

Licensing Committee

Thursday 12 September 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.

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
12 SEPTEMBER 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:-

10 June 2013
11 June 2013
17 June 2013
20 June 2013
24 June 2013
27 June 2013
1 July 2013
2 July 2013
8 July 2013
15 July 2013
16 July 2012
18 July 2013
22 July 2013
23 July 2013
25 July 2013
29 July 2013
30 July 2013
1 August 2013
5 August 2013
- 6. Scrap Metal Dealers Act 2013**
Report of the Chief Licensing Officer
- 7. Private Hire and Hackney Carriage Licensing - Drivers/Applicants Referral Policy**
Report of the Chief Licensing Officer

**8. Private Hire and Hackney Carriage Licensing - Hackney Carriage
Application Policy**
Report of the Chief Licensing Officer

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.

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

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in

land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or

- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously, and has been published on the Council's website as a downloadable document at -<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

This page is intentionally left blank

Licensing Sub-Committee

Meeting held 10 June 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond and Nikki Sharpe

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from the Chair (Councillor John Robson) and Councillor Jenny Armstrong.

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. 45/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 46/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 48/13 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 47/13 did not attend the hearing.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
45/13	Review of Conditions of a Private Hire Driver's Licence	Agree to remove the condition now reported, in the light of the applicant's present circumstances, thereby allowing the applicant to be

		issued with a dual Hackney Carriage and Private Hire Drivers' Licence.
46/13	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) 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 there being no further cause for concern and (b) the applicant be issued with a written warning as to his future conduct.
48/13	Application for a first 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.
47/13	Application for a first Hackney Carriage and Private Hire Driver's Licence	Consideration of the application be deferred and the applicant be granted one further opportunity to attend a hearing.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 June 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and Neale Gibson

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

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 - MOBILE STREET TRADING FOR FRUIT/VEGETABLES AND OTHER TRADERS

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Mobile Street Trading Consent (Fruit/Vegetables and Other Traders) (Case No. 34/13). The report indicated that consideration of the application had been deferred at a meeting of this Sub-Committee held on 23rd May 2013, at the request of the Chair, to enable the Police to attend and provide evidence relating to the case.

4.2 Present at the meeting were the Applicant, Benita Mumby (South Yorkshire Police Licensing, Objector), Andy Ruston (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 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police, and were attached at Appendix 'B' to the report.

4.5 Benita Mumby reported on the representations made by South Yorkshire Police, referring specifically to the applicant's offences and convictions. She stated that, as well as the more recent convictions, the applicant also had other historical

convictions, which showed that he had a propensity for crime. The applicant had also failed to disclose any of these convictions on his application and for these reasons, the Police did not feel that he was a fit and proper person to hold a Mobile Street Trading Consent.

- 4.6 The applicant addressed the Sub-Committee, stating that he accepted that he had made mistakes in the past, which he regretted and for which he had paid for. He argued that such offences had not been taken into consideration as part of his application made last year. He stated that the nature of his most recent convictions would not affect his ability to run the business. The applicant also responded to a number of questions raised by Members of the Sub-Committee, Benita Mumby and Louise Slater.
- 4.7 Andy Ruston reported on the options open to the Sub-Committee.
- 4.8 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the attendees
- 4.11 RESOLVED: That the application for the Mobile Street Trading Consent (Fruit/Vegetables and Other Traders) be rejected on the grounds of the representations now made, specifically the number and nature of the offences and convictions now reported, together with the responses to the questions raised (Case No. 34/13).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 June 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), Nikki Bond and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

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 licence holder in Case No.49/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.50/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.51/13 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>
49/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Issue a final, written warning in the light of the offences and conviction now reported.
50/13	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 and convictions now reported and (b) the responses provided to the questions raised.

51/13	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 there being no further cause for concern.
-------	--	---

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 June 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and Nikki Bond

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor John Robson (Chair of the Sub-Committee).

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 - DOVER ROAD CLUB, 1-3 DOVER ROAD, SHEFFIELD S11 8RH

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 Dover Road Club, 1-3 Dover Road, Sheffield S11 8RH.

4.2 Present at the meeting were Marion Watson (objector), Matthew Simpson (Botanical Area Community Association), Geoffrey Sleight (applicant), John Gaunt (Solicitor for the applicants), Matt Proctor (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and Jennie Skiba (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 members of the public and were attached at Appendix 'B' to the report.

4.5 Marion Watson informed the Sub-Committee that her home and garden is adjacent to the area at the rear of the property and was very concerned that if the licence were granted for the opening hours requested, there would be a considerable amount of noise and felt that this was not acceptable in a residential area. She added that her main concern was that the owners would want to use the rear of the building for outside seating and drinking and the holding of private parties which she would find very stressful.

4.6 Matthew Simpson stated that the premises were previously used as the Polish Ex-Servicemen's Club and that it catered for local Polish people would arrive and

leave on foot. He added that the Club had closed due to dwindling numbers and that any future use, as had been suggested, was not comparable to it. Matthew felt that the proposed future use would be dependent on people coming from further afield, which would cause some disturbance to the community due to noise created by customers leaving the premises by car and taxis arriving and departing.

- 4.7 John Gaunt produced a map of the area and pointed out the grassed area used to be used as tennis courts and that it was this which bordered onto Marion Watson's property and stated that there were no plans to use that area as outside events. He added that any noise breakout would only be from a small second floor window and felt that when the application for a licence was originally made, he did not envisage any problems due to the premises being previously licenced. He added that the applicants wanted to replicate the previous licence and open the club as a members club to be run by responsible and sensible people. He felt that the absence of the responsible authorities i.e. the Police, Fire Service, Environmental Health etc. indicated that they felt there were no problems with the application. John Gaunt also felt that by bringing the premises back into use, there would be an improvement to the external appearance of the building.
- 4.8 In response to questions from Members of the Sub-Committee, John Gaunt reiterated that there were no plans to use the outside area and that with 23 years experience, the applicants had worked with the Responsible Authorities and local residents to resolve any problems which may have arisen. He also added that there would be Manager living on the premises.
- 4.9 In response to questions from the objectors, Mr. Gaunt said that the premises did not have an air-conditioning unit to create a noise nuisance and that if there was any noise breakout, the applicants would work with Environmental Health to assess any such nuisance.
- 4.10 Matt Proctor then outlined the options open to the Sub-Committee.
- 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 the premises licence now submitted with the additional conditions as follows:-
- (a) that any amplified entertainment be produced through a noise limiter as set

by the Environmental Protection Service; and

- (b) that the tennis court to the rear of the property be excluded from the licence application.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 June 2013

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

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jenny Armstrong attended the meeting 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. 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. 52/13 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 53/13 attended the hearing with a representative and they both addressed the Sub-Committee. The licence holder also attended with another person who, it was alleged, was a witness to an incident detailed in the papers. Shortly after the commencement of the hearing, the Chair allowed a brief adjournment to allow for the attendance of the Licensing Officer who had submitted evidence to the hearing, after which, the alleged witness did not return.

4.4 The applicant in Case No. 54/13 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 55/13 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>
-----------------	---------------------	-----------------

52/13	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 there being no further cause for concern.
53/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the licence holder had been verbally abusive to customers and Licensing Officers on more than one occasion, with the latest incident occurring after he had received a final, written warning, at a previous meeting of the Sub-Committee, as to his future conduct. Members made a finding that the version of events provided by the Licensing Officer, in the statement dated 28 th May 2013, was correct.
54/13	Application for a new Private Hire Vehicle Licence	Agree to detract from current policy and issue a licence for the normal term of 12 months on the grounds that (a) the Sub-Committee considers that the applicant has made a genuine administrative error in this case and, but for this error, given the vehicle's condition, the licence would have automatically been issued and (b) the applicant's vehicle is in good condition.
55/13	Application for a new Private Hire Vehicle Licence	Agree to detract from current policy and issue a licence for the normal term of 12 months on the grounds that (a) the

Sub-Committee considers that the applicant has made a genuine administrative error in this case and, but for this error, given the vehicle's condition, the licence would have automatically been issued and (b) the applicant's vehicle is in good condition.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 June 2013

PRESENT: Councillors Clive Skelton (Chair), John Robson, Philip Wood and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - SEXUAL ENTERTAINMENT VENUES - SPEARMINT RHINO, 60 BROWN STREET, S1 2BS

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a sexual entertainment venue licence, made under Section 10 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of premises known as Spearmint Rhino, 60 Brown Street, Sheffield S1 2BS.

4.2 At the commencement of the hearing, all parties were invited to attend. The Chair outlined the procedure intended to be followed. He stated that this procedure is set out in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 at Section 10, to assist those attending such hearings and it was the intention of the Sub-Committee to hold the meeting in two parts. Part One would be open to the objectors who would be invited to outline their objections, after such, the Chair would close that element of the hearing, the objectors would be asked to leave the room and the applicants would then be invited to attend the hearing and present their case. The Chair also stated that the decision would be given orally to both parties at the conclusion of the meeting.

4.3 Present at the meeting for Part One of the hearing were Andrew Ridge, Head of Property, Strategy and Services, Sheffield Hallam University (objector), Matthew Shaw (Solicitor for the objector), Andy Ruston (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that an objection to the application had been received and was attached to the report at Appendix B.

- 4.5 Matthew Shaw outlined the main objections to the application. He stated that the premises are situated in a very high traffic area for students of Sheffield Hallam University with an abundance of student accommodation nearby and a new development for student accommodation immediately adjacent to the premises. He added that the University had spent considerable resources to ensure students felt safe and secure during their time at the University and when moving around the Campus.
- 4.6 Matthew Shaw commented that the venue falls within the Cultural Industries Quarter (CIQ) and that the venue portrays the area in an anti-social light which was not conducive to the setting of the CIQ, with the perception of crime being induced in some people who use the area including when walking past the club. He stated that the presence of a club in the heart of the CIQ was inappropriate with the focus of the area being arts, media and education mixed with the City's industrial heritage. He added that the area is designed to attract new, emerging businesses but this type of club was no longer appropriate in the area. Sheffield's train station and transport interchange were close to the venue which provided a gateway to and from the city centre.
- 4.7 Matthew Shaw produced a map and highlighted an area of open space which the University hoped to develop as an area where festivals and similar events could be held.
- 4.8 In response to questions from Members of the Sub-Committee, Andrew Ridge stated that around 150 students were accommodated near the premises with a further 200 students located further along the road. He said that parts of the University Campus are set aside for student worship.
- 4.9 At this stage in the proceedings, the meeting was closed to the objectors and the meeting was subsequently opened to the applicants.
- 4.10 Present for Part Two of the hearing were Robert Sutherland (Solicitor for the applicants) and John Specht (Vice President of Spearmint Rhino), Andy Ruston (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.11 Louise Slater outlined the procedure which would be following during the hearing.
- 4.12 Andy Ruston presented the report to the Sub-Committee and it was noted that an objection to the application had been received and was attached to the report at Appendix B.
- 4.13 Robert Sutherland stated that the application was for a renewal of the first licence, which was granted under the provisions of the Sexual Entertainment Venues Provisions last year. He stated that the objections raised last year were similar and for the same reasons as the objections to this current application. He added that the premises had been operating since 2002, it employed around 50 local people and many of the staff had worked there a long time. He stated that there had been no objections from the responsible Authorities, and no issues of crime

and disorder or public nuisance. He referred to statements submitted to the Sub-Committee last year which revealed that lapdancing clubs do not create anti-social behaviour.

- 4.14 Robert Sutherland then referred to crime statistics for the month of April, 2013, these being the latest figures published. He stated that seven crimes in the area had been reported, with just one crime committed on Brown Street itself. He added that Spearmint Rhino worked closely with students, held student nights, and an advertisement for the Club could be found on the Student Calendar. Following a question from a Member of the Sub-Committee, he confirmed the Company employed students to work in the club.
- 4.15 In response to questions from Members of the Sub-Committee, John Specht stated that he could guarantee that dancers would not stand outside the premises as stated by the objectors as this was against company policy but this would be checked with the Designated Premises Supervisor (DPS). Robert Sutherland also informed Members that he had checked with the DPS to see if any complaints had been received and the DPS confirmed that no complaints had been received.
- 4.16 In summing up, Robert Sutherland stated that there had been more than 50 objections to the licence last year, this year there was only the one and if the Sub-Committee saw fit to grant the licence last year, there should be no reason not to do so this year.
- 4.17 Andy Ruston then outlined the options open to the Sub-Committee in relation to the application.
- 4.18 RESOLVED: That the applicants and objectors 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.
- 4.19 Louise Slater reported orally, giving legal advice on various aspects of the application.
- 4.20 At this point in the proceedings, the meeting was re-opened to the applicant and objectors.
- 4.21 RESOLVED: That the Sub-Committee agrees to grant the renewal, for a period of 12 months, of the sexual entertainment venue licence in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield S1 2BS.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 July 2013

PRESENT: Councillors John Robson (Chair), Clive Skelton and Stuart Wattam

.....

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. 56/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.57/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.47/13 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 58/13 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>
56/13	Application for a new 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

		<p>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, which would remain on his licence for a period of 12 months.</p>
57/13	Application for a new Private Hire and Hackney Carriage Driver's Licence	<p>(a) 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 there being no further cause for concern and (b) the applicant be given a written warning as to his future conduct, which would remain on his licence for a period of 12 months.</p>
47/13	Application for a new Private Hire and Hackney Carriage Driver's Licence	<p>(a) 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 there being no further cause for concern, (b) the applicant be given a written warning as to his future conduct, which would remain on his licence for a period of 12 months and (c) that the applicant must notify the Licensing Section within 14 days of any further convictions he may incur during the period of operation of his licence.</p>
58/13	Review of a Hackney Carriage and Private Hire Driver's Licence	<p>Issue a final, written warning as to the applicant's future conduct, such warning to remain live during the currency of his present licence until its expiry on the 15th June, 2014.</p>

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 July 2013

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

.....

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Nikki Bond 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 - THE TERMINUS TAVERN, 150A MAIN ROAD, DARNALL, SHEFFIELD, S9 5HQ

- 4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ.
- 4.2 Present at the meeting were Inspector Paul Ferguson and Benita Mumby (South Yorkshire Police, Applicants), David Greenall (Premises Licence Holder, The Terminus Tavern), Tansy Bagshaw (Designated Premises Supervisor, The Terminus Tavern), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Kavita Ladva 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 Sheffield Safeguarding Children Board and were attached at Appendix 'B' to the report.
- 4.5 Inspector Paul Ferguson referred to South Yorkshire Police's grounds for review, which were detailed in the report. He added that a further visit by PC Jonathon Greaves had been made to the premises on 1st July, 2013 in order to check the CCTV system, and it was found to be in reasonable working order, and that images could be accessed. He also commented that Tansy Bagshaw, the recently appointed Designated Premises Supervisor (DPS) had been very co-operative with the Police since her appointment, and had shown willing to work to

resolve any outstanding issues. Inspector Ferguson concluded by stating that there had been a history of crime and disorder at the premises over the years, and that the Police's efforts to investigate any of the crimes and incidents had been thwarted by the lack of an effective CCTV system. He also requested that, in order to ensure that the future operation of the premises complied with the licensing objectives, the suggested conditions, as detailed in the report and as attached to the proposed Action Plan dated 13th March 2013, be added to the Premises Licence.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Matt Proctor and David Greenall, Inspector Paul Ferguson stated that, whilst it was difficult to compare crime and incident levels with other public houses in the area, on the basis that this was the only such premises in the centre of Darnall, there was a higher incident rate than other public houses in the surrounding area. A number of promises had been received from the Premises Licence Holder (PLH) and other former members of staff in connection with repairing or upgrading the CCTV system. Only recently, following the appointment of Tansy Bagshaw as the new DPS, had steps been taken, other than relating to the CCTV system, in an effort to ensure that the premises complied with the licensing objectives. Whilst an Action Plan had been drafted, with the co-operation of the premises management, the actions set out in the Plan were not enforceable, and the Police wanted these actions formalised. The concerns raised by the Police in connection with the operation of the premises prior to 13th May 2010, when the initial Action Plan was put in place, included failed test purchase operations and a number of calls made to the Police for assistance with the ejection of drunken customers from the premises. At this point, Julie Hague referred to an incident whereby a woman had visited the premises with her very young family, and one of her children was found wandering, unaccompanied, outside. Former members of staff of the premises had made a number of false promises in terms of making improvements, specifically relating to the requirement to install an effective CCTV system, which had been particularly frustrating for the Police as the various Action Plans had been agreed and signed by such members of staff. It was the Police's contention that an effective CCTV system at the premises would have helped them with their investigations into the various incidents of crime and disorder at the premises. He expressed specific frustration in terms of a robbery at the premises on 16th March 2013, where allegations had been made of a member of staff being tied to a chair whilst the premises were robbed, and the lack of CCTV resulted in there being insufficient evidence for the Police to investigate the incident. In terms of the premises' CCTV system, Inspector Ferguson read out a report of Dene Tinker, Crime Reduction and Architectural Liaison Officer, South Yorkshire Police, dated 19th June 2013, which set out the position regarding all eight existing cameras. He added that PC Jonathon Greaves made a further visit to the premises on 1st July 2013, to review the system and to monitor any amendments made following the previous visit on 18th June 2013, and in the visiting officer's opinion, the system was deemed "adequate". It was confirmed that the majority, if not all, the issues set out on the revised Action Plan, had now been addressed by management staff and that David Greenall had been present at the meeting to discuss the Action Plan, on 19th February 2013. Inspector Ferguson also confirmed that the target set with regard to the installation of a new colour CCTV

system, as listed on the Action Plan dated 19th February 2013, was not met. In the opinion of the Police, there had been a lack of co-operation by David Greenall in connection with the requirement to install an effective CCTV system in the premises, despite the intervention and offers of assistance provided by Dene Tinker. The last serious incident at the premises was the robbery on 16th March 2013, and there had been no serious incidents since that date. The Police considered that steps had been taken by the DPS to improve the operation of the premises. The robbery on 16th March 2013, was reported to the Police by a member of the bar staff. There were currently no safeguarding children issues linked to the premises and the latest Action Plan was the one dated 13th March 2013. Inspector Ferguson confirmed that the Police were not recommending that the premises be closed, but wanted the 14 conditions, as attached to the Action Plan dated 13th March 2013, added to the Premises Licence. He also stated that he believed that all 14 conditions were achievable by the DPS. Inspector Ferguson confirmed that there had been no further failed test purchases at the premises following the failure on 23rd February 2012, with two successful test purchases being carried out since that date. In response to a query by David Greenall, relating to his co-operation with the Police, Inspector Ferguson stated that whilst he accepted that Dene Tinker had been on extended leave, for personal reasons, Mr Greenall had been given numerous opportunities to contact Mr Tinker to discuss issues relating to the CCTV system.

4.7 Benita Mumby, Licensing Manager, South Yorkshire Police, referred to the statement of Inspector Paul Ferguson and her own statement, dated 29th April 2013. She reported that the actions of both former and current members of staff of the premises had constituted a disregard for public safety and that the installation of an effective CCTV system would have assisted the Police in their investigations into the incidents at the premises. Ms Mumby referred to the number of requests made to the premises management for an effective CCTV system to be installed and stated that she was also confident that the new DPS would take all the necessary action required by the Police to ensure the effective operation of the premises. There would still be a requirement of the Police to work closely with the PLH and DPS in terms of the future operation of the premises and consequently, to minimise the pressure being placed on Police resources in terms of their attendance at incidents at the premises.

4.8 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board (SSCB), indicating that her concerns were similar to those of the Police, in that they related to the level of competence of former staff of the premises, and she also requested that the suggested conditions, as attached to the Action Plan dated 13th March 2013, be added to the Premises Licence. Following visits to the premises, Ms Hague had noticed that there were no facilities for children and, in the light of the history of crime and disorder at the premises, had serious concerns regarding the fact that, under the present conditions of the licence, children could gain access to the premises. She stated that, during the past three years, she had visited the premises in response to the various management changes and incidents at the premises, and had attempted to work with staff, but they had not always been co-operative. The Action Plans drafted with the co-operation of staff had not always been fully complied with and had to be issued repeatedly. There had been no consistency in terms of

safeguarding policies and there were no mandatory safeguarding systems in place. Ms Hague also made reference to the improvements made since Tansy Bagshaw was appointed DPS but, despite her co-operation, the SSCB still remained concerned, particularly if Ms Bagshaw was to leave the premises. She concluded by stating that if the Sub-Committee was to allow access by children to the premises, there would be a need for a number of conditions relating to safeguarding children to be added to the Premises Licence, with a specific requirement for a designated area for children.

- 4.9 In response to questions from Members of the Sub-Committee, Julie Hague stated that she was satisfied that Tansy Bagshaw had taken her responsibilities with regard to safeguarding children very seriously and that, if all the suggested conditions were added to the Premises Licence, she would be more than happy for children to access the premises. She stated that some of the problems experienced in connection with the premises were as a result of the lack of co-operation from David Greenall.
- 4.10 David Greenall stated that, although he owned the premises, he had very little to do with its day-to-day operation. He referred to the past problems, which had mainly been caused by the actions of the two previous Designated Premises Supervisors. Following the termination of Chris Dean's lease, Mr Greenall leased the premises to Andy Roberts and whilst things appeared to run satisfactorily at first, problems started and, due to problems with regard to issues on the Action Plan not being implemented, and a number of suspicious burglaries at the premises, Mr Roberts' lease was terminated. He then employed Tansy Bagshaw as the new DPS, and since the appointment, things had improved dramatically. Tansy Bagshaw added that, since her appointment, she had noticed a number of improvements in terms of the operation of the premises, and that she had done everything she had been asked to do in terms of the issues included on the Action Plan. Ms Bagshaw stressed that she did not wish to be punished for the actions of former members of staff.
- 4.11 In response to questions, Mr Greenall stated that, in terms of the recruitment process regarding previous tenants, Chris Dean had bought the lease from a previous leaseholder, and was not his choice of tenant. The next tenant, Andy Roberts, appeared satisfactory at first, but problems started occurring, which were believed to have been caused by the pressure of the job. Mr Roberts was known to Mr Greenall, as he had done some painting and decorating work for him in the past, so he was aware of his character. In terms of the pressures being placed on Police resources, in having to attend to the premises to deal with incidents on a number of occasions, the majority of these incidents were caused by the same person who now, following the actions of the present DPS, was no longer allowed in the pub. Mr Greenall stated that he would only get involved in the operation of the premises when requested by the tenants, such as when any works were required. He confirmed that he did have an element of resistance in terms of the repeated requests for him to install an effective CCTV system at the premises on the grounds that he did not like, and felt pressured by, the manner in how a Police Officer was requesting him to undertake such work. He accepted that there was a considerable amount of crime in the area, and that having an effective CCTV system in the premises would be of assistance to both himself and the Police, and

for this reason, paid for a system to be installed in 2011. He did accept, however, that such a system was not very effective. In terms of the suggested conditions, he stated that the majority, if not all, were being adhered to at the present time, therefore he had no objection to them being added to the Premises Licence. Mr Greenall confirmed that he was the PLH with effect from 14th September 2011, but was not able to confirm whether he had attended the meeting on 30th November 2011, to discuss the matter of CCTV at the premises, following two reports of assault at the premises on 4th and 6th November 2011. The pressure on him to install an effective CCTV system at the premises started in early 2013, following a meeting with PC Gillian Parker. He accepted that the CCTV system he installed was not effective to the extent that it did not cover the exterior of the premises. An eight camera system had been installed in the premises around six weeks ago. Mr Greenall did not believe he was provided with any details, in terms of the required specification of the system, at the meeting held on 30th November 2011. He accepted that there was a high level of crime in the area, particularly burglaries, and that in retrospect, he should have followed the Police's advice regarding the required specification for a CCTV system at the premises. He stated that part of his resistance to the Police's requirements centred around resentment from a number of customers, who did not want such a system in the pub, which had culminated in a monitor being stolen and some of the leads taken out of the monitors. Mr Greenall confirmed that such actions had contributed to his resistance to installing a new system as he had to consider his business interest in the premises, which included the views of a number of regular customers. Mr Greenall accepted that having images captured on a CCTV system in respect of the large-scale fighting inside the premises on 27th January 2013, and the assault and robbery on 16th February 2013, would have assisted the Police in making their investigations into the incidents. In response to the allegations made in terms of Mr Greenall being obstructive and unhelpful to the Police and Julie Hague, he stated that he could not recall behaving like this, and that as far as he could recall, he had not been unhelpful. In terms of his responsibilities regarding the licensing objectives, Mr Greenall stated that he would work with the DPS to ensure that all licensing conditions were met. Mr Greenall confirmed that he had read the Action Plan dated 13th March 2013, and that he had been present at the meeting when it had been discussed. He also confirmed that all the issues set out in the Plan had been addressed. He accepted the Police's request for all the suggested conditions set out on the Action Plan, together with the additional condition suggested by Julie Hague, relating to the designation of a specific area in the premises for children, to be added to the Premises Licence, and that he would ensure that those conditions were implemented, if not already the case. He stated that the plan was to attract more families to the pub, therefore the condition regarding the designated children's area would be welcomed. In terms of the CCTV specification, as requested by the Police, Mr Greenall could not confirm that he had received this, despite the fact that he had signed to confirm that he had been present at the meeting on 19th February 2013, when such a specification was provided. It was stated that for a period, mail addressed to Mr Greenall, and which had been received at the premises, was not passed on to him. In terms of the efforts made by Dene Tinker, in connection with offering assistance and advice in terms of the CCTV system, and the allegations of Mr Greenall having a "negative attitude", he stated that he could not recall this, but added that he had been ill for the last few

months, so this could have had an effect on his behaviour. Mr Greenall confirmed that he was aware of the recent Home Office guidance regarding CCTV in licensed premises, but was not familiar with all the detail. He stated that, although it was Andy Roberts' intention to apply for the post of DPS at the premises, as well as promising to attend all the relevant training courses, this did not materialise and he could not provide an explanation as to why this was the case. Mr Greenall stated that, if Ms Bagshaw was to resign as DPS, he would ensure that her replacement had undertaken all the relevant training courses and would not employ them unless they had done so. In terms of the receipt of correspondence from the SSCB, Mr Greenall indicated that he could not recall receiving any specific information, but accepted that he must have received e-mails as there was proof of them being sent. He stated that the only information he had received in terms of the operation of the premises prior to 2011 was what the previous tenants had told him.

- 4.12 Matt Proctor outlined the options open to the Sub-Committee.
- 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 Kavita Ladva 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, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as The Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ, by the addition of the following conditions:-
- (a) The DPS to become an active member of "Sheffield Licence Watch" and any localised sub groups, and to attend all meetings unless this is impractical after taking all reasonable steps to do so.
 - (b) The Challenge 25 procedure to be operated by all staff and all systems to be in place, as set out in the multi-agency guidance "Criteria for a Recognised Proof of Age Scheme".
 - (c) All staff to be trained to operate the scheme set out in 2 above. Content of the training is to comply with the recommendations set out in the "Criteria for a Recognised Proof of Age Scheme", including maintenance of staff training records. Staff training records to be available to the responsible authorities on request. This includes a refusals log.

- (d) To display relevant posters and information relating to the supply of alcohol to underage customers in prominent positions that are visible both inside and outside the premises and at the point of sale.
- (e) A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of, images for purposes in connection with the prevention of crime and disorder.
- (f) A policy will be operated to prohibit access to the internal and external areas of the premises to persons under the age of 18 years after 17:00 hours daily.
- (g) Signage indicating restrictions to children's access to the premises must be displayed.
- (h) An incident book must be maintained and be made available upon request for inspection by the reasonable authorities under the Licensing Act 2003. This book should record the discovery and disposal procedures in relation to substance misuse paraphernalia.
- (i) Zero tolerance posters/signage regarding drugs to be prominently displayed throughout the premises.
- (j) Throughout the opening hours, staff will patrol all public areas at the premises at a minimum of once per hour, including toilet areas to monitor the environment for drug use/dealing, dangerous or inappropriate behaviour. Incidents will be recorded in the incident book and any criminal behaviour will be reported to the police. Signage will be displayed on toilet doors to indicate that regular checks are being made.
- (k) A Children's Safeguarder will be assigned at the premises. This person must attend the training provided by the Sheffield Safeguarding Children's Board and comply with the guidance issued by Board.
- (l) A Children and Young People's Risk Assessment must be completed in writing and retained as part of the premises management's due diligence records. A risk assessment tool has been provided. Risks identified in this process will inform the premises policy regarding access to children, prior to 17:00 hours.
- (m) All drinks will be decanted into polycarbonate vessels prior to being taken outside for consumption.
- (n) Staff will familiarise themselves with details of the violent incident protocol and this will be used as appropriate with immediate effect.
- (o) Drinking outside the front of the premises must cease and chairs must not be taken out of the pub to the front pavement by customers and staff.

- (p) There will be a designated children's area approved by the SSCB and Health Protection Service.

(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 8 July 2013

PRESENT: Councillors John Robson (Chair), Clive Skelton and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 There were 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 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.59/13 did not attend the hearing, but a representative attended in his absence and addressed the Sub-Committee.

4.3 The applicant in Case No.60/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.08 /13 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>
59/13	Application for a new Private Hire Vehicle Licence	Defer a decision on the application until the applicant is in the country and a new date can be arranged for the hearing.
60/16	Application for a Hackney Carriage and Private Hire	(a) Grant a licence for nine months and, on the first

Driver's Licence

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, relating specifically to speeding offences, which would remain on his licence for a period of two years.

08/13

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 the applicant being convicted of possessing Class A and Class B drugs with intent to supply.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 July 2013

PRESENT: Councillors John Robson (Chair), Jenny Armstrong, Stuart Wattam and Philip Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Philip Wood attended as a reserve Member and was invited 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. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.61/13 attended the hearing and addressed the Sub-Committee.

4.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
61/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) 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 there being no further cause for concern and (b) in view of the

warnings the applicant has received from another Licensing Authority and previous conviction, the applicant be given a written warning as to his future conduct, which would remain on his licence for a period of 12 months.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 July 2013

PRESENT: Councillors John Robson (Chair), George Lindars-Hammond and Clive Skelton

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - SCHOOLS (ICE CREAM) STREET TRADING CONSENT - TINSLEY NURSERY AND INFANT SCHOOL

4.1 The Chief Licensing Officer submitted a report to consider an application under the Local Government (Miscellaneous Provisions) Act 1982, for a Schools (Ice Cream) Street Trading Consent – Tinsley Nursery and Infant School (Ref No. 43/13).

4.2 Present at the meeting were Peter and Zoe Devoti (Applicants), PC Gillian Parker (South Yorkshire Police), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Kavita Ladva outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that objections to the application had been received from South Yorkshire Police and Tinsley Nursery and Infant School, and were attached at Appendix 'B' to the report. A representative of Tinsley Nursery and Infant School did not attend the hearing.

4.5 In terms of the Police's objections, PC Gillian Parker stated that the only vehicular access to Siemens Close was off Bawtry Road, which was a very busy road. There had been increasing problems of congestion on Siemens Close, mainly due to parents dropping off and picking up their children from Tinsley Nursery and Infant School. It was very difficult for cars to turn round at the end of the road and, if this was not possible, drivers would often be forced to reverse all the way back

down to Bawtry Road. Further problems were caused by parents stopping on the zigzag lines directly outside the School. Whilst the Police were monitoring the situation, which had included enforcement, due to resource issues, officers could not be in attendance every School day. PC Parker stated that the ice cream van would exacerbate the congestion problems, thereby increasing the risk to the safety and wellbeing of the schoolchildren.

4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the applicant, PC Parker stated that it was a common problem for parents and other drivers to park on the restricted areas on Siemens Close and if officers were in attendance and witnessed any illegal parking, the drivers would be asked to move immediately. With regard to the possible alternative site on Newburn Drive, which had been suggested by the Police, PC Parker considered this to be a feasible option on the grounds that the road was much longer and slightly wider, therefore would pose much less of a safety risk to children at the School. She stressed that this was a personal view, therefore could not confirm whether the Police would lodge a formal objection if it was the case that the current application was not granted and the applicant made a further application for Newburn Drive. She confirmed that, despite reference being made to a 'renewal' of the licence, she was aware that it would be an application on the basis that the applicant did not have a Street Trading Consent at the present time. On 17th June 2013, when PC Parker noticed Mr Devoti trading on Siemens Close, and subsequently discovered that his Street Trading Consent had expired on 31st March 2013, he was not parked on the zigzag lines on this occasion, and moved as soon as instructed to do so. This was the only time that PC Parker had requested Mr Devoti to move off this site, although reference was made to other requests for him to move, made by PCSO Paul Thorpe. PC Parker was not able to confirm the school start and end times or the capacities at both Tinsley Nursery and Infant School and Tinsley Junior School, on Bawtry Road. In terms of the actions of the Police regarding the parking problems on Siemens Close, PC Parker stated that the situation only improved in the short-term after visits from officers, and reminders to parents sent from the School but, in the Police's view, unless adequate resources were made available in terms of enforcement, the problems would continue. The Police had worked with the School and letters had been sent to parents, warning them of the parking issues, as well as regularly warning the children, in assemblies, of the dangers caused by traffic on the road. Staff would also go out onto the road at School opening and closing times to check on the children's safety. There were regularly cars parked on both sides of the road and drivers who were not familiar with the area would not be aware that they may not be able to turn round at the end of the road. PC Parker stated that whilst the ice cream van added to the traffic problems on the road, the majority of the traffic issues were caused by parents dropping off and picking up their children from the School. If the applicant parked his van further down the road, on the same side of the School, this would minimise any safety risks to the children. Even if there were double-yellow lines at the end of the road, to help drivers turn round, this may not necessarily solve the problem as there was a likelihood that, if drivers were currently parking on the zigzag lines, they would also park on the double-yellow lines.

4.7 Peter Devoti put forward his case, indicating that he had been trading at this

location for the last 25 years, with his family trading here before this time, and had never received a parking fine or been in any trouble with the Police or the City Council. He would park his van on Siemens Close at around 2.30 pm, in preparation for the children coming out of the School at 3.10 pm, and would then leave at around 3.30 pm. In his opinion, the majority of the traffic problems were caused by the parents dropping off and picking up their children from School, and he considered that he was being discriminated against by the Police and the School. In terms of the safety risks to the schoolchildren, he stated that when leaving the School, they are all accompanied by either their parents or other adults. Mr Devoti referred to particular problems regarding traffic congestion last year, when some of the teachers also parked their cars on the road, adding to the congestion. Following complaints from parents, all staff at the School were requested to park their cars on the School premises. Zoe Devoti suggested the parents organising a Walking Bus, as this would help to reduce traffic levels. She also considered that Mr Devoti was being unreasonably targeted, and indicated that the Police and the School should be focusing on those parents who were illegally parking on the road. Mrs Devoti also made the point that any big vehicle parked on the road would cause problems of visibility for other drivers and that Mr Devoti usually only traded during the Summer months. She also stated that it was not possible for the schoolchildren to run straight out of the School gates onto the road as there was a locked barrier directly outside. She concluded by stating that the schoolchildren were in more danger from the moving vehicles than a static ice cream van.

- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee and PC Gillian Parker, Mr Devoti accepted that the School were being proactive in terms of discouraging illegal parking by displaying the large banner – ‘No Waiting. No Parking. No Excuses’ – and that, although he had not seen the sign himself, based on confirmation from the Chair, he accepted that there was also a sign at the School entrance requesting School staff to be parked within the School premises by 8.30 am. In terms of liaison with the School, Mr Devoti stated that he visited the Headteacher prior to the renewal application made last year. Regarding one of the occasions when PCSO Paul Thorpe had requested Mr Devoti to move his van, as detailed in his statement dated 19th June 2013, when Mr Devoti had accused PSCO Thorpe of being racist, Mr Devoti stated that he may have used the word racist, but accepted that it was the wrong word to use. If there was no room to park on Siemens Close, depending on the weather, he would either drive around and return to see if there was a space, or not bother at all. He confirmed that he would often park on the opposite side of the road to the School and that he had parked on Newburn Drive, but his income would be reduced by approximately 50% due to it not being as busy at this location. Mr Devoti stated that he could not understand the level of opposition from the Police and the School as he had traded at this location for years, never having had a problem. He was satisfied that the objections related only to road safety issues, but considered the objections unfair, particularly on the basis that he parked his van up 40 minutes prior to the School closing at 3.10 pm. Although he had traded at this location for 25 years, the objections only commenced last year. He confirmed that he was only aware that he had to receive the consent of the School last year and that he could not recall any road traffic accidents on Siemens Close during the last 25 years. Mrs Devoti stated that she had not discussed the idea of

a Walking Bus with the School and that when they had met with the Headteacher last year, prior to the renewal application, they had mainly discussed the issue of healthy eating. Whilst there were one or two shops further up Bawtry Road, as well as shops in Tinsley, the van was the first point of contact in terms of the sale of ice cream for schoolchildren leaving the School. Whilst he had received no letters of support from parents, Mr Devoti stated that some residents of Siemens Close had moved their cars to enable him to park, and that he had never been told by residents that he could or should not park on the road. Regarding the incident on 19th March 2013, when Licensing Officers visited the site following a complaint regarding the location of an ice cream van, Mr Devoti confirmed that it was his sister who was trading from the van on this occasion. He stated that he did not take any action following a letter sent to him in connection with this issue as it wasn't him who was trading. Mr Devoti indicated that he did not consider the Police's objections vexatious. In terms of information received from the Licensing Service, he confirmed that he had received advice relating to the renewal of his licence and that he had to speak to the Headteacher of the School. He believed it was simply a renewal, rather than a new application.

- 4.9 **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.
- 4.10 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 **RESOLVED:** That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Schools (Ice Cream) Street Trading Consent for a site outside Tinsley Nursery and Infant School, Siemens Close (Ref No. 43/13) be granted.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee (Commons Registration)

Meeting held 18 July 2013

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

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Adam Hurst attended as a reserve Member and was invited 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. COMMONS ACT 2006 - KING'S CROFT PLAYING FIELD, DORE, SHEFFIELD

4.1 The Chief Licensing Officer submitted a report to consider an application to register land known as "Kings Croft Playing Field", Dore, Sheffield, as a Town or Village Green.

4.2 Present at the meeting were Sue Hopkinson, Headteacher, Dore Primary School (objector) and Andrew Miller (objector), Shimla Finch, Principal Licensing Officer and Clerk to the Registration Authority, Louise Slater (Solicitor to the Sub-Committee (Commons Registration)) and Jennie Skiba (Democratic Services).

4.3 Shimla Finch presented the report to the Sub-Committee (Commons Registration) and stated that the Council had held a non-statutory public inquiry, chaired by an independent Inspector who considered the application, heard representations from the applicant and objectors and reported back to the Council. The Sub-Committee (Commons Registration) were asked to consider the report of the independent Inspector and determine whether the land should be granted Town or Village Green status and be included in the register.

4.4 Shimla Finch outlined the legislation, criteria and background to the application and the Inspector's conclusions and recommendations.

4.5 Members were strongly advised to accept the report and recommendations of the Inspector and to determine that the application to register land at "Kings Croft Playing Field", Dore, Sheffield as a Town or Village Green be rejected and no part of the application Land, whether as amended or otherwise, be added to the Register of Town and Village Greens because the applicant had failed to establish

the necessary criteria contained in Section 15(2) of the Commons Act 2006.

- 4.6 Councillor John Robson asked Members if they were willing to consider the report in open session, to which they agreed and also asked Louise Slater if any legal advice on the report was required. Louise Slater stated that the findings in the report were clear and she saw no reason to go against the recommendations.
- 4.7 RESOLVED: That, in the light of the information contained in the report now submitted, including the independent inspector's report and the comments now made, the Sub-Committee determines that the application for the registration of "Kings Croft Playing Field", Dore as a Village Green, under Section 15(2) of the Commons Act 2006 be rejected on the specific grounds that:
- (a) the Applicant had failed to establish that the Application Land has been used for lawful sports and pastimes to a sufficient extent and continuity throughout the relevant 20 year period to have created a town or village green; and
 - (b) the Applicant had accordingly failed to establish that the use of the Application Land has been by a significant number of the inhabitants of any qualifying locality or neighbourhood within a locality throughout the relevant 20 year period.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 July 2013

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

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Nikki Sharpe 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. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No.62/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.63/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
62/13	Application to Renew a Private Hire Vehicle Licence	Issue a licence for a term of six months only, to allow a period of time for the applicant to replace his vehicle. The Sub-Committee felt that the applicant had outlined exceptional circumstances to justify a departure from the current published age of licensed vehicles policy for a period of six months.
63/13	Application for a new	Grant a licence for the normal term of

Hackney Carriage and
Private Hire Driver's
Licence

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.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 July 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), Stuart Wattam and Philip Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

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

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for a site on Emily Road (Ref No. 45/13).

4.2 Present at the meeting were Raja Rafaqat Khan (Applicant), Rozina Khan (Applicant's wife), Councillor Nikki Bond and Mr R Rehman (Objectors), Andy Ruston (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 Andy Ruston presented the report to the Sub-Committee and it was noted that objections to the application had been received from Councillor Nikki Bond and two local business owners in the area, and were attached at Appendix 'B' to the report. One of the local business owners attended the meeting.

4.5 Councillor Nikki Bond stated that she was concerned about the close proximity of the trading site on Emily Road to a number of other shops in the area selling similar goods. She also had concerns regarding the levels of traffic in the area, indicating that Emily Road was part of a dense network of roads in a residential area, where there was a high number of families with children, and referred specifically to road safety issues relating to children leaving local schools in the area. She pointed out that the applicant had already had an application rejected in respect of a Static Street Trading Consent on Owler Lane, which was situated in a quieter area to this application, albeit the trading site rejected was a cul-de-sac

location. It had been represented to her that the owners of other supermarkets and local stores in the area, as well as the local Police Community Safety Officers (PCSOs), shared similar concerns. Councillor Bond also referred to problems of anti-social behaviour in the area, where young people had thrown fruit at people and vehicles, and with the applicant planning to sell cheap fruit from his van, she considered that this could exacerbate the problems. In terms of the letters of support received in respect of the application, which were contained in the report, Councillor Bond stated that the majority of these people did not live within the immediate proximity of where the van would be sited, therefore it was unlikely that they were, or would be customers. Reference was also made to allegations that the applicant had been selling illegal tobacco from the van. Councillor Bond concluded by stating that local shopkeepers needed support from the Council on the basis that they were paying rates and utility charges in respect of their premises.

4.6 Mr Rehman stated that, as a shopkeeper in the area, it was not fair that he had to pay rates and other expenses in terms of his premises, whereas the applicant did not have such responsibilities, enabling him to sell goods at a much cheaper price. He added that a number of shops in the area had recently been forced to close down due to the increased competition.

4.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the applicant, Councillor Bond stated that she did not know why a local PSCO had not attended the meeting. She confirmed that there was a high number of families with children living in the area, as well as an increased level of footfall due to parents and children walking to and from Nether Edge Primary School. There was also a youth club very close by. In terms of specific traffic issues regarding Emily Road, it was stated that there was almost constant double parking on the road and that there were three roads running off Emily Road, which were equally as congested. There were eight shops within a 200 metre radius of the proposed trading site. Councillor Bond could not comment as to why the Council's Highways Service had not objected to the application. It was also stated that, as well as Nether Edge Primary School being very close by, large numbers of older children who lived in the area walked to catch buses in the area to secondary schools, such as King Egbert's, King Edward's and Tapton, which would add to the footfall. There was also a large number of taxi drivers who lived in the area who, by the nature of their job, added to the traffic congestion at all different times of the day. Mr Rehman, whose business comprised a general store, sold meat, vegetables, rice and drinks, amongst other things, and he traded from 9.00 am to 9.00 pm, Monday to Sunday, and his client base comprised mainly local residents, but he also attracted customers from a wider area who purchased halal meat. The location of the Primary School was pointed out to the applicant. Whilst Mr Rehman accepted the fact that, as he had been trading in the area since 1976, he would have built up a reasonable customer base, he considered that as people would not have as far to travel and if the produce was sold considerably cheaper than in other stores in the area, they would purchase their goods from the van, thereby putting increased pressure on local business owners trying to make a living. Whilst Mr Rehman's main objections centred on the issues regarding the likely adverse effects on the shops in the area, he also referred to the traffic problems in the area.

- 4.8 Rozina Khan, on behalf of her husband and applicant, stated that he would only be trading one day a week, from 11.00 am to 4.00 pm, therefore would not be sited on Emily Road during the morning school run. He believed that he had identified a gap in the market and was aware that a number of customers were wanting to buy his produce. People had the choice of travelling to the other shops in the area, but chose to purchase from him as it was more convenient, as well as being much cheaper. She stated that she was not aware of any fruit and vegetables being thrown at people or cars in the area, and stressed that her husband would not sell any of his produce to young people if he believed it would be used for this purpose. She stated that no one on Emily Road, where the van would be sited, had objected to the application and that only two of the eight local business owners in the surrounding area had objected. She believed that the other traders in the area needed to give consideration to how they could improve their businesses in order to keep up with the competition. She concluded by stating that the main reason for applying for a Static Street Trading Consent was due to the difficulties her husband had experienced in terms of the 800 metre boundary regarding the Mobile Street Trading Consent.
- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee and the objectors, Mrs Khan confirmed that her husband sold fruit, fresh vegetables, toilet paper and eggs, and that he no longer sold spices. He would trade only one day a week, on a Wednesday, and the van would be sited at one location, and customers would walk over to the van to purchase his produce. If he was successful with the application, in order to attract business, he may leaflet households or knock on residents' doors to let them know he was trading in the area. Following representations made by the Deputy Chair, Mrs Khan stated that her husband would be happy to trade from 10.00 am to 3.00 pm in order to avoid any potential traffic or safety issues regarding children going to and leaving school. She did not envisage any problems with her husband parking on Emily Road, as they had visited the area recently, and had both been able to park without any trouble. She confirmed that he would only be trading on Wednesdays and that if Christmas Day fell on a Wednesday, he would not trade on an alternative day in the week. She confirmed that he was aware and would abide by all the relevant rules and regulations in terms of the Static Street Trading Consent, including the fact that he would not be able to sell any other items apart from those specified on his Consent. Mrs Khan confirmed that her husband had not held a Static Street Trading Consent before and that the main reason for applying for such consent was due to the difficulties he had experienced relating to the 800 metre boundary, regarding his Mobile Street Trading Consent. She was aware of the reasons as to how her husband was able to sell his produce considerably cheaper than other traders in the area, and stated that he had chosen this area as there was potentially a lot of business. Mr Khan was presently renting a shop premises on Page Hall Road. Mrs Khan stated that if the application was successful there would not be a potential for her husband to be trading seven days a week in the Emily Road area as this was not permitted pursuant to the terms of the Consent or indeed, under his Mobile Street Trading Consent, he was not allowed to return to the same area during any one week. She stated that her husband would ensure that he complied with the Static Street Trading Consent, notwithstanding strict adherence to the terms of the Consent was very difficult. However, he did not wish to lose his trading licence. She did not consider that her husband would offer

much of a threat in terms of competition, to other traders in the area as he would only be parked on Emily Road one day a week from 10.00 am to 3.00 pm. In conclusion, Mrs Khan stated that due to the difficulties experienced regarding the 800 metre boundary regarding the Mobile Street Trading business, there was a likelihood that he would not continue with this business.

- 4.10 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 **RESOLVED:** That, following consideration of the information contained in the report now submitted, including the representations now made and the specific reference to the Applicant's amended trading hours, the application for a Static Street Trading Consent for a site on Emily Road (Ref No. 45/13) be granted.

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

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - MOBILE STREET TRADING CONSENT

- 5.1 The Chief Licensing Officer submitted a report to give consideration to an existing Mobile Street Trading Consent (Ref No. 46/13) following a number of alleged breaches to the Consent conditions.
- 5.2 Present at the meeting were Councillor Nikki Bond, Raja Rafaqat Khan (Consent Holder), Rozina Khan (Consent Holder's wife), Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Carolyn Forster outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that the consent holder had been observed breaching the conditions attached to his Mobile Street Trading Consent.
- 5.5 Mrs Khan responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee.
- 5.6 The Deputy Chair adjourned the meeting for 10 minutes to enable the Consent holder and his wife to consult in private.

- 5.7 Further to the adjournment, the Consent holder confirmed that he wished to surrender his Mobile Street Trading Consent.
- 5.8 RESOLVED: That the meeting be closed on the grounds that the surrender of the Mobile Street Trading Consent (Ref No. 46/13) obviated the need for the hearing to continue.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 25 July 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Clive Skelton (Deputy Chair), Stuart Wattam, Philip Wood and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jenny Armstrong, Jillian Creasy and Nikki Sharpe.

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 Committee held on 15th May and 4th June and the Licensing Sub-Committee held on 15th, 22nd, 23rd, 25th and 29th April, 9th, 13th, 16th, 20th and 23rd May and 3rd and 6th June, 2013, were approved as correct records.

5. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - ENFORCEMENT REVIEW

5.1 The Committee received a report of the Chief Licensing Officer outlining the enforcement activity undertaken in relation to private hire and taxi licensing for the period 1st September, 2012 to 31st May, 2013.

5.2 In attendance were Clive Stephenson, Principal Licensing Officer and Zulfiqar Ahmed, Sheffield Taxi Trade Association (STTA).

5.3 In presenting the report, Clive Stephenson stated that the Licensing Section received numerous complaints and photographs almost daily relating to the taxi rank and cycle lane in Castle Street. He informed Members that every complaint made was investigated and that a number of warning letters and formal warnings have been issued to drivers who have repeatedly transgressed in this area, although he commented that when the Market moves to the bottom of the Moor, in his opinion, the problem will cease.

- 5.4 In response to questions from Members of the Committee, Clive Stephenson stated that enforcement was carried out in areas such as Crystal Peaks, where there were a number of “out of town” taxi vehicles arriving and departing, but these vehicles were outside the jurisdiction of Sheffield and therefore officers could not undertake enforcement activities, but could report issues of concern to the relevant licensing authority.
- 5.5 Zulfiqar Ahmed stated that since the Licensing Office had moved to Staniforth Road, there appeared to be a lack of enforcement on City Road and felt the members of the STTA were being discriminated against, that complaints made had not been followed up and that enforcement officers did not work during the hours when illegal plying for hire by private hire drivers took place. The Chair suggested that these issues could be addressed at a meeting of the Taxi Forum.
- 5.6 Some Members were alarmed at the amount of vehicles checked and faults found and asked Clive Stephenson to clarify the nature and extent of these, to which Clive responded that these ranged from notices inside cars not being displayed to MOT faults, lights not working, doors signs on private hire vehicles not being displayed etc., but he commented that the standard of licensed vehicles are very good and generally do stand up to the tests carried out by the Council.
- 5.7 With regard to questions from Members regarding warnings to drivers, Clive Stephenson said that each transgression is judged on its merit and the time lapsed between warnings if appropriate, and then brought to Committee rather than prosecution through the Courts.
- 5.8 Along with the problems highlighted in the report, Members raised a number of areas of concern namely:-
- Taxi ranks that are time-limited and left standing empty i.e. on Ecclesall Road and Chesterfield Road, outside the Big Tree public house.
 - The Carver Street taxi rank which has been moved to opposite sides of the road.
 - Parking problems at Sheffield Station since its redevelopment.
- 5.8 RESOLVED: That the Committee notes the information contained in the report and makes no changes to the frequency or type of enforcement activity undertaken, but requests that future quarterly reports on enforcement activity include decisions taken by the Magistrates Court when appeals are made to them.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 July 2013

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

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Philip Wood attended the meeting 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. 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. 59/13 was unable to attend the hearing and had requested that consideration of his application be deferred to a future hearing.

4.3 The applicant in Case No. 64/13 attended the hearing with a friend and addressed the Sub-Committee.

4.4 The applicant in Case No. 65/13 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 39/11 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>
59/13	Application for a new Private Hire Vehicle Licence	Defer consideration of the application to the earliest possible date the applicant is able to attend.

64/13	Application for a new Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds that (a) the vehicle falls outside the current licensing policy regarding age limits, (b) the applicant has a poor history in terms of test failures and non-compliance and (c) the applicant admitted a number of errors regarding his company's procedures, including errors relating to vehicle maintenance.
65/13	Application for a new Private Hire Vehicle Licence	Agreed to deviate from current policy and issue a licence for the normal term of 12 months on the grounds that (a) the Sub-Committee considers that the applicant's failure to renew the vehicle licence on time was due to an unfortunate series of events which were outside his control and (b) the applicant's vehicle is in good condition.
39/11	Renewal Application for a Hackney Carriage and Private Hire Driver's Licence	In the light of the circumstances of the case, and based on the evidence provided by the applicant, the Sub-Committee (a) agreed to grant a licence for the normal term of 18 months and (b) requested that a written warning be issued to the applicant as to his future conduct, which would remain on his licence for a period of two years, in the light of the offence now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 July 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor George Lindars-Hammond 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 - SHELL CREST, 320 HANDSWORTH ROAD, SHEFFIELD S13 8TA

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of premises known as Shell Crest, 320 Handsworth Road, Sheffield S13 8TA.

4.2 Present at the meeting were Mr. C. Lockett (authorised agent for Shell UK Oil Products Limited), Greg Fee (prospective Premises Supervisor), Matt Proctor (Senior Licensing Officer), Nina Hollis (Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) 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 Matt Proctor presented the report to the Sub-Committee and it was noted that objections had been received from two local residents and were attached at Appendix B to the report. The objectors were invited but did not attend the hearing.

4.5 Mr. Lockett stated that the store site is a well-established 24 hour convenience store, which has a closed door policy between the hours of 23.00 and 05.00 seven days per week with all service taking place through a night hatch. He added that the retailer, Greg Gee, is fully experienced and operates 10 other sites for Shell UK, eight of which are licensed and has done so since he was granted his first licence in 2002.

- 4.6 Mr. Lockett stated that the premises has full digital internal and external CCTV equipment. He invited Members to inspect a due diligence pack operated by the company, which incorporated a premises licence manual, a staff training manual, a premises refusals log, an incident log and the Challenge 25 trading initiative and said that all staff were trained to the standards outlined in the pack.
- 4.7 Mr. Lockett then referred to the fact that the company had contacted the objectors to mediate between Shell UK, the retailer and themselves with the offer of a possible reduction in the sale of alcohol hours, and that no snacks, which were a cause for concern to the objectors, only hot drinks and soup, would be sold. The company had not received a response from the objectors.
- 4.8 In response to questions from Members, Mr. Lockett said that all spirits would be kept behind the counter and that it was intended that only packs of drinks would be sold in an attempt to reduce any anti-social behaviour by not selling single cans of beers or lagers. He added that it was the policy of Shell UK for staff to keep the premises and any surrounding area in a clean and tidy condition. He went on to state that there is very little profit to be made from the sale of fuel and the retailers hoped to boost their profits by adding a convenience store as part of the premises. He also felt that the lack of objections from the Responsible Authorities showed that there was no cause for concern.
- 4.9 Matt Proctor then outlined the options to the Sub-Committee.
- 4.10 RESOLVED: That the Sub-Committee agrees to grant the application for a premises licence in respect of Shell Crest, 320 Handsworth Road, Sheffield S13 8TA, in the terms now requested.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 August 2013

PRESENT: Councillors John Robson (Chair), Stuart Wattam and Philip Wood

.....

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Neale Gibson 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. LICENSING ACT 2003 - DESIGNATED PREMISES SUPERVISOR APPLICATION

4.1 The Chief Licensing Officer submitted a report to consider an application made under the Licensing Act 2003, to vary a premises licence to specify an individual as Designated Premises Supervisor at the premises known as The Barrel Inn, 191 Lane End, Chapeltown, Sheffield S35 2UL (Case No.47/13).

4.2 Present at the meeting were the applicant, the applicant's supporter, Benita Mumby (South Yorkshire Police Licensing, Objector), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) 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 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police Licensing Section, and were attached at Appendix "B".

4.5 Benita Mumby made representations on behalf of South Yorkshire Police, referring to the applicant's offence and conviction. She made specific reference to the offence, detailing the offence, the date of conviction and indicating that, under Section 5 of the Rehabilitation of Offenders Act, the conviction is, at present, unspent and therefore, the Police's objection to the application is based on the

prevention of crime and disorder. For this reason, the Police did not believe that the applicant was a fit and proper person to be the Designated Premises Supervisor of the premises now mentioned. Ms. Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant addressed the Sub-Committee, stating that she regretted carrying out the offence and that it was something totally out of character for her. The applicant made available to the Sub-Committee five references together with evidence of on-going support from her Employer. She responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee and Matt Proctor, Senior Licensing Officer.
- 4.7 Matt Proctor then outlined the options available to the Sub-Committee.
- 4.8 RESOLVED: That the attendees involved in the Designated Premises Supervisor 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.
- 4.9 The Solicitor to the Sub-Committee reported orally, giving legal advice on the various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.11 RESOLVED: That the application to vary the premises licence at the premises known as The Barrel Inn, 191 Lane End, Chapeltown, Sheffield, S35 2UL so as to specify an individual as Designated Premises Supervisor (Case No. 47/13) be granted in the terms now requested.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 August 2013

PRESENT: Councillors Neale Gibson and Denise Reaney

.....

1. APOLOGIES FOR ABSENCE AND APPOINTMENT OF CHAIR

- 1.1 An apology for absence was received from the Chair (Councillor John Robson).
- 1.2 RESOLVED: That, in the absence of the Chair and Deputy Chair of the Sub-Committee, Councillor Neale Gibson be appointed as chair of the meeting.

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 two cases relating to Hackney Carriage and Private Hire Licensing.
- 4.2 The applicant in Case No.66/13 attended the hearing and addressed the Sub-Committee.
- 4.3 The licence holder in Case No.67/13 attended the hearing and addressed the Sub-Committee.
- 4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
66/13	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 the offences and convictions now reported.
67/13	Renewal of a Hackney	(a) Grant a licence for the normal

Carriage and Private Hire
Driver's Licence

term of 18 months and (b) the applicant be given a verbal warning as to his future conduct.



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: 12th September 2013

Subject: Scrap Metal Dealers Act 2013

Author of Report: Shimla Finch - 2037751

Summary: To inform Members of the new Scrap Metal Dealers Act 2013, its implications, to approve the fees and application documents for a Scrap Metal Dealer licence and recommend that the published scheme of delegation be amended to reflect the legislative changes

Recommendations: That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fee and application documents.

Background Papers: Attached to this report
[Scrap Metal Dealers Act 2013](#)
[Scrap Metal Dealers Act 2013 – Explanatory Notes](#)
[LGA Guide to the Scrap Metal Dealers Act 2013: Applications](#)
[Home Office guidance on fee setting](#)

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER (HEAD OF LICENSING) TO THE LICENSING COMMITTEE

No: 51/13

SCRAP METAL DEALERS ACT 2013

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform Members of the new Act, its implications, to approve the fees and application documents for a Scrap Metal Dealer licence and recommend that the published scheme of delegation be amended to reflect the legislative changes

2.0 INTRODUCTION AND BACKGOURND TO THE ACT

- 2.1 The Scrap Metal Dealers Act 2013 received Royal Assent on 28 February 2013 and is due to come into effect on the 1st October 2013.
- 2.2 The new Act will replace the Scrap Metal Dealers Act 1964 and part of the Vehicle (Crime) Act 2001 that deals with motor salvage operators.
- 2.3 The statute revises the regulatory regime for scrap metal dealing and vehicle dismantling. Local Authorities will continue to act as the main regulator but the new statute gives the authority more powers, including the power to refuse and revoke licences if the dealer is considered 'unsuitable'. Both the local authority and the Police have been given powers to enter and inspect premises.
- 2.4 The changes in the legislation have been prompted by the impact of metal theft – this has become an increasing problem across the UK as the value of metal has risen. A wide range of bodies in both the public and private sectors are commonly affected. Targets include transport, electricity and telephone infrastructure, street furniture and memorials - this affects commercial and residential buildings, together with churches and schools.
- 2.5 In 2012 the Government brought in some initial steps through the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, as follows:-
- to prohibit cash payments for scrap metal;
 - to amend Police powers of entry into unregistered scrap metal sites; and
 - to increase the existing financial penalties for offences under the Scrap Metal Dealers Act 1964.

3.0 KEY FEATURES OF THE ACT

- 3.1 The aim of the Act is to revise the regulatory regime for scrap metal dealing and vehicle dismantling and to give the Police and Local Authorities more powers to refuse and revoke licences as well as greater rights of entry and inspection.
- 3.2 A 'Scrap Metal Dealer' is defined under the Act as follows:

(2) A person carries on business as a scrap metal dealer if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
 - (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).
- (4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —
- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
 - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
 - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
 - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
- 3.3 Currently, Sheffield have 21 registered as Motor Salvage Operators and 91 as Scrap Metal Dealers who will require licences under the new Act.
- 3.4 The Act brings in two types of licences either a **'site licence'** or a **'collector's licence'**. A person can only hold one licence in a Local Authority's area but can hold a licence in more than one local authority.
- 3.5 A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.
- 3.6 A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.
- 3.7 The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.
- 3.8 The Act also specifies that a licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.
- 3.9 An applicant for a licence must be 'suitable' and the Local Authority, when determining suitability, can have regard to:
- Whether the applicant or any site manager has been convicted of any relevant offence

- Whether the applicant or any site manager has been the subject of any relevant enforcement action
 - Any previous refusal for issue of or renewal of a scrap metal licence
 - Any previous refusal for an environmental permit or registration
 - Any previous revocation of a scrap metal licence
 - Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
 - All of the above will apply to any director, or any secretary of a company if the applicant is not an individual
- 3.10 Currently the Licensing Authority is awaiting regulations from the Secretary of State as to the named relevant offences.
- 3.11 After receipt of an application the Local Authority must consult with:
- The Environment Agency
 - The Police
 - Any other Authority as may be required to determine suitability
- 3.12 The Act has introduced the requirement that the Environment Agency keep and maintain a register of scrap metal licences issued in England and that the register must be open for public inspection.
- 3.13 The Act introduces the requirement that the scrap metal dealer verifies the identity of the person's full name and address of the metal supplier and keeps copies of the proof of identification. In addition the dealer must keep records of the type and description of the metal(s) including weight and identifying marks, the date and time of receipt, the vehicle registration of any vehicle delivering the metal and copies of cheques used to pay for metal. All records must be kept for 3 years. The Act also prohibits the payment of cash for metal.
- 3.14 Police officers and local authority officers have been given powers to inspect licensed premises and can require production of any scrap metal at the premises, inspect records kept and take copies of those records. Further, the Act provides police or local authority powers to issue closure notices to unlicensed scrap dealing premises and apply to a justice of the peace for a closure order.
- 3.15 The current legislation only permits registration with minimal information and no fee payable. The new act will require more detailed information to be submitted on application and will allow the local authority to set a fee. The fee must be on a cost recovery basis and local authorities will have to have regard to guidance issued by the Secretary of State.

4.0 TRANSITIONAL ARRANGEMENTS

- 4.1 In order to provide time for Councils to process applications without existing businesses being in a position where they cannot operate, the Home Office is implementing a transition period. The details of which are set out below:
- All scrap metal dealers can apply for a scrap metal dealer's licence under the 2013 Act from 1st October 2013.

- A scrap metal dealer who is currently registered under the Scrap Metal Dealers Act 1964 or Vehicles (Crime) Act 2001 (Motor Salvage Operators) will be deemed to have a licence under the Act from the 1st October, provided the dealer submits an application for a licence between the 1st October and 15th October 2013. This temporary licence will be valid until a licence decision is issued. A formal licence decision will be issued by the local authority by the 1st December 2013.
- Local authorities will complete checks to assess applicants' suitability to hold a licence between 15th October 2013 and 1st December 2013.
- If a registered scrap metal dealer does not submit an application on or by 15th October 2013 their deemed licence will lapse on 16th October 2013. A deemed temporary licence which has lapsed does not give rise to a right to appeal. The dealer must submit an application and wait for a licence to be issued before they can trade legally.
- A local authority can impose conditions on a deemed temporary licence pending an appeal for the refusal of a licence.
- Scrap metal dealers who are not registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 can apply for a scrap metal dealer's licence from 1st October 2013 but must wait for a licence to be issued before they can trade legally.
- The offence of buying scrap metal for cash will come into force on 1st October 2013.
- Local authority officers and police officers will have the right to enter and inspect sites from 1st October 2013.
- The majority of the other enforcement provisions within the Act will come into force on 1st December 2013

5.0 FEE SETTING

- 5.1 The Act provides that an application for a licence must be accompanied by a fee. The fee will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary State which outlines the issues that should be considered when setting the fee and what activities the fee can cover. The fee will be an essential component of the new regime as it will provide local authorities with the funding needed to administer the system and ensure compliance.
- 5.2 The EU services directive states that a licence fee can only be used to pay for the cost associated with the licensing process. In effect, each local authority must ensure that fees charged do not exceed the costs of providing the service.
- 5.3 The Home Office has published guidance to assist local authorities in setting these fees; the general principle is that fees should reflect:
- The cost of administering and processing applications.
 - Having experienced licensing officers review them
 - Storage
 - Consulting and reviewing on the suitability of applicants
 - History checks

- Decision making process
- The cost of issuing licences in a suitable format
- Contested applications
- Compliance- Entry, inspection

5.4 The licence fee cannot be used to support enforcement activity against unlicensed scrap metal dealers. Any activity taken against unlicensed operators must be funded through central Council funds.

5.5 In taking into consideration of the above and in reference to the fee guidance issued by the Home Office, the Licensing Authority recommends the following fees for approval which will recover our known costs.

5.6	Site Licence	-	New	-	£350
		-	Renewal	-	£300

	Collectors Licence	-	New	-	£150
		-	Renewal	-	£100

	Site / Collectors Licence Variation	-		-	£75
--	-------------------------------------	---	--	---	-----

	Copy of Licence	-		-	£10.50
--	-----------------	---	--	---	--------

5.7 If approved these fees will be reviewed and determined every year as normal practice to ensure full cost recovery.

6.0 APPLICATION FORMS

6.1 Schedule 1 of the Act sets out what information must accompany an application, paragraph 4(1) also states that Councils are entitled to request any further information they regard relevant to consider an application.

6.2 The Local Government Authority (LGA) has produced a template application form which covers the information the legislation specifies. This form is not prescribed and Sheffield's Licensing Authority has made amendments to include further documentation.

6.3 A draft application form for the grant or renewal of a licence with our guidance is attached at Appendix 'A'. Applicants will be requested to enclose a basic disclosure from Disclosure Scotland with their applications which will disclose any unspent convictions which may be relevant.

6.4 A draft application for the variation of a Scrap Metal Dealers licence is attached at Appendix 'B'.

7.0 LEGAL IMPLICATIONS

7.1 The scheme is a statutory requirement placed upon the Council. The Act completely replaces the previous registration scheme local authorities operated for scrap metal dealers. Local authorities will now be responsible for the licensing of scrap metal dealers and enforcement of the licensing regime alongside the Police.

- 7.2 Appeals against a decision of the Council to refuse an application, to impose a condition on the licence or to revoke or vary the licence will be to the Magistrates' Court.
- 7.3 The Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013. *This Order brings into force the Scrap Metal Dealers Act 2013 ("the 2013 Act"), which repeals the Scrap Metal Dealers Act 1964 and the system of registration contained therein, and replaces it with a new system of licensing, to be administered by local authorities. The 2013 Act also replaces the system of registration for motor salvage operators under the Vehicles (Crime) Act 2001, in that motor salvage operators will now be treated as scrap metal dealers who fall to be licensed under the new regime.*
- 7.4 Power to licence scrap yards pursuant to section 1 of the Scrap Metal Dealers Act 1964 is a matter presently falling within the terms of reference to Licensing Committee, meaning that it will be necessary to amend the published scheme of delegation to reflect the legislative changes.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications for the Council arising from this report. Should Members agree the proposed fees as detailed in the report; the Council will recover its reasonable costs in relation to administering / enforcing the above licensing system.

9.0 RECOMMENDATIONS

- 9.1 That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fees and application documents.

10.0 OPTIONS OPEN TO THE BOARD

- 10.1 That Members of the Licensing Committee approve the new forms, proposed new fees and recommend that the published scheme of delegation be amended to reflect the legislative changes.
- 10.2 That Members of the Licensing Committee make further amendments to the documents before approving the new forms and proposed new fees.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy & Regulation
Place

16th August 2013

APPENDIX 'A'

SCRAP METAL DEALERS ACT 2013

APPLICATION FOR A SCRAP METAL DEALERS LICENCE

Licensing Service
Place Portfolio
Business Strategy and Regulation
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Telephone Number: 0114 203 7752
Fax Number: 0114 273 4073

Or visit our website: www.sheffield.gov.uk/licensing
Or email us at: general.licensing@sheffield.gov.uk

Opening Times

Monday to Friday

09:00 to 17:00



GUIDANCE TO APPLY FOR A SCRAP METAL DEALERS LICENCE

If a person carries on the business as a scrap metal dealer, you must obtain a licence from your local authority under the Scrap metal Dealers Act 2013.

What is a scrap metal dealer?

Section 21 'Carrying on business as a scrap metal dealer' and 'scrap metal'

(2) A person carries on business as a **scrap metal dealer** if the person—

- (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

What is a motor salvage operator?

(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists —

- (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
- (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
- (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
- (d) wholly or mainly in activities falling within paragraphs (b) and (c).

The 2013 Act brings in two types of licences either a **site licence** or a **collectors' licence**. A person can only hold one of these licences in a Local Authority's area, but can hold a licence in more than one Local Authority.

Site Licence:

A site licence requires all of the sites at which the licensee carries on the business as a scrap metal dealer within the local authority area to be identified and a site manager to be named for each site. In doing so, they will be permitted to operate from those sites as a scrap metal dealer, including transporting scrap metal to and from those sites from any local authority area.

Collectors Licence:

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal.

The licence does not permit the collector to collect from any other local authority area. A separate licence should be obtained from each local authority from which the individual wishes to collect in. A collector's licence does not authorise the licensee to carry on a

business at a site within any area. Should a collector wish to use a fixed site, they will need to obtain a site licence from the relevant local authority.

A licence will be issued by the local authority in whose area a scrap metal site is situated, or (in respect of a mobile collector) in the area that the collector operates.

It will be an offence to carry on a business as a scrap metal dealer in breach of the requirement to hold a licence. This offence is punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

Both types of licences expire after 3 years from the date of issue.

Transfer of a Licence

Scrap Metal Dealers licences are non-transferrable.

Variation of a Licence

Scrap Metal Dealers can apply to vary (change) certain details of their licence, under the Act the licence holder has a duty to make a variation on certain details that has changed as stipulated by the Act.

Variations are permitted for the following activities:

- Vary a licence from a site licence to a collectors licence (or vice versa)
- Change of name of the licensee (not a transfer)
- Add or change sites on the licence within the authorities area
- Change of site manager

Please see variation application and guidance to make these changes.

Eligibility Criteria

Section 3 of the Act states that a Council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

A Local Authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence
- Whether the applicant or any site manager has been the subject of any relevant enforcement action
- Any previous refusal for issue of or renewal of a scrap metal licence
- Any previous refusal for an environmental permit or registration
- Any previous revocation of a scrap metal licence
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
- All of the above will apply to any director, or any secretary of a company if the applicant is not an individual

Fee

Site Licence	-	New	-	£350
	-	Renewal	-	£300
Collectors Licence	-	New	-	£150
	-	Renewal	-	£100
Site / Collectors Licence Variation			-	£75
Copy of Licence			-	£10.50

Application

Applicants must submit the following documentation to the Local Authority:

- Completed and signed application form.
- The appropriate fee
- Basic Disclosure Scotland (CRB check) dated within 1 month of application for the applicant(s) and site manager(s) as appropriate.
Further information can be found at www.disclosurescotland.co.uk.
- Any further information requested on the application form.

Your application will be consulted with the Environment Agency, South Yorkshire Police and any other relevant Authority to determine suitability. The consultation period will be 28 days.

If there are any objections, you will be notified in writing and invited to a Licensing Committee who will determine your application.

If there are no objections and you are suitable to carry on the business as a scrap metal dealer, the licence will be issued to you as soon as reasonably practicable after the 28 day consultation period.

Applications can only be submitted to the Local Authority on or after the 1st October 2013 at the following address:

The Licensing Service
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Tel: 0114 2037752

For more information, please see our website at www.sheffield.gov.uk/licensing.

Application for a Scrap Metal Licence

SHEFFIELD CITY COUNCIL

SECTION 1. (for all applicants)		
Please indicate the type of licence you are applying for (please tick):		
A site licence <input type="checkbox"/>	A collector's licence <input type="checkbox"/>	
Is this application for a grant of a new licence or a renewal (please tick the relevant box):		
Grant of a new licence <input type="checkbox"/>	Renewal of an existing licence <input type="checkbox"/>	
If 'yes' please provide your existing licence number:		
Are you applying as (please tick):		
An individual <input type="checkbox"/>	A partnership <input type="checkbox"/>	A company <input type="checkbox"/>
Please state your trading name:		
DETAILS OF PROSPECTIVE LICENCE HOLDER:		
If applying as an Individual		
Title (please tick): Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/> (please state):	I am 18 years old or over. Please tick Yes <input type="checkbox"/> No <input type="checkbox"/> Date of Birth:	
Surname:	Forenames:	
Position/Role in the business:		
I attach a Basic Disclosure Certificate issued for the applicant by Disclosure Scotland ¹ : Yes <input type="checkbox"/> No <input type="checkbox"/> If you do not provide a disclosure certificate your application may be delayed or rejected.		

¹ Further information about Basic Disclosure Certificates and Disclosure Scotland are set out in the explanatory notes accompanying this form.

Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)	
Business Address: Head office name or house name or number: First line of address: Town/City: Postcode:	Telephone numbers: Daytime: Evening: Mobile:
Home address: House name or number: First line of address: Town/City: Postcode:	Email address (if you would prefer us to correspond with you by email): Please note that you must still provide us with a postal address
If applying as a Partnership (If you are applying as a partnership, please provide the following details in respect of each partner – where there are more than two partners then please use a continuation sheet)	
Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ²	Full name: Date of birth: Residential address: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
If applying as a Company (If you are applying as a company please provide the details set out below about the company)	
Company name: Registration number: Address of the registered office:	

² If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

Please provide the following details for each director(s), shadow director(s) and company secretary where these are different from the applicant and site manager(s) – where necessary please use a continuation sheet.

Role:

Name:

Date of Birth:

House name or number:

First line of address:

Town/City:

Postcode:

Basic Disclosure certificate attached:

Yes No ³

Role:

Name:

Date of Birth:

House name or number:

First line of address:

Town/City:

Postcode:

Basic Disclosure certificate attached:

Yes No

SECTION 2. Permits, registrations and licences in force (for all applicants)

Please provide details of any relevant environmental permit, exemption or registration (such as a scrap metal dealer or a motor salvage operator) in relation to the applicant:

Type: Identifying number: Date of issue:

Type: Identifying number: Date of issue:

Continue on a separate sheet if necessary

Please provide details, including licence number, of any other scrap metal licence issued by any authority to the applicant within the last 3 years (please use a continuation sheet if necessary):

Are you registered as a waste carrier? (please tick)

Yes No

If 'yes' please provide your carrier's registration number:

³ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

SECTION 3. TO BE COMPLETED IF APPLYING FOR A SITE LICENCE**N.B- A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.****Site details.**

Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet.

[N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]

Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
Site 1 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁴
Site 2 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

⁴ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so:

Address:

Postcode:

Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:

Please continue on a separate sheet of paper if necessary.

Only applicable to sites established after 1 November 1990

Do you have planning permission (please tick)

Yes No

SECTION 4. TO BE COMPLETED IF APPLYING FOR A COLLECTOR'S LICENCE

N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.

Vehicle details:

If you have more than 6 vehicles, please provide details for each vehicle on a continuation sheet.

How many vehicles will be used in your business as a collector?

Vehicle 1:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Vehicle 2:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Vehicle 3:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Vehicle 4:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Vehicle 5:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Vehicle 6:

Vehicle Registration No:

MOT expiry date:

Insurance expiry Date:

Driver Details:

Full name	Date of Birth	Residential address	Relevant Convictions

Where will scrap metal that has been purchased be stored before further disposal?

House name or number:

First line of address:

Town/City:

Postcode:

Will not be stored

SECTION 5. MOTOR SALVAGE (For all applicants)

Will your business consist of acting as a motor salvage operator? This is defined as a business that:

- wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap;
- wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and,
- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

(please tick)

Yes No

SECTION 6. BANK ACCOUNTS THAT WILL BE USED FOR PAYMENTS TO SUPPLIERS (For all applicants)

Please provide details of the bank account(s) that will be used to make payment to suppliers, in accordance with s12 of the Scrap metal Dealers Act 2013. If more than two bank accounts will be used, please use a continuation sheet.

Account name:

Account name:

Sort code:

Sort code:

Account number:

Account number:

SECTION 7. CRIMINAL CONVICTIONS (For all applicants)

Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action? (Please see below for a list of relevant offences).

Yes No

If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

SECTION 8. DECLARATION & CHECKLIST (For all applicants)	
Have you enclosed the following:	(tick)
Appropriate fee	
Disclosure Scotland certificate (CRB) less than 1 month old	
Your current passport	
Your current drivers licence	
One other proof of identity, showing your name and current address (recent utility bill, bank statement etc – less than 3 months old)	
Right to work documentation (if applicable)	
A copy of your registrations and permits as detailed in section 2 of this form	
<p>The information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a material statement knowing it to be false, or if I recklessly make a material statement which is false, I will be committing an offence under Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.</p> <p>I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police.</p> <p>I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be licensed as a scrap metal dealer. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences. Some details will also be displayed on a national register, as required by the Scrap metal Dealers Act 2013. I hereby expressly consent to this processing of my data and display of relevant information on the public register.</p> <p>Signed: _____ Date: _____</p> <p>Print Name: _____</p> <p>Capacity: _____</p>	

Help with completing your application for a scrap metal dealer's licence

If you need more help in completing the application then call your local council licensing team. They will be happy to help.

Section 1 – For everyone

This section asks if you are applying for a collector's licence or a site licence. You may only apply for one type of licence in each council area, but you can apply to run multiple sites. For instance, you could apply to run 3 sites in council A's area, and also apply to be a collector in council B's area.

A **site licence** lets you buy and sell scrap metal from a fixed location within the council area.

A **collector's licence** allows you to travel within the council area to collect scrap metal. You may not take this metal back to a site that you run within the council area in order to sell it.

It should be filled out in the name of the person who will hold the scrap metal dealer's licence. As well as details about you and your business, we will also need details of any directors or partners involved in the business including their home address. We also need to know the address of the site or sites you want the licence for, as well as the details of each site manager responsible for that site. These details are required by law and also so that you can be contacted if there are any problems.

A **director** or **partner** is someone who has or shares legal responsibility for the operation of the company, including filing returns at Companies House.

You and every person listed on the application form needs to submit a Basic Disclosure Certificate from Disclosure Scotland. You can apply for this certificate at <http://www.disclosurescotland.co.uk/apply/individuals/>

This is because the Home Office has decided that you and any person listed on the application need to tell the council if you have been convicted of certain crimes. Possessing a conviction may not automatically prevent you from having a licence if the offence was unrelated to being a scrap metal dealer or a long time ago, and you can convince the council that you are a suitable person.

A Basic Disclosure Certificate is considered to be only valid for a limited time, but can be used to apply to as many councils as you want within that time.

Section 2 – For everyone

In order to carry on your business you may need to hold other environmental permits or licences that we should know about. For instance, if you carry waste as part of your business it is a legal requirement to register as a waste carrier. This includes transporting waste while travelling from job to job, to a storage place for disposal later, or to a waste disposal company or waste site. For more information on this, or to register call: 03708 506506 or visit: www.environment-agency.gov.uk/wastecarriers

This section also asks for details of any other scrap metal licences you hold. Please make sure you include the licence number so that we can check this against the national register.

Section 3 – For site licences

Fill out this section if you want a **site licence**.

There is not much space on the form, so if you need to list more than one site manager etc, then please continue on a separate piece of paper setting out the details in the same way as the form.

A **site manager** is the person who will be in charge of the site on a daily basis. You will probably need a different site manager for each site on the licence.

We also want to know if you operate or propose to operate a site in another local authority area, along with details of this site, the council which has licensed it or to whom you have applied for a licence.

If your site(s) were established after 1990, then you are required to have planning permission from the council. You will need to tell us if this is the case, and it will be checked with the council planning department.

Section 4 – For a collector’s licence

Fill out this section if you want a **collector’s licence**.

We also ask for the place where you will store any collected scrap metal before taking it to a licensed site to dispose of it. Note that you are not allowed to sell or buy metal at this storage site and doing so is an offence. This may be a licensed site that you operate in another council area.

You will need to ensure that all your vehicles are roadworthy and are properly taxed, insured and otherwise meet the legal requirements to be on the road.

We also ask for names and details of the drivers and whether they have any relevant convictions.

Section 5 – Motor salvage operator

This section asks if you will be salvaging motor vehicles as part of your work. The Scrap Metal Dealers Act 2013 brings together the Scrap Metal Dealers Act 1964 together with Part 1 of the Vehicles (Crime) Act 2001, which means you now only need a scrap metal dealer’s licence.

Section 6 – Bank accounts that will be used for payments to suppliers

This section asks you for the bank details which you will use to pay people for the scrap metal you receive or sell. This is to check that you are not selling the metal for cash, which is illegal. These details will be kept securely by the council.

Section 7 – Criminal convictions

This section asks you to set out any relevant convictions or enforcement activity that has been undertaken against you by the Environment Agency or Natural Resources Wales. It is an offence under the Scrap Metal Dealers Act 2013 to make or recklessly make a false statement. The information listed here will be checked against the Basic Disclosure Certificate from Disclosure Scotland that you are required to submit with the application, along with information retained by the police and the Environment Agency or Natural Resources Wales.

Section 8 – Declaration

The person who will hold the scrap metal dealer’s licence needs to sign and date the declaration, as do the other people named on the form. This section also explains that the council has to share some of these details with the police, Environment Agency, or Natural Resources Wales when checking whether the applicant(s) is a suitable person to hold a licence. Some of the information will also be displayed on a public register.

If you do not agree to this use of your information then you should **not** sign the form. If you are in any doubt about what this section means then speak to your council’s licensing team.

Relevant offences

These are to be confirmed in Home Office Regulations. The LGA anticipates, based on the explanatory notes to the Scrap metal Dealers Act 2013, that these will reflect other environmental permitting schemes and suggests the below as an *indicative* list:

- Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
- Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
- Environment Act 1995: Section 110(2)
- Environmental Permitting Regulations 2007: Regulation 38
- Environmental Permitting Regulations 2010: Regulation 38
- Environmental Protection Act 1990: Sections 33 and 34
- Food and Environment Protection Act 1985: Section 9(1)
- Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
- Hazardous Waste (England and Wales) Regulations 2005
- Hazardous Waste (Wales) Regulations 2005
- Landfill (England and Wales) Regulations 2002
- Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146
- Pollution Prevention and Control (England and Wales) Regulations 2000
- Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
- Scrap Metal Dealers Act 2013
- Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)
- Transfrontier Shipment of Waste Regulations 1994
- Transfrontier Shipment of Waste Regulations 2007
- Vehicles (Crime) Act 2001: Part 1
- Waste Electrical and Electronic Equipment Regulations 2006
- Waste (England and Wales) Regulations 2011: Regulation 42
- Water Resources Act 1991: Section 85, 202 or 206

APPENDIX 'B'

SCRAP METAL DEALERS ACT 2013

APPLICATION TO VARY A SCRAP METAL DEALERS LICENCE

Licensing Service
Place Portfolio
Business Strategy and Regulation
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Telephone Number: 0114 203 7752
Fax Number: 0114 273 4073

Or visit our website: www.sheffield.gov.uk/licensing
Or email us at: general.licensing@sheffield.gov.uk

Opening Times

Monday to Friday 09:00 to 17:00



GUIDANCE TO VARY A SCRAP METAL DEALERS LICENCE

Variation of a Licence

Scrap Metal Dealers can apply to vary (change) certain details of their licence, under the Act the licence holder has a duty to make a variation on certain details that has changed as stipulated by the Act.

Variations are permitted for the following activities:

- Vary a licence from a site licence to a collectors licence (or vice versa)
- Change of name of the licensee (not a transfer)
- Add or change sites on the licence within the authorities area
- Change of site manager

Eligibility Criteria

Section 3 of the Act states that a Council must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on a business as a scrap metal dealer.

A Local Authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence
- Whether the applicant or any site manager has been the subject of any relevant enforcement action
- Any previous refusal for issue of or renewal of a scrap metal licence
- Any previous refusal for an environmental permit or registration
- Any previous revocation of a scrap metal licence
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the act.
- All of the above will apply to any director, or any secretary of a company if the applicant is not an individual

Fee

Site / Collectors Licence Variation - £75

Application

Applicants must submit the following documentation to the Local Authority:

- Completed and signed application form.
- The appropriate fee
- Basic Disclosure Scotland (CRB check) dated within 1 month of application for the applicant(s) and site manager(s) as appropriate.
Further information can be found at www.disclosurescotland.co.uk.
- Any further information requested on the application form.

Your application will be consulted with the Environment Agency, South Yorkshire Police and any other relevant Authority to determine suitability. The consultation period will be 28 days.

If there are any objections, you will be notified in writing and invited to a Licensing Committee who will determine your application.

If there are no objections and you are suitable to carry on the business as a scrap metal dealer, the licence will be issued to you as soon as reasonably practicable after the 28 day consultation period.

Applications can only be submitted to the Local Authority on or after the 1st October 2013 at the following address:

The Licensing Service
Block C, Staniforth Road Depot
Staniforth Road
Sheffield
S9 3HD

Tel: 0114 2037752

For more information, please see our website at www.sheffield.gov.uk/licensing.

Application to VARY a Scrap Metal Licence

SHEFFIELD CITY COUNCIL

SECTION 1 (for all applicants)	
Existing licence number:	
Type of variation: (please tick):	
<input type="checkbox"/>	Vary a collectors licence to a site licence (<i>complete sections 2, 3, 5, 11 & 12</i>)
<input type="checkbox"/>	Vary a site licence to a collectors licence (<i>complete sections 2, 4, 5, 11 & 12</i>)
<input type="checkbox"/>	Change of name or address of the licensee (<i>complete sections 2, 6, 11 & 12</i>)
<input type="checkbox"/>	Add a site on your licence (<i>complete sections 2,5, 11 & 12</i>)
<input type="checkbox"/>	Remove a site on your licence (<i>complete sections 2, 8, 11 & 12</i>)
<input type="checkbox"/>	Change details of a site(s) on your licence (<i>complete sections 2, 9, 11 & 12</i>)
<input type="checkbox"/>	Change a site manager (<i>complete sections 2, 10, 11 & 12</i>)
SECTION 2 - APPLICANTS DETAILS (current details)	
Name	:
Address	:
City	:
Post Code	:
Telephone No:	
Email	:

SECTION 3 - VARY A COLLECTORS LICENCE TO A SITE LICENCE**N.B- A site licence authorises the licensee to carry on business at a site in the authority's area. You can apply to licence multiple sites using this form.****Site details.**

Please list the details for each site where you propose to carry on business as a scrap metal dealer in this local authority area. If you operate more than two sites in the area please provide details for each site on a continuation sheet.

[N.B- If the applicant operates multiple sites within a licensing authority area, provision should be made for more than one site manager]

Full address of each site you intend to carry out business as a scrap metal dealer:	Site manager(s) details (if different from the applicant)
Site 1 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁵
Site 2 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

⁵ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

Please provide details of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so:

Address:

Postcode:

Please name the local authority which has licensed this site, or to whom applications have been made if before commencement of the Scrap Metal Dealers Act 2013:

Please continue on a separate sheet of paper if necessary.

Only applicable to sites established after 1 November 1990

Do you have planning permission (please tick)

Yes No

SECTION 4. VARY A SITE LICENCE TO A COLLECTORS LICENCE

N.B- A collector's licence authorises the licensee to carry out business as a mobile collector in the authority's area only.

Contact details (we will use your business address to correspond with you unless you indicate we should use your home address)

Business Address:

House name or number:

First line of address:

Town/City:

Postcode:

Telephone numbers:

Daytime:

Evening:

Mobile:

Email:

Home address:

House name or number:

First line of address:

Town/City:

Postcode:

Email address (if you would prefer us to correspond with you by email):

Please note that you must still provide us with a postal address

Vehicle details:
 If you have more than 4 vehicles, please provide details for each vehicle on a continuation sheet.

How many vehicles will be used in your business as a collector?	
---	--

<p>Vehicle 1:</p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>	<p>Vehicle 2:</p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>
--	--

<p>Vehicle 3:</p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>	<p>Vehicle 4:</p> <p>Vehicle Registration No:</p> <p>MOT expiry date:</p> <p>Insurance expiry Date:</p>
--	--

Driver Details:

Full name	Date of Birth	Residential address	Relevant Convictions

Where will scrap metal that has been purchased be stored before further disposal?

House name or number:

First line of address:

Town/City:

Postcode:

Will not be stored

SECTION 5. MOTOR SALVAGE

Will your business consist of acting as a motor salvage operator? This is defined as a business that:

- wholly or in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap;
- wholly or mainly involves buying written-off vehicles and then repairing and selling them off; and,
- wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them off.

(please tick)

Yes No

SECTION 6. – CHANGE OF NAME / ADDRESS OF THE LICENCE HOLDER

Current Name

New Name

Current Address

New Address

Contact Tel No:

Email Address:

SECTION 7. – ADD A SITE(S)**Site details.**

Please list details for each new site. If you wish to add more than two sites in the area please provide details for each site on a continuation sheet.

[N.B- Provision should be made for more than one site manager]

Full address of each additional site you intend to carry out business as a scrap metal dealer:	Site manager(s) details
Site 1 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/> ⁶
Site 2 Name or number: First line of address: Town/City: Postcode: Telephone number: Email address: Website address:	Name: House name or number: First line of address: Town/City: Postcode: Date of Birth: Basic Disclosure certificate attached: Yes <input type="checkbox"/> No <input type="checkbox"/>

⁶ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

SECTION 8. – REMOVE A SITE(S)

Site details.

Please list the details for each site which you wish to remove. If you wish to remove more than two sites in the area please provide details for each site on a continuation sheet.

Site 1

Name or number:

First line of address:

Town/City:

Postcode:

Telephone number:

Current Site Manager:

Site 2

Name or number:

First line of address:

Town/City:

Postcode:

Telephone number

Current Site Manager:

SECTION 9. – CHANGE OTHER DETAILS OF A SITE(S) ON YOUR LICENCE

OLD DETAILS	NEW DETAILS
Site 1	
Site 2	

SECTION 10. – CHANGE OF SITE MANAGER

Site 1 Name and Address

Current Site Manager Name:

New Site Manager details:

Name:

House name or number:

First line of address:

Town/City:

Postcode:

Date of Birth:

Basic Disclosure certificate attached:

Yes No ⁷

Site 2 Name and Address

Current Site Manager name:

New Site Manager details:

Name:

House name or number:

First line of address:

Town/City:

Postcode:

Date of Birth:

Basic Disclosure certificate attached:

Yes No

⁷ If you do not provide a disclosure certificate issued for named persons by Disclosure Scotland issued no more than one month before the date of this application your application may be delayed or rejected.

SECTION 11. CRIMINAL CONVICTIONS (For all applicants)

Have you, any listed partners, any listed directors, or any listed site manager(s) in this application ever been convicted of a relevant offence or been the subject of any relevant enforcement action? (Please see list of relevant offences).

Yes No

If 'yes' you must provide details for each conviction, the date of the conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:

SECTION 12. DECLARATION & CHECKLIST (For all applicants)**Have you enclosed the following:**

(tick)

Appropriate fee

Disclosure Scotland certificate (CRB) less than 1 month old where applicable

Supporting documentation for a change of name/address

Enclosed the original scrap metal dealers licence

The information contained in this form is true and accurate to the best of my knowledge and belief. I understand that if I make a material statement knowing it to be false, or if I recklessly make a material statement which is false, I will be committing an offence under Schedule 1 Para 5 of the Scrap Metal Dealers Act 2013, for which I may be prosecuted, and if convicted, fined.

I understand that the local authority to whom I make my application may consult other agencies about my suitability to be licensed as a scrap metal dealer, as per section 3(7) of the Scrap Metal Dealers Act 2013, and that those other agencies may include other local authorities, the Environment Agency, the Natural Resources Body for Wales, and the police.

I understand that the purpose of the sharing of this data is to form a full assessment of my suitability to be licensed as a scrap metal dealer. I also understand that the sharing of information about me may extend to sensitive personal data, such as data about any previous criminal offences. Some details will also be displayed on a national register, as required by the Scrap metal Dealers Act 2013. I hereby expressly consent to this processing of my data and display of relevant information on the public register.

Signed:

Date:

Capacity:



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th September 2013

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report –Drivers/ Applicants Referrals Policy

Category of Report: OPEN

Hackney Carriage and Private Hire Drivers Licensing

Driver's referrals policy.

1.0 Purpose

- 1.1 To review the current policy in respect of referring current and prospective licensed drivers to the Licensing Board and the setting of the guidelines as to when a driver and applicant should be referred.
- 1.2 The policy and the guidelines were last reviewed in 2009.
- 1.3 It is considered best practice that Councils consider and review Policies on a regular basis especially where the effects of a policy can impinge on peoples human and economic rights.

2.0 Current Position

- 2.1 The current written policy is attached to this report as appendix 1.
- 2.2 The setting out of referrals allows for applicants to understand the reason for referral and then make a considered decision on whether to make an application.

3.0 The Legal Situation

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 Sections 51(1)(a) and 59(1)(a) states "a district council shall not grant a licence- unless they are satisfied that the applicant is fit and proper to hold a licence.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 Section 57 allows Councils to set conditions and have policies in place so that they can take a considered approach when dealing with questions of whether a driver or applicant is fit and proper to hold a licence.
- 3.2 The Council through the Licensing Committee have only granted delegated powers to Officers to grant or renew a drivers licence where the officer is satisfied that a referral to the Licensing Sub Committee is not necessary under the current referrals policy and the driver or applicant has met all the current criteria.

4. Consultation

- 4.1 The report was circulated to the trades associations in August 2013.
- 4.2 Representatives of the trades associations have been invited to attend this meeting and advised that, subject to the consent of the chair, they may address the meeting.
- 4.3 Any written representations received will be made available at the meeting.

7.0 Options

7.1 The Board consider the report and any representations made.

7.2 The Board take no action and consider the current referrals policy as adequate without any changes.

7.3 The Board consider the report and decide on a change to the Policy giving details of the changes to be made.

8.0 Recommendations

8.1 The Board consider this report and any representations made to it.

Stephen Lonnia
Chief Licensing Officer and Head of Licensing
Sept 2013

Appendix 1

Referral of Drivers or Applicants to the Licensing Board

The Licensing Authority (Sheffield City Council) has a duty under the Legislation (Local Government {Miscellaneous Provisions} Act 1976) to grant drivers licences **ONLY if it is satisfied that the person is a fit and proper person to hold a licence**. This means that it is up to you to show to the Council that you are a fit and proper person to hold a licence and not for the Council to show that you are not.

In most instances Licensing Officers are able to grant licences but in some cases the application/licence must be referred to the Licensing Board for it to make a decision about it. Set out below are the circumstances which will result in application being referred to the Licensing Board for decision.

Where the following offences/penalties are disclosed:-

- i) Any term of imprisonment or custody.

Except where in exceptional circumstances and in the view of the Chief Licensing Officer (Taxi Licensing) the age and nature of the offence(s) are such that a referral to the Board is not merited;

- ii) Any conviction for violence resulting in a custodial sentence, or violence offences which the Chief Licensing Officer considers to be serious nature.
- iii) Any conviction, for dishonesty resulting in a custodial sentence, or dishonesty offences which the Chief Licensing Officer considers to be serious nature.
- iv) Any conviction for sex offences resulting in a custodial sentence, or sex offences which the Chief Licensing Officer considers to be serious nature.
- v) Any caution, warning, anti social behaviour order (ASBO), fixed penalty (non driving) or Accepted Behaviour Contract (ABC) which the Chief Licensing Officer considers to be serious nature.
- vi) Any of the following driving offences:-

Drive or attempting to drive with alcohol level above the limit. (DR10)

Driving or attempting to drive while unfit through drink. (DR20)

Driving or attempting to drive then failing to supply a specimen for analysis. (DR30)

In charge of a vehicle while alcohol above limit. (DR40)

In charge of a vehicle while unfit through drink. (DR50)

Failure to provide a specimen for analysis or breath test. (DR60 & DR70)

Driving or attempting to drive when unfit through drugs. (DR80)

In charge of a vehicle when unfit through drugs (DR90)

Driving or attempting to drive whilst disqualified (BA10 & BA30)

- vi) Continued.
 - Causing Death by dangerous Driving (DD80)
 - Manslaughter or culpable homicide while driving a vehicle (DD60)
 - Dangerous Driving (DD40)
 - Driving without due care and attention (CD10, CD20 & CD30)
 - Causing death by careless driving (CD40, CD50, CD60 & CD70)
 - Using a vehicle uninsured (IN10)
- vii) Several motoring offences over a period of time particularly where the penalty points awarded could have resulted in disqualification and/or the applicant has claimed undue hardship to avoid disqualification.
- viii) Accumulated 9 or more penalty points or committed/been convicted of three or more motoring offences in a short period of time.
- ix) Accumulated 9 or more penalty points in 18 months or during the term of the last licence which ever is the longest.
- x) Have accumulated 12 or more penalty points or committed/ been convicted of four or more motoring offences in a 3 year period or the last two terms of licence, which ever is the lesser).
- xi) Any period of disqualification from driving.
- xii) warnings issued for failure to comply with private hire and taxi legislation which the Chief Licensing Officer considers to be of a serious nature.
- xiii) Any previous refusal/revocation of a licence by any Licensing Authority.
- xiv) Any other case which, at the discretion of the Chief Licensing Officer is regarded as appropriate for referral to the Board.

LICENSING BOARD DECISION 3rd December 2009

TRADE REPRESENTATIONS

GMB trade union – Response to Policy items for 12th September 2013.

Having consulted with our reps we have the following response, hopefully one of our reps will be at the meeting but should that not be the case please accept this as a formal response:

GMB concerns are:

Driver referrals:

1. Is this a '2 strikes and you're out policy' and if so why not 3, 4 or even 5 depending on the severity of the accusation etc? We would expect clear and concise guidance around the need for the policy change (i.e evidence of how any such change will improve the service for owners and stake holders alike and how it will be measured).
2. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Hackney use policy:

1. There are no examples of what or how the question would be posed on the licence application or renewal and unless we can see this we can't see how we are to be expected to respond.
2. Would the new policy restrict business and if so wouldn't that be to the detriment of the businesses in Sheffield? It is not evident in the proposal that this has actually presented any problem of a significant proportion to the Council. Again we would like to see more evidence of the need for the policy change and a proposal that outlines how the change will improve the service for owners and stake holders alike and how any improvement will be measured.
3. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Peter Davies
GMB



SHEFFIELD CITY COUNCIL LICENSING COMMITTEE

Report of: Chief Licensing Officer

Date: 12th September 2013

Subject: Private Hire and Hackney Carriage Licensing

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

Summary: Report –Hackney Carriage Application Policy
(use of vehicle)

Category of Report: OPEN

Hackney Carriage Application Policy (use of vehicle)

1. Purpose

- 1.1 To consider the need for Sheffield City Council to introduce a policy in relation to the Hackney Carriage Vehicles it licenses and where those vehicles will trade and be used.

2. Background

- 2.1 In November 2008 the High Court made a decision in a case (Newcastle CC v Berwick B C. Case No: CO/6448/2007) that changed the way in which Licensed Hackney Carriages were used by proprietors.
- 2.2 The case stated primarily that a Hackney Carriage could operate anywhere in England and Wales taking pre-booked jobs (acting as a Private Hire vehicle) so long as the vehicle and driver were properly licensed somewhere. And both were licensed by the same Authority.
- 2.3 This has now led to the increase population of out of Town Hackney carriages working within the Sheffield District and other major Cities. It has also led to a lesser extent some of Sheffield Licensed Vehicles working elsewhere.
- 2.4 The Council currently limits the number of hackney carriages that it will licence within the city at 857. Having a limitation policy means that this problem of issuing licenses that may be used elsewhere is small. Licenses are only issued when the number is below the limit or a person replaces a current vehicle.

3. Current Application Policy

- 3.1 Under the limitation Policy, any application submitted for a Hackney Carriage Vehicle that is not to replace a currently licensed vehicle and if licensed would increase the numbers licensed beyond the limit has to be referred to the Licensing Sub Committee for determination.
- 3.2 If the Application is refused by the Licensing Sub Committee on the grounds of limiting the numbers then the person has a right of appeal to the Crown Court.
- 3.3 Officers have no delegated powers to refuse an application.
- 3.4 An applicant has to have "possession" of a vehicle and cannot make an application if not.
- 3.5 The vehicle has to meet the Sheffield City Council Hackney Carriage Vehicle specification.

6. Consultation

6.1 This report was circulated as a draft report to all trade associations and raised at the monthly taxi liaison group.

6.2 Trade Association representatives have been invited to this meeting. Any written representations will be attached to this report.

7. Financial Implications

7.1 There are no financial implications or risk to the Council with this Policy.

8. Options

8.1 Consider the need for a Hackney Carriage Application Policy.

8.2 Accept the officer recommendations made in section 5 of the report.

8.3 Formulate a policy differing from the recommendations.

TRADE REPRESENTATIONS

GMB trade union – Response to Policy items for 12th September 2013.

Having consulted with our reps we have the following response, hopefully one of our reps will be at the meeting but should that not be the case please accept this as a formal response:

GMB concerns are:

Driver referrals:

1. Is this a '2 strikes and you're out policy' and if so why not 3, 4 or even 5 depending on the severity of the accusation etc? We would expect clear and concise guidance around the need for the policy change (i.e evidence of how any such change will improve the service for owners and stake holders alike and how it will be measured).

2. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Hackney use policy:

1. There are no examples of what or how the question would be posed on the licence application or renewal and unless we can see this we can't see how we are to be expected to respond.

2. Would the new policy restrict business and if so wouldn't that be to the detriment of the businesses in Sheffield? It is not evident in the proposal that this has actually presented any problem of a significant proportion to the Council. Again we would like to see more evidence of the need for the policy change and a proposal that outlines how the change will improve the service for owners and stake holders alike and how any improvement will be measured.

3. We would suggest that any change to the current policy should be developed and agreed through the Taxi forum.

Peter Davies
GMB

This page is intentionally left blank