challenge 25 scheme, and that all management and staff must receive a 100% pass mark in terms of their training before they could commence working in the store. All information held as part of Challenge 25 would be retained electronically, and would be accessible to the Police and other authorised authorities on request. The store would hold a Refusals Register, and staff would attend a daily meeting – known as the “daily huddle” – where, amongst other things, they would be reminded of their responsibilities with regard to underage sales. In addition, Sainsbury's arranged regular visits by a mystery shopper to its stores, who was either under 18 years old, or looked young, in order to undertake test purchase operations. Between 20 and 25 staff would be employed at the store, and would all be recruited from the local area. Sainsbury's operated a number of community-led initiatives, including the Community Grant. In addition, store managers were also encouraged to attend meetings of local community groups, and Phil Ronan indicated that he would like to attend a future meeting of the Crookesmoor Community Forum in order to respond to any concerns from local residents. Ms Cader made specific reference to the fact that there had been no evidence to suggest that problems of noise nuisance and anti-social behaviour in the area would increase as a result of the new store, and that there had been no objections from the Police or any other statutory agencies.

- 4.15 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Cader stated that delivery times to the store would normally be between 07:00 hours and 10:00 hours, with the actual time to be arranged in order that the minimum amount of disruption is caused. She confirmed that there would be till prompts on all tills in the store and that as part of the Company's national training programme, all members of staff would be required to sign to indicate they had undertaken such training at least every six months. There would not be as large a range of alcohol for sale as in the supermarkets, and any drinks promotions would be on a much smaller scale to those offered in the supermarkets. In terms of evidence to show where the Company's policies and training had been successful in helping to reduce any problems of underage drinking and anti-social behaviour linked to their stores, Ms Cader stated that the Company had a very good record in terms of the operation of the Challenge 25 scheme and that the fact that the Company had no problems in terms of test purchases carried out at its stores must mean that the scheme was being operated correctly. Dealing with proxy sales was always difficult, particularly if there was no indication or evidence to show that a customer was going to pass on the alcohol to a person under 18 years of age. Staff were, however, trained to look out for evidence and would take action where necessary. The Brand Match promotion

was not operated in any of Sainsbury's convenience stores. If any of the sales staff had any doubts in terms of the age of a customer, they would refuse the sale. The store's external CCTV would cover the area immediately outside the store and if any young people were found to be hanging around, either causing trouble or asking people to buy them drink, they would be asked to move away. Ms Cader was not in a position to confirm whether or not Sainsbury's would open a store at the site if they did not get a Premises Licence. The decision on the application for planning permission was pending.

4.16 In response to questions from the objectors, Ms Cader stated that she acknowledged that the deliveries to another outlet in the area would add to the traffic congestion. She believed that the Challenge 25 scheme was sustainable over the long-term and stated that Sainsbury's had operated an age-verification policy for the last eight years, with all store managers being required to adopt such a policy. If there were any problems in terms of the operation of the premises, the Community Forum or any local residents would be able to contact the Designated Premises Supervisor (DPS). The Area Manager visited stores in the area on a regular basis in order to check all the procedures were being adhered to and that all the correct signage was being displayed. He would also be available to respond to any queries or concerns raised by the local community. Ms Cader stated that she was not aware of any major change in terms of alcohol sales following the introduction of Challenge 25, and with regard to the Company moving into what the objectors termed a 'vulnerable community', she stated that Sainsbury's would review each area prior to submitting the relevant applications, and would therefore be aware of any issues relating to that area. She added that all staff employed at the store would be recruited from the local area, so they would also be aware of any issues in the community. In terms of the number of Sainsbury's convenience stores in the City, it was not considered that the existence of such stores had contributed to any increases in anti-social behaviour or underage drinking, and this was backed up by the fact that no objections or concerns had been raised by either the Police or Environmental Health in connection with any of the stores. Phil Ronan stated that he had visited the site and indicated that the level of traffic congestion depended largely on the time of day, which was common with most other district shopping centres. In terms of deliveries, Sainsbury's would use small delivery lorries to deliver to its convenience stores and that a risk assessment would be undertaken in terms of the lorry's route to the store and where it would park at the store, in connection with access for emergency services. Even if there were large queues at the store, which was not likely, the sales staff would still adopt the Challenge 25 policy. In terms of test purchase operations, the DPS would not always be informed if the store had passed an operation, but would be informed if it had failed one.

4.17 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.

- 4.18 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.20 RESOLVED: That the Sub-Committee agrees to grant the Premises Licence in respect of Sainsbury's, 26-28 Barber Road, Sheffield, S10 1ED, in the terms now requested, and subject to the operating schedule, agreed conditions and to the two modified conditions as follows:-
- (a) Supply of alcohol from 07:00 hours to 23:00 hours; and
 - (b) The licence holder will ensure that the premises benefit from a CCTV system, to the reasonable satisfaction of the Police, that operates at all times when licensable activities are taking place.

(The full reasons for the Sub-Committee's decision and the operating conditions will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 April 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence received. Councillor David Barker attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - PLAYERS LOUNGE, 20 YEW LANE, SHEFFIELD, S5 9AN

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary a Premises Licence in respect of the premises known as Players Lounge, 20 Yew Lane, Sheffield, S5 9AN.

4.2 Present at the meeting were Jonathan Hyldon (John Gaunt and Partners, Solicitor, for the Applicant), Keith Johnstone (Premises Licence Holder), Kevin Johnstone (Designated Premises Supervisor), Sean Gibbons (Health Protection Service, Objector), Julie Hague (Sheffield Safeguarding Children Board, Objector), Lizzie Payne (South Yorkshire Police, Objector), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Carolyn Forster outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police, Sheffield Safeguarding Children Board, Health Protection Service and seven local residents, and were attached at Appendices 'D', 'E', 'F' and 'G1' to 'G7' to the report, respectively. None of the seven local residents were in attendance.

- 4.5 Following queries from the Chair, it was confirmed that all the existing conditions in respect of the Premises Licence would be in place up until the period of any appeal made by the applicants in respect of the summary review hearing held on 9th April 2013, and that all the seven local residents who had made representations had been aware of the new date of the hearing for this application.
- 4.6 Lizzie Payne stated that all the Police's concerns with regard to the operation of the premises had been addressed following the additional conditions and amendments to existing conditions, made following the summary review hearing on 9th April 2013.
- 4.7 Jonathan Hyldon stated that the premises management would not be appealing the decision made by the Sub-Committee at its meeting held on 9th April 2013, therefore would be accepting all the additional conditions, and amendments to existing conditions.
- 4.8 Julie Hague stated that the additional conditions and amendments to existing conditions had satisfied the majority of her concerns, but indicated that she still had two outstanding concerns, which she had raised at the summary review hearing, relating to wristbands and the membership scheme. Ms Hague stated that, in the light of the complaints and statements received regarding underage drinking at the premises, she had requested that all persons attending private functions at the premises, over the age of 18, should be required to wear a wristband. She also requested clarification in connection with the membership scheme, indicating that, although some of the new conditions and amendments to existing conditions had resulted in the scheme becoming more robust, she considered that the criteria was still not adequate, and requested that the scheme be further strengthened by the retention of membership records, membership numbers, photo cards and a requirement that only persons over 18 years of age could become members.
- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Hague stated that she had requested that persons over 18 attending private functions, to which persons both under and over 18 had been invited, should be issued with a wristband to assist bar staff to prevent underage sales and proxy sales of alcohol. She accepted that not everyone would retain their wristbands, and that there was a potential for under 18 year olds to get hold of a wristband, but it was expected that the system would work in parallel with Challenge 25, whereby bar staff would be expected to undertake their usual identification checks. If the membership scheme was operated on the basis of how she had requested, all membership cards would have a photo, which would assist bar staff, and it would be expected that under 18 year olds would be signed in as a guest. It was accepted that operating a wristband scheme could be construed as onerous, but it was considered an important safeguard, and would mainly be relevant for

birthday parties for under 25 year olds.

- 4.10 Sean Gibbons stated that, whilst the alterations to the premises had been of a high standard, and that the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) had been very accommodating to officers in the Health Protection Service, he was still concerned at the proposal to remove three conditions which had been attached to the Premises Licence following a hearing of the Licensing Sub-Committee on 6th September 2011. The conditions related to the premises being used as a private members club, a limit of 200 persons being allowed on the premises at any one time and the provision of light music and similar entertainment facilities only being permitted for pre-booked events, and being restricted to the new lounge. Mr Gibbons referred to the ground floor plan of the premises, and highlighted the material changes which had been made to the layout, referring specifically to the removal of four of the snooker tables, thereby providing a potential for the premises to be used more as a late night bar, as well as having the capacity for several more customers. He stated that if the three conditions referred to were to be removed, there would be potential problems with regard to the capacity of the premises. He made reference to the size of the former snooker room, indicating that it could potentially fit over 300 people, and that this would be a problem in that the present toilet facilities only catered for up to 200 people.
- 4.11 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Gibbons confirmed that the new seating had been installed at the premises, which he considered to be of a high quality, when he had visited the premises on 10th January 2013. In terms of a potential change in the nature of the premises, he stated that the recent alterations had resulted in the premises changing from a snooker club to a bar, and believed that, if further alterations were made in the future, the nature of the premises could further change, to a late bar. With regard to the capacity issues, he referred to the plan of the premises, indicating that there was a potential pinch point in the lobby area, which, if the capacity of the premises was exceeded, could provide a potential for overcrowding, and possibly crime and disorder. Whilst commending the management for having disabled toilet facilities installed, Mr Gibbons indicated that such provision would be a standard requirement following the extent of the alterations to the premises. He also confirmed that, as part of the recent alterations, the other toilet facilities had been upgraded and that the bar had also been upgraded and increased in area. He stated that the condition requiring no admission to the premises after 23:00 hours did allay his concerns to some extent, and gave him more confidence that the management did not intend to move towards a late night drinking establishment. He stated that whilst he welcomed the signs displayed at the entrance to the premises, informing customers of the new conditions of the licence, he indicated that the management had breached a number of conditions in the past. Mr

Gibbons accepted that the potential for making further alterations to the premises, thereby increasing its capacity and changing its nature, was only his personal concern and that there was no evidence to show that the management had plans to make such changes. He also confirmed that there had been no representations made in connection with the application by the Police in terms of crime and disorder.

4.12 Jonathan Hyldon put forward the case on behalf of the premises management, referring specifically to amendments to the original application, made on 8th February 2013. In terms of the proposed alterations, he stated that, although the management did not realise that they needed to apply for building regulation consent and planning approval, they had invested a considerable amount of money in upgrading the premises. Mr Hyldon circulated the regularisation letter in terms of the building regulation consent, which had now been granted, and confirmed that all the works had now been signed off. He added that there had been no objections from the Fire Service in connection with the alterations. The proposal to bring forward the commencement hour for the retail sale of alcohol to 10:00 hours on a Sunday was simply to bring this in line with the other days of the week, and there had been no objections to this proposal from any of the statutory authorities, nor had any of the residents raised any concerns with regard to this proposal. With regard to the proposal to remove Conditions 1 and 3 (Annexe 3), Mr Hyldon stated that again, there had been no representations in terms of this proposal, and that Mr Gibbons had indicated that he would not object to this proposal, on the basis that Condition 2, relating to the capacity on the premises, was retained. He stated that the Police were happy with the proposed removal of the membership scheme, and indicated that if Challenge 25 was operated, and adhered to, there would be no need for such a scheme. He also believed that there would be no need for the use of wristbands, indicating that it would be a difficult and troublesome scheme to operate, and there was nothing to stop people removing or transferring them. He referred to the proposed rewording of Condition 2 in Annexe 3, which would now read 'There shall be not more than 200 persons on the premises at any one time, unless as part of an agreed risk assessment with South Yorkshire Police'. Mr Hyldon concluded by referring to the representations raised in the residents' letters of objection, indicating that the vast majority of issues raised referred to the extension of hours in terms of the sale of alcohol, and this proposal had now been removed.

4.13 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Hyldon stated that the toilet facilities at the premises complied with the relevant British Standard regulations, and that now they had been upgraded and an additional disabled facility included, there was no reason why they should not comply now. Mr Gibbons indicated that, in accordance with current British Standard regulations, the toilet facilities were sufficient for up to 200 people. Mr

Hylton estimated that, following the recent alterations, the capacity for each of the function rooms would be approximately 70 to 80 people per room. When people wanted to book one of the function rooms or a private party, they would be asked roughly how many people would be attending and how many children would be included in that number. The wording of Condition 7 on the amended variation, relating to the addition of films as a licensable activity, included the wording to the extent that such films should be those as classified by the British Board of Film Classification (BBFC).

- 4.14 Jonathan Hylton, as part of the application, referred to a plan of the premises and questioned whether it would be possible to utilise the whole of that function room where part of that room had been identified for under 18s, and move any under 18s to a different area of the premises, which would still be monitored in the same manner. He also requested an extension to the time limit of 18:00 hours imposed at the review hearing on 9th April 2013, to 19:00 hours in order to cover those football matches or any other sporting events which commenced at 17:00 hours.
- 4.15 In response to further questions from Sean Gibbons, Jonathan Hylton confirmed that the only evidence to show that the Fire Service was happy with the 200 capacity at the premises was that they had not objected to the proposed variation. The reasoning behind the proposed amendment of Condition 2 (Annexe 3), relating to the increase in the capacity for specific functions, was that there may have been slightly over 200 people on the premises, although there was no evidence to show that the premises had breached this condition, and the management simply wanted to cover themselves. Mr Hylton acknowledged the fact that it was normal practice to operate schemes, such as wristbands and additional safeguarding measures, at venues with a higher capacity, but considered that operating a wristband scheme would place an additional burden on the premises management.
- 4.16 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.
- 4.17 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 RESOLVED: That the Sub-Committee:-

- (a) agrees to vary the Premises Licence in respect of the Players Lounge, 20 Yew Lane, Sheffield, S5 9AN, subject to the amended application, operating schedule and to the amended conditions as follows:-
- (i) the removal of Condition 1 (Annexe 3) – The premises shall be used as a private members’ club and for the purpose of providing members and bona fide guests with facilities for the playing of snooker and similar sports. The provision of live music and entertainment facilities shall be ancillary to the main use;
 - (ii) the removal of Condition 3 (Annexe 3) – The provision of live music and similar entertainment facilities shall only be permitted for pre-booked events and shall be restricted to the new lounge as in accordance with the plan, dated 4th August 2005, revised 9th September 2010;
 - (iii) the wording of Conditions 1, 3 and 7, now circulated, be agreed, subject to the amendment of Condition 1 to read – “.... subject to a designated family area”; and
 - (iv) the amendment of Condition 2 (Annexe 3) to read “There shall not be more than 200 persons on the premises at any one time unless as part of an agreed risk assessment with South Yorkshire Police and the South Yorkshire Fire and Rescue Service”; and
- (b) does not agree to the request now made to amend the condition imposed following the review hearing on 9th April 2013, relating to the proposed extension of the hours that persons under the age of 18 would be allowed on the premises, from 18:00 hours to 19:00 hours.

(The full reasons for the Sub-Committee’s decision and the operating conditions will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 April 2013

PRESENT: Councillors John Robson (Chair), David Barker and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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. 36/13 did not attend the hearing.

4.3 The licence holder in Case No. 37/13 did not attend the hearing.

4.4 The applicant in Case No. 67/12 did not attend the hearing.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
36/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant the applicant a further opportunity to attend a hearing.
37/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence holder a further opportunity to attend a hearing.
67/12	Application for a Hackney Carriage and	Grant the applicant one final opportunity to attend a

Private Hire Driver's hearing.
Licence

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 May 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), Vickie Priestley and Geoff Smith

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - LION'S LAIR, 31 BURGESS STREET, SHEFFIELD, S1 2HF

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary a Premises Licence in respect of the premises known as Lion's Lair, 31 Burgess Street, Sheffield, S1 2HF.

4.2 Present at the meeting were Charles Hall (Applicant), Jonathan Round (Environmental Protection Service), Councillor Jillian Creasy (on behalf of Patrick Carroll, Objector), Linda Cooley and Lynne Thomas (Objectors), Matt Proctor (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Louise Slater outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from three local residents and the Environmental Protection Service, and were attached at Appendices 'C', 'D', 'E' and 'F' to the report, respectively. Two of the objectors attended the meeting and the third was represented by Councillor Jillian Creasy. Mr Proctor added that although the Environmental Protection Service had removed their objection prior to the original hearing of the application on 11th April 2013, the Sub-Committee had requested that an officer from that Service attends this hearing to respond to further questions on what had been proposed and agreed in terms of additional conditions.

- 4.5 Jonathan Round, Environmental Protection Service, confirmed that he had been requested to attend the hearing in order to provide clarification in terms of what conditions had been agreed between the Service and the applicant. Mr Round stated that there had been a history of complaints regarding noise nuisance at the premises, mainly relating to noise breakout from the rear fire door, affecting those local residents living to the rear of the premises. The former Designated Premises Supervisor (DPS) had made a number of structural alterations to the premises in an attempt to try and solve the problem caused by noise breakout. However, Mr Round did not consider that the fabric of the building was suitable for the playing of loud music, nor was it considered suitable for the outside beer garden to be used due to its close proximity to the local residents living to the rear of the premises. He confirmed that the applicant had agreed that the premises would close at 24:00 hours (Monday and Tuesday), the applicant had accepted the Service's proposed conditions regarding recorded music and that there would be strict limitations in terms of the use of the beer garden.
- 4.6 In response to questions from Members of the Sub-Committee, local residents and Councillor Creasy, in terms of what had been agreed between the Environmental Protection Service and the applicant prior to the hearing, Mr Round confirmed that the agreed times in terms of recorded music and sale by retail of alcohol would be 10:00 to 24:00 hours (Monday and Tuesday), 10:00 to 02:00 hours (Wednesday and Thursday) and 10:00 to 05:00 hours (Friday and Saturday), the premises would close at 05:00 hours (Friday and Saturday) and the use of the beer garden would be restricted to 24:00 hours every night of the week. The later opening hours on Wednesday and Thursday had been requested to allow some flexibility in terms of how the premises were managed in terms of organising special events. There was a facility available, known as a noise inhibitor, which can be fitted to doors but, as the rear door was a fire door, it would involve timers, and this would be more difficult, as well as more expensive. The Service could look at setting the noise limiter with the rear fire door open as a means of measuring the level of the noise breakout. In terms of the intervention by the Environmental Protection Service, Mr Round stated that the last communication held with residents in connection with the premises was in February/March 2013, and that no complaints of noise nuisance had been reported to the 101 service.
- 4.7 Lynne Thomas stated that the application would exacerbate the problems of noise nuisance in the City Centre caused by the late-night opening of a number of licenced premises in the area. She made specific reference to problems of noise nuisance caused by customers leaving the premises in the early hours of the morning, creating problems for those local residents living within the immediate vicinity of the premises.
- 4.8 Linda Cooley stated that she had been experiencing problems of noise nuisance for the past four years and that, although there had been some improvement, there was no evidence to show that the Environmental Protection Service would monitor and enforce the conditions they were proposing for the Premises Licence. Ms Cooley stated that the main problem

for her was the sound of the base beat of the music, which had resulted in her not being able to get to sleep, and on occasions, to have to move to another room in order to get some sleep. She referred to problems of noise breakout from customers using the beer garden, indicating that whilst there had been a reduction in noise levels during the past few months, residents had been affected by the noise created by people using this area, often beyond midnight. She pointed out that the situation had deteriorated during the past few weeks.

- 4.9 Councillor Jillian Creasy referred to the plan of the premises in the report, indicating that Mr Carroll's flat was directly behind the premises, and all windows in his flat faced the premises. She stated that, whilst accepting that the Sub-Committee was only considering licensing issues, under current planning guidelines, the premises would not be able to open past 00:30 hours as it was included in the '12.30 am closing zone'. Councillor Creasy referred to the two 'You Tube' clips submitted by Mr Carroll, indicating that whilst noise levels were not too high, they were at such a level to keep residents living nearby awake, particularly due to the time. She stated that she did not consider that the former landlord of the premises made a sufficient effort to take preventative measures in terms of the noise breakout, referring specifically to the cancellation of two out of three meetings arranged by Jonathan Round. Mr Carroll considered that no one should be able to use the beer garden after 22:00 hours, and that there should be further sound insulation measures undertaken to the premises to prevent noise breakout. Councillor Creasy concluded by stating that Mr Carroll and the other residents living within the immediate vicinity of the premises did not believe that the measures taken by the management of the premises had or would prevent noise breakout to their satisfaction.
- 4.10 Charles Hall stated that he had invested a considerable amount of money in the premises, and had suffered some financial losses due to the actions of the former business partner. Part of his investment had comprised money to refurbish the exterior of the premises and undertake noise attenuation measures within the premises. He had also hired a number of different Door Supervisors in an attempt to ensure no troublemakers were admitted to the premises. In terms of the 'You Tube' clips, Mr Hall stated that, whilst he accepted there was some noise caused by people in the beer garden, there was no music playing at the premises at night. He indicated that he wanted to work with the local residents to allay any concerns they had, as well as wishing to continue to work with the Police and the Environmental Protection Service. He indicated that he would be happy for the residents to have his contact details so that they could ring him when there were any problems. In an effort to limit noise breakout from the premises, Mr Hall indicated that he had removed two speakers and sound proofed the skylight. He also wanted to keep the rear door locked at all times, but was unable to as it was a fire door.
- 4.11 In response to questions from Members of the Sub-Committee and the local residents, Mr Hall stated that he would agree that the beer garden should not be used after 22:00 hours on Friday and Saturday, when the music tended to

be louder due to the events at the premises. He requested that the beer garden be used later from Sunday to Thursday, and during the summer months, as there would be no loud music played at these times. He confirmed that he had undertaken measures to soften the volume of the base beat of the music during the last six to eight weeks. The beer garden was not used after 24:00 hours, apart from when staff members used the area during a break or to smoke. He stated that there was a possibility that some of the noise nuisance had been caused by customers using the outside area of the Embrace nightclub nearby. Mr Hall confirmed that although he was a member of the Local Pub Watch, he had not attended any meetings. He also confirmed that he was not a Personal Licence Holder, all staff received a briefing from the premises management at the start of each night, there were usually three Door Supervisors working, with two located on the front doors and one on the side street, who patrolled the rear of the beer garden to prevent people accessing the premises from a passageway at the side. Mr Hall confirmed that he would be happy for the beer garden not to be used after 22:00 hours on those nights when music was being played. He considered that the volume of the music was no louder than at other similar sized bars in the City Centre. He pointed out that he was trying to change the focus of the bar, as well as its clientele, and was looking to introduce a different style of music, which would not be as loud as before. Although the former landlord of the premises had left in March/April 2012, Mr Hall stated that he did not make any immediate changes as he wanted to assess the operation of the premises first, prior to making any decisions. Whilst he could not be sure, Mr Hall considered that the only reason why local residents were experiencing problems of noise breakout, despite the noise attenuation measures undertaken, was due mainly to the type of music being played. Staff members went through the rear fire door to the beer garden after closing time as all the other doors were locked.

- 4.12 In response to a question from the Chair, Lynne Thomas confirmed that she was a member of the St Paul's Residents' Association, which was a fully constituted body.
- 4.13 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.
- 4.14 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That the Sub-Committee agrees to vary the Premises Licence in respect of the Lion's Lair, 31 Burgess Street, Sheffield, S1 2HF, subject to the amended application, operating schedule and the agreed, modified and new

conditions now made, as follows:-

(a) Amendments to Annexe 2 – Conditions Consistent with the Operating Schedule

- (i) Condition 1 – Add the words ‘and attend regular meetings’.
- (ii) Condition 5 – Amend to read ‘No under 18’s allowed in the premises at any time’.
- (iii) Condition 6 – Remove.
- (iv) Condition 11 – Remove.
- (v) Condition 13 – Substituted by (A) Music should only be played within the building such that:-
 - (1) noise breakout from the building to the street, or rear outdoor area should not exceed the ambient* noise levels by more than 3 dB(A) when measured as a 15 minute L_{Aeq} ;
 - (2) noise breakout from the the building to the street or rear outdoor area should not exceed the ambient* noise levels in any octave band centre frequency by more than 3 dB when measured 15 minute L_{eq} ;

* Where ambient noise level is the L_{Aeq} 15 minutes in the absence of the specific noise source (breakout from the premises); and

 - (B) No amplified sound shall be played within the building except through an in-house amplified sound system fitted with a sound limiter, setting of which shall be to the written satisfaction of the Environmental Protection Service;
- (vi) Condition 16 – Remove and replace with (A) the use of the outside area to the rear shall cease at midnight of every day of the week, and staff shall regularly check that the area is not being accessed (to replace existing Annexe 2 – Condition 16 – The use of the outside area to cease at – Sunday to Thursday 24:00 hours and Friday and Saturday 01:00 hours the following day); and
 - (B) Signs shall be put onto the rear fire door reminding patrons that the rear area is not in use after midnight and that the door should not be opened after midnight save for emergency purposes;

(All other conditions to remain as stated.)

(b) New Conditions

- (i) The hours in terms of recorded music and the sale by retail of alcohol shall be as follows:-

Monday and Tuesday – 10:00 to 24:00 hours

Wednesday and Thursday – 10:00 to 02:00 hours

Friday and Saturday – 10:00 to 05:00 hours

Sunday – 11:00 to 05:00 hours;

- (ii) The use of the beer garden to cease at 22:00 hours on any night when regulated entertainment is carried out; and

- (iii) The Premises Licence Holder or Designated Premises Supervisor to meet regularly with the St Paul's Residents' Association and the City Centre Residents' Action Group (CCRAG).

(The full reasons for the Sub-Committee's decision and the operating conditions will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 May 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and Nikki Sharpe

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received from Members of the Committee. Councillor Ian Saunders attended as reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - BAR AMBASSADOR, 308 - 310 LONDON ROAD, SHEFFIELD S2 4NA

4.1 The Chief Licensing Officer submitted a report to consider an application to grant a premises licence, made under Section 17 of the Licensing Act 2003, in respect of premises known as Bar Ambassador, 308-310 London Road, Sheffield S2 4NA.

4.2 Present at the meeting were Justyna Maciezevska (the applicant), Patryk Zaborski (the applicant's son), Shiva Prasad (Principal Officer, Health and Safety), Sean Gibbons (Health Protection Service), Julie Hague (Licensing Project Manager, Safeguarding Children Board), Louise Slater (Solicitor to the Sub-Committee), Matt Proctor (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

4.3 The Solicitor outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from Health Protection Services and Sheffield Safeguarding Children Board and were attached at Appendices "B" and "C" to the report.

4.5 Shiva Prasad stated that the objection to the application was based on the proposed layout shown on the plan submitted which was not satisfactory and did not reflect the nature of the intended use as a bar. He added that a new plan was submitted on the 10th May and that he and Sean Gibbons had consulted with the applicants prior to the commencement of this meeting to verify the new plan. A copy of the plan was handed to the Sub-Committee and Shiva Prasad asked the

applicant to confirm that this was the plan which would be implemented at the premises and he also asked Members if they would consider the new plan and to give a date and reference number to it. Shiva Prasad asked the applicant to confirm the proposed capacity of the premises and that this capacity be imposed as a condition on the licence.

- 4.6 Sean Gibbons added that he felt confident that Building Control would visit the premises and, although there were a couple of minor points, the new plan would deem to be satisfactory and requested that the applicant or her representative consult with the Health Protection Service in order to ensure that the relevant works are completed to the satisfaction of the Service.
- 4.7 In response to questions from Members of the Sub-Committee, the applicant stated that it was intended to open the premises as a meeting place for fellow countrymen and sell alcohol and fast food. A capacity of 60 persons was suggested to the applicant to which she agreed.
- 4.8 Shiva Prasad added that the planning permission applied for was for a bar/meeting place and not as an eating place. Shiva Prasad and Sean Gibbons stated that communication between their Services and the applicant had not been very good.
- 4.9 Julie Hague stated that the applicant had not included any safeguarding measures in the operating schedule to ensure that children and young people may only access the premises when the environment is family friendly. She added that the main trade at the premises is for the sale and consumption of alcohol and if additional safeguarding measures are not included, children would be vulnerable to irresponsible behaviour. She proposed that a Challenge 25 proof of age scheme must be implemented, to include a refusals record, signage and staff training records; a designated premises supervisor or such other responsible persons be assigned to the role of Children's Safeguarding Co-ordinator; children under the age of 16 years must be accompanied by a responsible adult at all times and that persons under the age of 18 must be off the premises by 2100 hours unless attending a private pre-booked function.
- 4.10 Julie Hague added that she had tried to contact the applicant to discuss the proposed licence conditions on numerous occasions by email and telephone and had left messages, but the applicant had failed to respond.
- 4.11 In response to questions from Members of the Sub-Committee, the applicant was agreeable to every suggestion made with regard to capacity, safeguarding, door security staff etc., which gave Members the impression that a business plan had not been properly thought through by the applicant and the failure to communicate with the Health and Safety Service and the Safeguarding Children Board had resulted in this application being brought to the Sub-Committee.
- 4.12 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.

- 4.13 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the meeting be adjourned to a date to be agreed with all participants in order to give the applicant the opportunity to consult with the Health Protection Service in order to ensure that relevant works towards public safety, as necessary, are completed to the satisfaction of the Health Protection Service as the responsible authority, and for the applicant to take legal advice.

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SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 15 May 2013

PRESENT: Councillors John Robson (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Nikki Sharpe, Clive Skelton (Deputy Chair), Philip Wood and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Stuart Wattam.

2. APPOINTMENT OF CHAIR

2.1 RESOLVED: That Councillor John Robson be appointed Chair of the Licensing Committee and Councillor Clive Skelton be appointed Deputy Chair.

3. DATES AND TIMES OF MEETINGS

3.1 RESOLVED: That meetings of the Committee be held as and when required on dates and times to be determined by the Chair.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 May 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and Nikki Bond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 38/13 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 39/13 was unable to attend the hearing and requested that the Sub-Committee considers the case in his absence.

4.4 The applicant in Case No. 40/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 89/11 attended the hearing with a representative and his brother and they all addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
38/13	Application for a Hackney Carriage and Private Hire Drivers' Licence	Defer a decision on the application pending the outcome of the Police investigations into the conviction now reported.

39/13	Review of a Hackney Carriage and Private Hire Drivers' Licence	Defer consideration of the review pending the outcome of the licence holder's Court case.
40/13	Renewal Application for a Hackney Carriage and Private Hire Drivers' Licence	Refuse to renew the licence In the light of the offences and convictions now reported.
89/11	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence in the light of the offences and convictions now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 May 2013

PRESENT: Councillors Clive Skelton, David Barker and Nikki Bond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 36/13 attended the hearing with a friend and addressed the Sub-Committee.

4.3 The licence holder in Case No. 37/13 attended the hearing with a representative and an observer, and the licence holder and his representative addressed the Sub-Committee.

4.4 The applicant in Case No. 67/12 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 41/13 attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
36/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to

		be a fit and proper person to hold a licence in the light of (a) the offences now reported and (b) the nature of the responses to the questions raised.
37/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Issue a written warning as to the licence holder's future conduct and, in the light of the offences and convictions now reported.
67/12	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months 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 the applicant (i) successfully completing all the necessary tests and courses required of a new applicant and (ii) submitting his current licence to the Licensing Office.
41/13	Application for a First Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 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 satisfactory reports being received from the two Local Authorities with whom the applicant has previously held licences.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 May 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Philip Wood attended as a reserve Member but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Mobile Street Trading consent (Fruit and Vegetables and Other Traders), made under the Local Government (Miscellaneous Provisions) Act 1982.

4.2 Present at the meeting were Mohammed Unnais (applicant), Louise Slater (Solicitor to the Sub-Committee), Andy Ruston (Senior Licensing Officer) and Jennie Skiba (Democratic Services).

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

4.4 Andy Ruston (Senior Licensing Officer) presented the report to the Sub-Committee and it was noted that objections had been received from the South Yorkshire Police and were attached at Appendix "B" to the report.

4.5 Councillor Clive Skelton asked whether South Yorkshire Police had been invited to attend the hearing, to which Andy Ruston referred to the copy of the invite attached at Appendix "E", and added that the Police had informed him on the 14th May that they would not be attending.

- 4.6 RESOLVED: That the public and press and attendee 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 paragraphs 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 public and press and attendee.
- 4.9 RESOLVED: That the application be deferred for a period of 14 days until the 11th June, 2013 to give the South Yorkshire Police a further opportunity to attend and outline their objections to the application.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 June 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond and Clive Skelton

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 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.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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. 42/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 43/13 attended the hearing with a relative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 44/13 attended the hearing 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>
42/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in view of (a) the offences and convictions now reported,

		and (b) the responses to the questions raised.
43/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in view of (a) the offences and convictions now reported, particularly the fact that a suspended sentence resulting from one of the convictions was still being served, and (b) the responses to the questions raised.
44/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 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 (a) the applicant completing all the necessary tests required of a new driver, in accordance with current policies and (b) there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 4 June 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond, George Lindars-Hammond, Clive Skelton (Deputy Chair) and Stuart Wattam

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jenny Armstrong, Jillian Creasy, Neale Gibson and Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Sub-Committee held on 11th, 12th, 14th, 18th, 21st and 25th February, 4th, 11th, 18th, 19th, 21st and 26th March and 4th, 8th, 9th and 11th April, 2013 were approved as correct records, subject to the amendment of the minutes of the meeting held on 18th March by the deletion of the second reference to "Councillor Clive Skelton, Deputy Chair" in the list of Members present at the meeting.

5. SAFETY OF SPORTS GROUNDS ACT 1975 (AS AMENDED) - ANNUAL REVIEW OF SAFETY CERTIFICATION/SAFETY ADVISORY GROUP POLICY DOCUMENT

5.1 The Chief Licensing Officer submitted a report on the Annual Review of Safety Certification/Safety Advisory Group Policy in relation to designated stadiums, regulated stands, other grounds, concerts, festivals and other events, a copy of which Policy was attached at Appendix "A" to the report.

5.2 Steve Lonnia, Chief Licensing Officer, stated that the Policy was first issued in January 2012 as a result of the annual self-assessment process carried out by the Licensing Service. He added that the Policy was recently reviewed and updated following consultation with the Sports Grounds Safety Authority, the Safety Advisory Group and the relevant stadiums in the City affected by the Policy.

5.3 Steve Lonnia briefly outlined the Policy and made reference to its purpose, aims, scope, objectives, legislation, delegations and responsibilities and felt it was important to bring policies made under officer delegated powers to the attention of

Members so that they were aware of such matters and for them to endorse the Policy.

- 5.4 He stated that a local authority is permitted to charge fees for the issue, amendment, replacement or transfer of a safety certificate. However, at present, this Authority does not charge for work undertaken, but after carrying out consultations with other local authorities, it is now intended to determine and introduce fees to be charged and he would report further on this to a future meeting of the Committee.
- 5.5 RESOLVED: That this Committee notes and endorses the action taken by the Chief Licensing Officer in updating the Safety Certification/Safety Advisory Group Policy document now submitted.

6. SAFETY OF SPORTS GROUNDS ACT 1975 (AS AMENDED) - ENFORCEMENT POLICY

- 6.1 The Chief Licensing Officer submitted a report to update and inform Members with regard to the process of publishing an Enforcement Policy specific to designated stadiums, regulated stands, other grounds, concerts, festivals and other events. He asked the Committee to confirm his action in establishing the enforcement policy as attached at Appendix "A" to the report.
- 6.2 RESOLVED: That this Committee notes and endorses the action taken by the Chief Licensing Officer in establishing the Enforcement Policy now submitted.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 June 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - BAR AMBASADA PL, 308-310 LONDON ROAD, SHEFFIELD, S2 4NA

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Bar Ambasada PL, 308-310 London Road, Sheffield, S2 4NA. The application had been considered by the Sub-Committee, at its meeting held on 13th May, 2013, and the hearing had been adjourned to allow further consultations to take place between the applicant and the Health Protection Service.

4.2 Present at the meeting were Justyna Maciejewska (Applicant), Jake Macinski (Applicant's partner), Sean Gibbons (Health Protection Service), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Senior Licensing Officer), Jayne Gough (Licensing Officer, Observing), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Louise Slater outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and Sheffield Safeguarding Children Board, and were attached at Appendices 'B' and 'C' to the report, respectively.

4.5 Sean Gibbons referred to the representations he made at the adjourned hearing on 13th May 2013, indicating that, although a plan of the layout of the premises had been submitted, he still had concerns regarding the layout and operation of the premises. He had met with the applicant after the hearing on 13th May 2013,

and the applicant had agreed to two conditions relating to the layout of the premises and further works required. He confirmed that, following a recent visit to the premises, works were progressing well and that he had also met with colleagues from Building Control, who had informed him that there were still a number of outstanding issues regarding building regulations. Officers had recommended the applicant to speak to her architect to ensure that the works were undertaken in accordance with the original plans. In connection with this issue, Mr Gibbons also recommended a further condition relating to the submission of a Building Regulation Completion Certificate.

- 4.6 In response to questions from Members of the Sub-Committee, Mr Gibbons stated that, whilst he still had some concerns, he considered that, in his opinion, all the issues raised by the Health Protection Service and Building Control were achievable. In terms of the concerns raised regarding the capacity of the premises and the flow of customers through the building, he confirmed that he was now satisfied with the seating capacity at 40 and maximum capacity of 60.
- 4.7 Julie Hague pointed out a correction to the name of the premises, indicating that it would be known as Bar Ambasada PL, as opposed to Bar Ambassador, as indicated in the paperwork. She referred to her initial concerns, raised at the adjourned hearing on 13th May 2013, relating to the difficulties in communicating with the applicant, but stated that she had now held detailed discussions with the applicant and had consequently agreed five conditions, which were set out in her representations. Ms Hague concluded by stating that she was now satisfied that there would be adequate safeguarding systems in place.
- 4.8 In response to questions from Members of the Sub-Committee, Ms Hague confirmed that she would now be withdrawing all her original objections as long as the five conditions now referred to were met. She also stated that she would be more confident after the applicant and other members of staff had completed the Safeguarding training on 17th July 2013. Ms Hague agreed with the proposed amendment to the wording of Condition 5 which she had proposed, which would now read 'There shall be no 18th birthday parties, functions or related events'.
- 4.9 Jake Macinski, on behalf of the applicant, stated that it was the intention to employ two Door Supervisors from 19:00 to 23:30 hours on Friday and Saturday.
- 4.10 In response to questions from Members of the Sub-Committee, Matt Proctor and Sean Gibbons, Mr Macinski stated that he had used the word 'probably', when referring to the planned security on the application form, as they were not aware of what arrangements they had to make at the time of making the application form. Following further consideration of this issue, including Police advice, it had been considered that Door Supervisors should be employed on Friday and Saturday, with consideration being given to hiring them on additional days if required. The days and times suggested at this stage was a decision taken by the management as these were likely to be the busiest times and there was likely to be less of a risk in terms of security issues during the week. In terms of the licensing objectives, Mr Macinski stated that there would be CCTV cameras on the premises, Challenge 25 would be in operation and bar staff would not serve any more alcohol to customers who appeared to be drunk, and were likely to

cause trouble. Door Supervisors would be employed when required, and would deal with any problems both inside and outside the premises and in connection with the protection of children, any under 16 year olds would have to be accompanied and supervised by a responsible adult. In terms of security issues when football matches were being shown, Mr Macinski stated that there would not be too many games shown, and would most likely attract Polish customers, therefore they did not expect any trouble. The intention was to show both Polish and English matches, as well as speedway and music. The management would take advice from the Police in terms of whether any additional security measures, including the hiring of Door Supervisors, were required during Sheffield United home games, when there were likely to be high numbers of football supporters wanting a drink, both before and after games. An arrangement had been made with the security firm that they could send staff as and when required. Mr Macinski stated that they had worked out the rough costs of providing door security and were satisfied that they would be able to afford such costs. Ms Maciejewska confirmed that she held a personal licence and, whilst she had worked in a bar in Poland, as well as in an Italian restaurant and at Mosborough Hall Hotel, this was the first licensed premises that she had managed. Mr Macinski stated that he used to own and work in a bar in Poland, in partnership with a friend. In terms of the showing of films, Mr Macinski stated that they had only included Monday and Wednesday on the application form on the basis that they had intended to show films on these two days only. He confirmed that he would continue to liaise with their architect in connection with the refurbishment works, and that they would undertake the necessary risk assessments in terms of the additional requirements regarding Door Supervisors.

- 4.11 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.
- 4.12 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Bar Ambasada PL, 308-310 London Road, Sheffield, S2 4NA, subject to the operating schedule, agreed conditions and the additional conditions now made as follows:-
- (a) The applicant or their representative shall consult with the Health Protection Service in order to ensure that relevant works, as necessary, are completed to the satisfaction of the Service, towards public safety as the responsible authority;
 - (b) A minimum of 40 seating, with dining tables, shall be provided at all times,

with a capacity not to exceed 60 persons;

- (c) A Building Regulation Certificate shall be submitted to the responsible authority for public safety within a reasonable time period after the premises had opened for business;
- (d) The Challenge 25 Scheme must include a refusals register, signage must be displayed and staff training records must be maintained;
- (e) The Designated Premises Supervisor, or any other such responsible person, should be assigned to the role of Children's Safeguarding Co-ordinator. This person should act in compliance with the guidance and training provided by the Sheffield Safeguarding Children Board;
- (f) Children under the age of 16 years must be accompanied and supervised by a responsible adult at all times. The Children's Charter or similar signage will be displayed to help staff enforce this;
- (g) Persons under the age of 18 years must be off the premises by 21:00 hours, unless attending a private, pre-booked family type function, when the premises are closed to the general public;
- (h) There shall be no 18th birthday parties, functions or related events;
- (i) A minimum of two Door Supervisors should be employed at the premises from 19:00 to 23:30 hours, Friday and Saturday; and
- (j) A CCTV system, the specification being to the satisfaction of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open.

(The full reasons for the Sub-Committee's decision and the operating conditions will be included in the written Notice of Determination.)



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 25th July 2013

Subject: Private Hire and Hackney Carriage Licensing

Author of Report: Steven Lonnia Chief Licensing Officer,
Business and Strategy, Place Portfolio

Summary: Report – (Taxi) Enforcement Review

Category of Report: OPEN

Private Hire & Hackney Carriage Licensing

Enforcement Activity

1. PURPOSE

- 1.1 To report to the Licensing Sub Committee the enforcement activity undertaken in private hire and taxi licensing for the period 1st September 2012 to 31st May 2013.

2.0 BACKGROUND

- 2.1 On 25th October 2005, the Licensing Committee (previously Licensing Board) considered the comments and recommendations of the Strategic Resources and Performance Scrutiny and Policy Development Board and one of the resolutions of the meeting was;

“the Assistant Chief Executive, Legal and Governance, be requested to submit quarterly reports to this Board on enforcement practice by the Taxi Licensing Section”

- 2.2 The Licensing Committee (previously Licensing Board) have previously agreed the level of enforcement activity, at its meeting of April 2007, the Licensing Board accepted that the Taxi Licensing Section undertake 88 enforcement duties per year.

- 2.3 This equates to at least 40 weeks per year with 2 officers having some form of enforcement activity take place over 2 nights/days a week. The rest is made up of day time and out of town enforcement with other agencies

3.0 Description of and reasoning behind enforcement Activity.

- 3.1 The Council has a duty to enforce the legislation in relation to Hackney Carriage and Private Hire Licensing.

- 3.2 The purpose of enforcement should always be to safeguard the health safety and welfare of the public by ensuring that the relevant legislation is complied with. The aim is to provide a good, accessible and safe means of public transport. It must be remembered that Private Hire and Hackney Carriage Drivers provide the service in order to earn a wage, they will only be there to provide a service if they are able to make a reasonable living.

- 3.3 Enforcement is all about maintaining reasonable standards in terms of vehicle condition and driver conduct and safeguarding both the public and licensees by preventing, insofar as we are able, illegal activity by those that are not appropriately licensed.

- 3.4 Current enforcement takes many forms, this includes night time on street enforcement by Officers, day time enforcement by officers, Enforcement is also done by way of stringent testing of vehicles by the Councils testing centre.

- 3.5 The 88 enforcement activities as stated in 2.2 are to take the form of out of office enforcement duties whether that be within normal office hours or out of office hours which will include at least 30 night time and/or weekend enforcement duties.

3.6 The 88 will also be included in the enforcement duties undertaken in joint agency enforcement exercises what ever form they take.

4.0 Enforcement Activity Undertaken

4.1 Set out below are the number and types of enforcement action conducted in the period 1st September 2012 to 31st March 2013

4.2 Vehicle Enforcement.

4.3 The table below shows how many vehicles were checked by officers, or seen over the period stated with the following outcomes:-

MONTH	No Vehicles	Checked No Faults found	Defect notice issued	Suspensions	Warning letters	Other
September	79	77	2	0	0	0
October	49	39	7	0	3	0
November	37	32	4	0	1	0
December	0	0	0	0	0	0
January	3	0	3	0	0	0
February	74	49	24	1	0	0
March	118	72	44	1	0	1
April	101	48	47	0	1	5
May	163	79	79	0	2	3
TOTALS	624	396	210	2	7	9

4.4 Driver checks

4.5 The table below shows how many drivers/licensee checks undertaken by officers for the period, and gives the outcomes. Driver enforcement can take many forms and the numbers below may include warning letters that have been issued for reasons other than on street enforcement checks.

MONTH	No Drivers	Checked No faults found	Warning letters/defect notices	Suspensions	Formal Warning	Other
September	57	52	4	0	1	0
October	96	35	57	0	2	2
November	58	4	43	0	4	7
December	19	1	17	0	0	2
January	2	0	2	0	0	0
February	52	35	15	0	0	2
March	38	29	8	0	1	0
April	52	31	19	0	0	2
May	65	23	36	0	2	3
TOTALS	439	210	201	0	10	18

4.6 Drivers & Licensee warning letters are often issued in relation to the licensed vehicle that they own or were the driver of at the time.

4.7 Defect letters will be sent out to licensees if a vehicle is seen to have a defect, e.g. Brake Light inoperative, and the vehicle was not physically inspected by an officer but was seen whilst officers were undertaking their duties.

5.0 Areas of Concern

- 5.1 As part of the normal enforcement duties carried out by officers, they have standing instructions to undertake enforcement activity in certain areas of the city where either members of the public or other agencies have reported problems involving hackney carriages or private hire vehicles. Some of the findings in the problem are listed below.
- 5.2 Castle Street. This area continues to be of concern for cyclists, and number of warning letters and formal warnings have been issued to drivers who have repeatedly transgressed in this particular area.
- 5.3 118 warning letters and 2 Defect notices have been issued to drivers in this period of enforcement activity, for causing a hazard or obstruction on this particular road.
- 5.4 5 formal warnings have been issued, these are issued to drivers who have transgressed in this particular area before and are warned that further problems may lead to a Licensing Sub Committee referral for persistent contraventions. (see Committee referrals below)

6.0 Prosecutions and Cautions of Offenders

- 6.1 There have been no prosecutions during the period of 1st September 2012, and 31st May 2013,
- 6.3 There are at least 3 pending prosecutions for different offences currently awaiting trial dates.

7 Committee referrals and appeals

- 7.1 In the recording period of September 2012 to March 31st 2013, (figures for April and May were not available at the time of writing this report) the Licensing Section has referred 49 cases to the Licensing Sub Committee under the referrals policy.
- 7.2 The Licensing Section has also attended 5 appeals and of those 5 appeals, 2 had their license granted and 3 had their appeal dismissed. In recent reports the Committee have asked for more insight into reasons that appeals are won or lost and what grounds these appeals are heard. Below is a couple of examples of recent cases and the Courts reasons behind its decisions.
- 7.3 One of the recent appeals was in front of a District Judge; below is the grounds given for re-instating drivers or issuing of licenses on appeal, this gives food for thought to Councillors and Officers when making decisions.
- 7.4 Mr X
- 7.5 Mr X was revoked with immediate effect in the interests of public safety on the 28th January. This was on the basis that his solicitor had advised us in December that he'd been sent to prison for six months for the production of cannabis. The revocation pretty much coincided with his release (after serving about 6 weeks due to early release provisions).

- 7.6 The District Judge who dealt with the appeal took the view that the grounds under s61 of the Local Government (Miscellaneous Provisions) Act were not made out in

10.3 This means that on certain operations and exercises the officers time spent solely on taxi enforcement will be limited.

10.4 The new joined up approach will not affect the amount of taxi enforcement undertaken and we will strive to maintain the current high standards of enforcement we operate under.

11.0 Financial & Staffing Implications

11.1 None in relation to this report.

11.2 The enforcement costs are met from fee's received on vehicle applications and miscellaneous items to the Council. It is not legal to pay for enforcement duties from driver licence fees.

11.3 Licence fees are reviewed on an annual basis and this is when the fees would be adjusted if needed to be.

12.0 Recommendations

12.1 That members consider the content of this report.

13.0 Options

13.1 Consider the report and change the type and frequency of enforcement activity they require from the Taxi Licensing Section. If any changes are made then those changes to be clearly stated in the resolution.

13.2 Accept the report and make no changes to the frequency or type of enforcement undertaken.

Stephen Lonnia
Chief Licensing Officer