

# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 27 March 2014

**PRESENT:** Councillors Clive Skelton (Chair), Nikki Bond, Jillian Creasy, Roger Davison, George Lindars-Hammond, Denise Reaney, Stuart Wattam, Cliff Woodcraft and Joyce Wright

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Jenny Armstrong, David Barker, Mike Drabble, Neale Gibson, Adam Hurst 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 Sub-Committee held on 13<sup>th</sup>, 20<sup>th</sup>, 23<sup>rd</sup>, 27<sup>th</sup> and 28<sup>th</sup> January 2014, and the Licensing Committee held on 16<sup>th</sup> January 2014, were approved as correct records.

#### **5. LICENSING FEES REVIEW - DETERMINATION OF A SCHEDULE OF FEES FOR THE LICENSING SERVICE**

5.1 The Chief Licensing Officer submitted a report on the Licensing Fees Review (Determination of Fees) for the 2014/15 Financial Year, and attaching, as appendices, a breakdown of the Licensing Service's budget for 2014/15, proposed fees for the different licensing services and functions, details of the statutory fees and a schedule of fees relating to the safety of sports grounds.

5.2 Hafeas Rehman, Sheffield Taxi Trades Association (STTA), stated that, whilst he welcomed the reduction in the fees regarding taxi licensing, he considered that such reductions could have been more substantial. Whilst accepting the reduction in the number of posts in the Service, he considered that, in his opinion, the standard of enforcement was of a poor standard and considered it unfair that drivers were contributing to funding this element of the Service through their license fees.

5.3 Mohammed Yasim, GMB, stated that he also welcomed the reduction

in the fees regarding the taxi trade and expressed his concerns, on behalf of the GMB, at the reduction in the number of posts in the Licensing Service. He believed there was a need for a bigger reduction in the fees for an Operators' Licence in order to encourage more private hire companies to set up in business.

- 5.4 Steve Lonnia, Chief Licensing Officer, stated that the Service had received a number of representations regarding the high cost of an Operators' Licence, but believed the new application fee and the new two-tier fee system, relating to the number of vehicles registered, would make it a lot easier for the Service to manage, as well as being better for both potential and existing operators. He accepted that the reductions in the fees for taxi licensing were not as significant as in other licensing functions, but indicated that when determining the reductions, consideration had been given to the amount of time spent dealing with taxi licensing issues. Mr Lonnia added that, following the recent restructuring of the Licensing Service, there were now dedicated Licensing Enforcement/Technical Officers, which would result in there being a considerable increase in the level of day time enforcement.
- 5.5 In response to questions from Members of the Committee, Mr Lonnia confirmed that if the Council did not adopt discretionary legislation in terms of licensing functions, people would be free to act how they wished and stated that, as far as he was aware, there was no legislation that the Council had chosen not to adopt. Whilst there would still be involvement in connection with the monitoring and enforcement of sex establishments, the level of overall work would be reduced. This was not viewed as a concern as a considerable amount of work would still take place, and the premises licensed under this function were well managed. Marie-Claire Frankie, Solicitor to the Committee, provided details of the animals dealt with under the Dangerous Wild Animals Act 1976, and stated that any issues regarding dangerous dogs were dealt with under the Dangerous Dogs Act 1991. In connection with the Licensing Service's budget for 2014/15, Chris Nicholson stated that whilst for non-statutory licensing services, there was a legal requirement for the license fee to recover costs only, the statutory service fees had no such legal requirement and, as far as he was aware, since fees were set by the Government, they were effectively outside the Council's control. Mr Nicholson confirmed that he would circulate a detailed breakdown in terms of the £241,000 Corporate and Management Overheads in connection with the Licensing Service's budget for 2014/15, to all Members of the Committee, and would include such detail in future reports to this Committee.
- 5.6 **RESOLVED:** That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt

information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.7 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the report.
- 5.8 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That, in the light of the contents of the report now submitted and following the representations now made, authority be given for the Chief Licensing Officer to impose the fees for 2014/15 in respect of the various functions of the Licensing Service, as detailed in the report now submitted, following the advertisement and relevant consultation required, as detailed in the report.

## **6. PAVEMENT CAFE LICENCE - THE MOOR**

- 6.1 Steve Lonnia, Chief Licensing Officer, reported on an application received by Café Nero, for a Pavement Café Licence in respect of Kiosk 1, The Moor, Sheffield S1 4PR. He stated that there was no legal time limit in terms of how long the Authority could grant such licences, but previous requests had been granted for a period of 12 months. The applicant in this case had applied for a licence for a period of 10 years.
- 6.2 Whilst accepting that the application could enhance and have a beneficial effect on the City Centre, some Members expressed concerns regarding large national companies leasing areas of land in the City Centre area and issues regarding access, in the light of their being tables and chairs outside the premises, particularly for blind and disabled people.
- 6.3 In response, Steve Lonnia stated that, as well as the area being monitored by the City Centre Ambassadors, Licensing Officers would also monitor the position and take any enforcement action if necessary.
- 6.4 RESOLVED: That the Committee:-
- (a) notes the information now reported, together with the comments now made; and
  - (b) agrees, in principle, to grant a Pavement Café Licence to Café Nero in respect of Kiosk 1, The Moor, Sheffield, S1 4PR, for a period of 10 years or if and when the leasing agreement between the City Council and Scottish Widows, in respect of The Moor, is redacted, whichever is the earlier, but requests the Chief Licensing Officer to try and negotiate a five year licence in line with the preference of the Committee.

(NOTE 1: The votes on the above resolution were ordered to be recorded, and were as follows:-

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|----------------------------|---|---|
| For the Resolution (3)     | - | Councillors Roger Davison, George Lindars-Hammond and Clive Skelton |
| Against the Resolution (3) | - | Councillors Nikki Bond, Jillian Creasy and Denise Reaney            |
| Abstentions (2)            | - | Councillors Stuart Wattam and Cliff Woodcraft).                     |

(NOTE 2: In the event of their being three votes for and three votes against the resolution, the Chair used his casting vote, in favour of the resolution).

(NOTE 3: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the above item be considered as a matter of urgency in the light of the timescale required for granting the application, although it had not been possible to give five clear days' notice that the application was to be considered).

## **7. MOBILE STREET TRADING**

7.1 The Chief Licensing Officer referred to an issue which had recently been highlighted in connection with mobile street trading. He stated that the new Street Trading Policy, adopted by the Committee at its meeting held on 20<sup>th</sup> February, 2014, only contained reference to traders selling fresh fruit and vegetables or ice cream. It had since become apparent that there were now a number of traders selling goods other than fresh fruit and vegetables and ice cream, such as the Proper Pasty Company, and that there was a need to reflect this in the Policy.

7.2 RESOLVED: That the Committee:-

- (a) notes the information now reported, together with the comments now made;
- (b) in the light of the information now reported, delegates authority to the Chief Licensing Officer to grant consent, as an exception to the policy, to mobile street traders selling goods other than fresh fruit and vegetables or ice cream, and that those traders selling fresh fruit and vegetables or ice cream must continue to comply/operate in accordance with the policy; and
- (c) requests that the Chief Licensing Officer submits a report on the proposed amendments to the Street Trading Policy to a future meeting, for approval.

(NOTE: In accordance with Council Procedure Rule 26 of the Council's

Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the above item be considered as a matter of urgency in the light of current demands on the Licensing Service and to comply with appropriate timescales, although it had not been possible to give five clear days' notice that the matter was to be considered).