

Licensing Committee

Thursday 27 March 2014 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 Clive Skelton (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Mike Drabble, Neale Gibson, Adam Hurst, George Lindars-Hammond, Denise Reaney, Nikki Sharpe, Stuart Wattam, Cliff Woodcraft and Joyce Wright

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.

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

Recording is allowed at Licensing Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

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
27 MARCH 2014**

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:-

13 January 2014
16 January 2014
20 January 2014
23 January 2014
27 January 2014
28 January 2014
- 6. Licensing Fees Review (Determination of Fees) - Determination of a Schedule of Fees for the Licensing Service**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

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

You **must**:

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

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

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

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

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

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

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Licensing Sub-Committee

Meeting held 13 January 2014

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy and Neale Gibson

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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 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. 2/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 3/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 4/14 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No</u>	<u>Licence Type</u>	<u>Decision</u>
2/14	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 in the light of the offences and convictions now reported.
3/14	Application for a first Hackney Carriage and	Grant a licence for nine months and, on the first renewal, authority be given to

	Private Hire Driver's Licence	grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no cause for concern.
4/14	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 renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 16 January 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond, Roger Davison, Neale Gibson, Adam Hurst, 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, Jillian Creasy, George Lindars-Hammond, Denise Reaney 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 11th, 14th, 18th, 19th, 21st, 25th and 28th November and 2nd and 5th December, 2013 were approved as correct records.

5. LICENSING ACT 2003 - MULTI-AGENCY SAFEGUARDING WORK

5.1 The Committee received a report of the Chief Licensing Officer providing a summary of the training and support schemes delivered to businesses in Sheffield by responsible authorities on the subject of safeguarding children.

5.2 Present at the meeting were Benita Mumby (Licensing Manager, South Yorkshire Police), Greg Ward (Enforcement Officer, Trading Standards), Julie Hague (Licensing Project Manager, Safeguarding Children Board), Andy Ruston (Senior Licensing Officer), Louise Slater (Solicitor to the Committee) and Jennie Skiba (Democratic Services).

5.3 Andy Ruston presented the report and Julie Hague gave a presentation regarding the work of the Multi-Agency Safeguarding Partnership. Julie Hague gave Members a brief history of the Partnership and outlined its aims and the benefits of working together as Responsible Authorities. She stated that officers representing Sheffield had been invited to speak at Westminster last year to promote a hotel awareness campaign about child sexual exploitation and other local authorities have since adopted Sheffield's approach on this and other

licensing issues in relation to safeguarding children and young people.

- 5.4 Benita Mumby then referred to the Test Purchase Strategy which was set out in Appendix A to the report. She informed Members that the Strategy had been put in place in 2008 and was aimed at tackling under-age drinking in the City. Benita stated that offenders failing the first test purchase faces a fine or is given the option of attending a responsible retail of alcohol course and a workshop offering multi-agency training for Safeguarding Children at Licensed Premises. If an offender re-offends a second time, again the offender faces paying a fine and is expected, rather than offered the opportunity, to attend the courses. After a third failure, the offender's licence is referred to the Licensing Sub-Committee. Benita Mumby added that in the majority of cases, licensees tended not to re-offend after the first failure and that of three cases that were referred to the Sub-Committee, only one of them had their licence was revoked.
- 5.5 In response to questions from Members, Julie Hague then explained the "bailment scheme". She stated that the Scheme was developed to prevent young people using false identification to access adult venues or to purchase alcohol underage. She went on to state that door security staff were being trained to confiscate suspected false ID and report the incident to the Police, and then the aim was to educate young people about the legal consequences and risks of using false ID. She also stated that bar staff are also being trained to identify underage drinkers and are becoming more vigilant. She added that notices would be served on any licensed premises if it was found that they were still selling alcohol to someone who was intoxicated.
- 5.6 Greg Ward stated that he does a lot of pro-active work regarding under-age sales. He produced a pack which is available to businesses containing information about age-restricted sales, the importance of a "refusals" book, information on fake identification and the dangers of counterfeit alcohol, and all the information that is necessary for a due diligence scheme to be in place via training and advice and ensuring retailers act responsibly. Businesses are also encouraged to become members of the Responsible Retailer Scheme, which is run by Trading Standards and is free to join.
- 5.7 Greg Ward then referred to the sale of the drugs known as "legal highs" and the work being carried out to identify stockists and warn them of the dangers of these products. He stated that there is no mandatory age-restriction requirement for premises to sell such products and therefore no test purchases are made. In response to questions, Greg Ward stated that he used to visit schools to educate pupils about the dangers of alcohol and drugs, but financial constraints now prevent this. He added that unfortunately these products can be sold anywhere i.e. petrol stations, newsagents, etc.
- 5.8 In response to questions from Members, Julie Hague stated that the multi-agency partnership work with a range of professionals as well as the licensed trade, to try and ensure that people are safe from the effects of drugs and alcohol. She stated that the secondary schools in Sheffield have copies of the 'Substances And You' educational resource which highlights the risk of substance misuse and also educates young people about misusing fake ID and the potential impact of their

actions both personally and on people running licensed businesses. She produced a factsheet that has been produced by the Young Advisors Group and has been posted on social networks to deter young people from trying to use false ID to access adult products or venues.

- 5.9 Julie Hague stated that the Responsible Authorities are working in partnership with the taxi and private hire trade to support drivers in recognising vulnerable passengers so that they provide an appropriate service. Training sessions are delivered as part of the BTec course undertaken by new applicants for driver licences. The training also advises drivers how to maintain records and work to a 'Code of Good Safeguarding Practice' so that they can evidence they are responsible in relation to working with vulnerable passengers. She had received a favourable response from the trade.
- 5.10 Julie Hague also stated that she was working with hotels in the City and across South Yorkshire, with a view to preventing them from being misused by criminals and that currently 27 hotel managers had been trained with regard to identifying risks such as child sexual exploitation and human trafficking. In addition to this, the multi-agency team deliver training to a variety of premises managers looking at the risks relating to dangerous or inappropriate behaviour and how to provide a safe, family friendly environment in line with the licensing objectives. Julie added that licensed businesses in Sheffield as a whole had responded very favourably to the workshops and schemes run by the Responsible Authorities.
- 5.11 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.
- 5.12 Louise Slater reported orally, giving legal advice on various aspects of the report and presentation now made.
- 5.13 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.14 RESOLVED: That, following consideration of the report and the presentation now made, the Committee:-
- (a) requested officers to investigate further with regard to any bye-laws which may exist to assist Responsible Authorities regarding age-restricted products;
 - (b) requested officers to contact the Clerk to the Magistrates with regard to arranging a meeting to discuss closer understanding and working between the Magistrates and the Authorities; and
 - (c) expressed its support for the work of the Responsible Authorities towards promoting the licensing objective of safeguarding children.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 January 2014

PRESENT: Councillors Clive Skelton (Chair), Denise Reaney and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jenny Armstrong attended the meeting, 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 applicant in Case No. 05/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 93/13 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>
05/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of nine months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, 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,

to remain on his licence for a period of 12 months.

93/13

Review of a Hackney
Carriage and Private
Hire Driver's Licence

Suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 until the successful completion of (a) the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and (b) the Council's driving assessment, on the grounds that, following the receipt of four complaints from members of the public, together with a statement from a Licensing Officer, the Sub-Committee has concerns about the licence holder's driving standards and his interaction with members of the public, other road users and Council Officers.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 January 2014

PRESENT: Councillors Clive Skelton (Chair), David Barker and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. 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 - BROOMHALL COMMUNITY CENTRE

4.1 The Chief Licensing Officer submitted a report to consider an application to grant a premises licence, made under the Licensing Act 2003, in respect of the premises known as Broomhall Community Centre, 116 Broomspring Lane, Sheffield S10 2FD.

4.2 Present at the meeting were Sharon Gill (applicant), Fred Thompson (objector), Andy Ruston (Senior 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 Andy Ruston presented the report to the Sub-Committee and it was noted that two objections had been received and were attached at Appendix C. Mr. Ruston added that various conditions have been agreed with the responsible authorities and these conditions were attached at Appendix B.

4.5 Fred Thompson expressed his concerns regarding the application stating that he, and others, had worked hard in the area to achieve "unity in the community" and felt that the presence of alcohol on the premises could make some members of the public feel excluded from using the premises. Mr. Thompson added that he had lived in the area for the past 20 years and had witnessed many unsociable activities over the years, some of which had been addressed, but felt that alcohol becoming available at the Centre would put public safety at risk. He stated that he had worked amongst alcoholics and the homeless and knew the potential harm, particularly to children, if alcohol became readily available.

- 4.6 In response to questions from Members of the Sub-Committee, Fred Thompson stated that, although there were an increasing number of students living in the area, it was relatively quiet and there were no problems with the people who used the Centre at present.
- 4.7 Sharon Gill stated that she had been Manager of the Broomhall Community Centre for the last five years. She said that the Centre is Charity funded and run by a Board of Directors, who are very strict about whom the premises are hired out to. Sharon Gill added that, at present, daytime activities at the Centre are falling away and although the Board have turned down bookings for evening events, there is a need to generate more income to keep the building open. She said that the Centre is predominantly used by local people, so there tended to be no problems with parking, but in response to an objection raised regarding parking, she stated that the building is sandwiched between West Street, the Hospitals, the University and Devonshire Green, meaning there is a lot of traffic generated from the surrounding area, but very little is caused by users of the Centre.
- 4.8 In response to questions from Members of the Sub-Committee, Sharon Gill stated that a bar would not be installed inside the premises, that any drinks served would be brought onto the premises by those people who had hired the room and then served through a hatch leading from the kitchen. Sharon Gill further stated that there are no fridges or freezers inside the building and alcohol would never be stored inside the premises. She added that a cleaner is employed daily to keep the premises, inside and out, in a clean and tidy condition.
- 4.9 Sharon Gill stated that she is the Premises Licence Holder and that the majority of events that were already held at the Centre require her to obtain a Temporary Events Notice. In response to questions relating to any incidents of anti-social behaviour, she replied that during the past five years, possibly on two, maybe three occasions, there has been a complaint relating to anti-social behaviour which had been reported to the Board of Directors and had been immediately dealt with by them. She added that none of the groups who use the Centre had ever raised any objection to the fact that alcohol was brought onto the premises. She went on to say that if the Broomhall Centre was licensed, it would be able to offer a wider scope of activities and thus generate more income to keep the Centre open.
- 4.10 Andy Ruston reported on the options open to the Sub-Committee.
- 4.11 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.
- 4.12 Louise Slater reported orally, giving legal advice on various aspects of the application.

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

4.14 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a premises licence in respect of the Broomhall Community Centre, 116 Broomspring Lane, Sheffield S10 2FD, be granted in the terms requested, subject to the conditions agreed with the responsible authorities and the following additional conditions:-

(a) that no alcohol is to be consumed outside the premises; and

(b) that all windows and doors are closed after 9.00 p.m., except for access and egress, during any regulated activity.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 January 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Jillian Creasy 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 two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 06/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 01/14 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>
06/14	Application for a new Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds that the vehicle would be more than five years of age on entry to the trade.
01/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence in the light of (a) the offences now reported and (b) the nature of the responses to

the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 January 2014

PRESENT: Councillors Clive Skelton (Chair), Roger Davison and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. 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 - COSTCUTTER SUPERMARKET, 2 BEVAN WAY, SHEFFIELD, S35 4RP

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 Costcutter Supermarket, 2 Bevan Way, Sheffield, S35 4RP.

4.2 Present at the meeting were Gill Sherratt (Licensing Matters, for the Designated Premises Supervisor), Trevor and Sandra Simpson (Objectors), Matt Proctor (Senior Licensing Officer), Louise Slater (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from Trevor and Sandra Simpson, and were attached at Appendix 'B' to the report.

4.5 Trevor Simpson stated that they had experienced a number of problems with regard to youths hanging around causing trouble outside the supermarket, with the problems being worse at weekends, when they could experience noise and disruption up to 14 hours a day. He referred to situations where people had been approached by the youths, who were clearly under 18 years of age, to purchase alcohol and cigarettes for them, indicating that he himself had been approached to do this on one occasion. Mr Simpson referred to traffic problems in the area, indicating that vans delivering goods to the supermarket did not always use the loading bay and would often park on the pavement at the front of the store, and

also that people visiting the GP Surgery would often park in the vicinity of the supermarket, creating problems in terms of traffic flow. Mrs Simpson added that when people agreed to purchase alcohol and cigarettes for the youths, they would hand it to them at the side or rear of the premises, which was not covered by CCTV. She added that she had been kept up late at night due to the noise and disruption and was upset at the fact that neither the staff at the supermarket or the Police appeared to be taking any action.

4.6 In response to questions from Members of the Sub-Committee, Mr and Mrs Simpson confirmed that their main objection centred round the opening hours of the supermarket. They stated that some years ago, the store would close at 19:00 hours and, as a result of this, there were not as many problems with regard to youths congregating around the store. However, since the extension of the opening hours to 23:00 hours, it had resulted in the youths hanging around up until this time, and sometimes later. They had contacted the Police on a number of occasions to complain about the noise nuisance, foul language and the damage which the youths had caused to the trees and seating at the GP Surgery. They wanted Costcutter to work with the Police in an attempt to resolve the problems. Mrs Simpson indicated that she would appreciate it if the Designated Premises Supervisor (DPS) would come and talk to residents living within the immediate vicinity of the supermarket to discuss their concerns and see what could be done to resolve the problems.

4.7 Gill Sherratt stated that the Supermarket was not a franchise, and was owned and managed by Costcutter, under the name of EBOR Foodmarkets Ltd. There had been a Costcutter Supermarket on the site since 1991, which had originally operated as a franchise, but Costcutter had terminated the franchise agreement in 2002 and since then, the store had been run by managers on their behalf. The plans, as part of the application, involved the demolition of the existing premises and the erection of a new, larger superstore, the opening hours of which would remain at 06:00 to 23:00 hours. The present DPS, who was responsible for up to 16 members of staff at the supermarket, had been in the position at the store since June 2009, so was familiar with the area. He had not experienced any problems or received any complaints in terms of the operation of the supermarket, or in connection with local youths hanging around outside. The Company was very serious in its responsibilities in terms of the sale of alcohol, and arranged refresher training for staff every three months. Ms Sherratt stated that, as part of the application, a number of the existing conditions had been improved, one including the installation of a new, digital, CCTV system both inside and outside the premises, with images being maintained for a minimum of 31 days, and downloads being available to the Police and authorised officers of the Council on request. In terms of the concerns raised by Mr and Mrs Simpson, Ms Sherratt stated that whilst the disturbances caused by the youths outside the supermarket were not the fault of Costcutter, she appreciated the inconvenience being caused to residents living within the immediate vicinity of the premises, and promised to refer their concerns to the DPS. She stated that EBOR Foodmarkets Ltd was a good company, and was confident that it would do all it could, within its powers, to ensure there was minimal disruption to local residents. Reference was made to the fact that, as part of the new build, the building would be extended and would cover the area where the youths were currently congregating, which would

hopefully stop them being able to do this in the future. She also indicated that she would ensure that the CCTV would cover all areas around the supermarket.

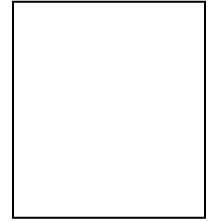
- 4.8 In response to questions from Members of the Sub-Committee and the objectors, Ms Sherratt stated that she would be willing to talk to Julie Hague, Sheffield Safeguarding Children Board, in connection with the Challenge 25 scheme, and confirmed that till prompts would be installed on all tills in the supermarket. It was appreciated that staff may have seen evidence of youths hanging around outside the supermarket, through the CCTV system, but they were limited in terms of what action they could take. In future, if staff were forced to call the Police to report any incidents, they would be requested to ensure that all such calls were logged. At present, there were no details of staff having contacted the Police. Ms Sherratt concluded by stating that she would ask the DPS to visit Mr and Mrs Simpson to discuss their concerns.
- 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 Louise Slater 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 the Sub-Committee:-
- (a) agrees to grant a Premises Licence in respect of Costcutter Supermarket, 2 Bevan Way, Sheffield, S35 4RP, in the terms requested and subject to the amendment of the Condition relating to the installation of a CCTV system as follows:-
- The premises will have comprehensive CCTV, both inside and outside the premises, when the premises are open to the public. The CCTV cameras will be positioned in consultation with South Yorkshire Police. The system records and data will be kept for a minimum of 31 days. Downloads will be made available to the Police and authorised officers of the Council upon reasonable request; and
- (b) requests that the Designated Premises Supervisor contacts the objectors to discuss their concerns.

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

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer & Head of Licensing

Date: 27th March 2014

Subject: Determination of Licence Fees

Author of Report: Steve Lonnia

Summary: To determine the non-statutory licences fees for the 2014/15 financial year

Recommendations: The Chief Licensing Officer and Head of Licensing following detailed consultation with the Councils Legal and Finance officers recommends that the committee accept the proposed fees set out and detailed in the attachments to this report.

Background Papers: None

Category of Report: OPEN

**REPORT OF THE CHIEF LICENSING OFFICER & HEAD OF LICENSING
TO THE LICENSING COMMITTEE**

No: 13/14

**Licensing Fees Review (Determination of Fees)
2014/15 Financial Year**

1.0 PURPOSE AND OUTCOMES

- 1.1 The purpose of this report is for members to determine the fees for the following individual licensing systems;
- Private Hire & Hackney Carriage Drivers, Vehicles and Operators etc;
 - Animal Health (pets shops, animal boarding establishments, dangerous wild animals, riding establishments and breeders of dogs);
 - Street Trading (football, static, mobile, schools, and short term consents);
 - Scrap Metal;
 - Sex Establishment Licensing (sex shops and sexual entertainment venues);
 - Gambling Premises (casino, bingo, betting and track premises etc.);
 - Approved Marriage Premises (secular and religious)
 - Poisons Registration;
 - Pavement Café Licences;
 - Second Hand Dealers Registration;
 - Skin Piercing / Tattooists;
 - Safety of Sports Grounds
- 1.2 To note the following fee(s) that are prescribed by the Secretary of State. These are “Statutory” fees and can not be changed by the Local Authority. These are;
- Licensing Act 2003
 - Gambling Act 2005 (certain fees)
- 1.3 To inform members of the systems that are administered by the Licensing Service, where the legislation states we are unable to charge a fee;
- Safety of Sports Grounds
 - Street Collections
 - House to House Collections
 - Hypnotism
 - Commons Registration
- 1.4 The intended outcomes of this report are to ensure that:-
- The Licensing Service recovers the reasonable costs of the service for administering and enforcing the terms and conditions of the relevant individual licensing systems;
 - The Council fees and charges are set in accordance with the Councils Fair Charging Principles set out in the Future Shape Policy Handbook; the Provision of Service Regulations 2009; all the relevant individual pieces of licensing legislation; and
 - All fees are determined on an annual basis whether they remain the same, increase or decrease.

2.0 FAIR CHARGING POLICY

- 2.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.
- 2.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations. Members should note that some systems do not fall within the scope of these regulations, one particular system is Taxi Licensing (licensing of vehicles, drivers and operators) and the Gambling Act (Premises licences etc.) system.
- 2.3 To ensure consistency of approach we are dealing with all the fees in the same way to make it easier for our customers to understand.
- 2.4 The fees have been set so that they enable the service and the Council to deliver on our priorities and also on the principle of the polluter pays where it is appropriate.
- 2.5 The Council intends to recover its reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above individual licensing systems. Each licensing system has its fee calculated separately to ensure we are only recovering the costs in relation to that individual system.

3.0 CASE LAW

- 3.1 In order for the service to equalise revenue and expenditure, it is not sufficient to make an estimate of costs in the forthcoming year and see to equalise them with revenue. We must also ensure that any surpluses and deficits are brought forward. This was established in two cases, that deficits can be brought forward in R (Hutton) v Westminster City Council in 1985 and that surpluses can be brought forward in R (Hemming and Others) v Westminster City Council.
- 3.2 It is clear from R v Manchester City Council. Ex p. King, The Times, April 3, 1991 that the power to set fees does not permit the Council to raise revenue generally.
- 3.3 It has also been established in many cases such as R-v-The Greater London Council Ex Parte The Rank Organisation Limited where it was stated “the level of fees was a matter of policy and as long as the total fee income did not exceed the cost of the licensing system the court should not and could not see to interfere”.
- 3.4 The case of R (Hemming and Others) v Westminster City Council has changed the way we must consider setting fees and what legitimate costs we can recover.

Keith J upheld that the procedures the costs of which could be recharged to licensees are;

“... the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed, and when you talk about the cost of those procedures, you are talking about the administrative costs of vetting the application and the costs of investigating their compliance with the terms of the licence. There is simply no room for the costs of authorisation procedures to include costs which are significantly in excess of those costs...”

- 3.5 Members should note that the Council can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It can not make a surplus from fees and must not use fees to subsidise any other licensing system or to offset other budgets or raise income generally.
- 3.6 The overarching principle and starting point for the setting of fees is that the Local Authority must only recover its reasonable costs of administering that individual system and enforcing the terms and conditions of those licences where applicable and that no irrelevant factors are taken in to account when setting such fees.

4.0 PROVISION OF SERVICES REGULATIONS 2009

- 4.1 These regulations came into force on 28 December 2009; Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities.
- 4.2 The regulations suggest that all fees within the scope of the directive be separable in to two parts. Firstly the pre application costs, mainly the administrative costs incurred when dealing with the application from when it is first received up until it being determined (issues/refused). Secondly the on-going costs of monitoring and enforcing the terms and conditions of that licence. This is to show clearly which part of the fee is repayable should the applicant be unsuccessful.

5.0 PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS VEHICLES AND OPERTORS – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 and the TOWN POLICE CLAUSES ACT 1847

- 5.1 Section 53, Sub-section (2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such fee as they consider reasonable with a view to recovering the costs of issue and administration
- 5.2 Section 70, Sub-section (1) Subject to the provisions of sub-section (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may e resolved by them from time to time and as sufficient in the aggregate to recover in whole or in part-
- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose determining whether any such licence should be granted or renewed;
 - (b) the reasonable cost of providing hackney carriage stands; and
 - (c) Any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

6.0 ANIMAL HEALTH LICENSING

- 6.1 **Pet Shops (Pet Animals Act 1951)** – Paragraph 1, Sub-paragraph 2, Every local authority may, on application being made to them for that purpose by a person who is not for the time being disqualified from keeping a Pet Shop, and on payment of such fee as may be determined by the local authority
- 6.2 **Animal Boarding Establishments Act 1963** – Paragraph 1, Sub-paragraph 2, Every local authority may, on application being made to them for that purpose by a person who is not for that time being disqualified-
- (a) ...
.....
(f) ...
and on payment of such fee as may be determined by the Local Authority
- 6.3 **Riding Establishments Act 1964** - Paragraph 1, Sub-paragraph 2, Every local authority may, on application being made to them for that purpose by a person who is an individual over the age of eighteen years or a body corporate, being a person who is not for the time being disqualified-
- (a) ...
.....
(g) ...
Grant, on payment of such a fee as may be determined by the Local Authority
- 6.4 **Breeding of Dogs Act 1973** - Paragraph 3A, Sub-paragraph 3, a local authority may set the level of fees to be charged by virtue of subsection (2) of this section-
- (a) With a view to recovering the reasonable costs incurred by them in connection with the administration and enforcement of this Act and the Breeding of Dogs Act 1991;
- 6.5 **Dangerous Wild Animals Act 1976** – Paragraph 1, Sub-paragraph 2, a local Authority shall not grant a licence under this Act unless an application for it-
- (a) ...
.....
(e) is accompanied by such fee as the authority may stipulate (being a fee which is in the authority's opinion sufficient to meet the direct and indirect costs which it may incur as a result of the application).
- 6.6 **Zoo Licensing Act** – Paragraph 15, Sub-paragraph (1) Subject to this section, the Local Authority may charge such [reasonable] fees as they may determine in respect of
- 6.6.1 The Licensing Service through the Licensing Committee has agreed not to set a fee under this Act at this moment in time. It is agreed that such fees would be determined if an application was received.
- 7.0 STREET TRADING – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**
- 7.1 Schedule 4 – Paragraph 9, Sub-paragraph 1, a district Council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or street trading consent.

- 7.2 Sub-paragraph 2, a Council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according-
- (a) to the duration of the licence or consent;
 - (b) to the street in which it authorises trading; and
 - (c) to the description of articles in which the holder is authorised to trade

8.0 SCRAP METAL DEALERS ACT 2013

- 8.1 Schedule 1, Paragraph 6, Sub-paragraph 1, an application must be accompanied by the fee set by the Authority.
- 8.2 The Local Government Association has issued comprehensive guidance on licence fee charges and refers to the European Services Directive.

9.0 SEX ESTABLISHMENTS / SEXUAL ENTERTAINMENT VENUES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

- 9.1 Schedule 3 – Paragraph 19, an applicant for the grant, variation, renewal or transfer of a Licence under this Schedule shall pay a reasonable fee determined by the appropriate Authority

10.0 GAMBLING ACT 2005

- 10.1 Section 212, Sub-section (1), Regulations under this part prescribing a fee-
- (a) may provide for the amount of the fee to be determined by the Licensing Authority; and
 - (b) may, if they make provision by virtue of paragraph (a), specify constraints on a licensing authority's power to determine the amount of the fee.

Subsection (2), where provision is made under sub-section (1) for the amount of fee to be determined by a Licensing Authority, the Authority-

- (a) Shall determine the amount of fee;
- (b) May determine different amounts for different classes of case specified in The regulations (but may not otherwise determine different amounts for different cases);
- (c) Shall publish the amount of the fee as determined from time to time; and
- (d) Shall aim to ensure that the income from fees of that kind as nearly as possible equates to the costs of providing the service to which the fee relates.

- 10.2 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 sets out in detail the classes of premises and the maximum fees etc.

11.0 MARRIAGE ACT 1949 AND THE MARRIAGES & CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS / RELIGIOUS PREMISES APPROVED PREMISES REGISTRATION

- 11.1 Paragraph 12, Sub-paragraph (1) – An Authority may, in accordance with paragraphs (2) to (4), determine a fee in respect of an application for or the renewal of an approval, and may determine that fee either for that particular application or renewal or for applications and renewals generally or of any class.

(2) A fee determined for particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) A fee determined for applications or renewals generally of a particular class shall not exceed the amount which reasonably represents the average costs incurred or likely to be incurred by the authority in respect of an application or renewal, or, as the case may be, in respect of an application or renewal of that class.

(4) A fee determined in respect of an application or renewal may not include an amount representing costs incurred in respect of any review or possible review under regulation 9 unless and until such a review is requested in relation to that application or renewal; but where such a review is requested an authority may determine an additional fee in respect of that application or renewal in accordance in accordance with paragraph (2) or (3), taking in to account only the additional costs arising from the review.

12.0 POISONS ACT 1972

12.1 Paragraph 6, Sub-paragraph (2) A person whose name is entered in a Local Authority's list shall pay to the Local Authority such [reasonable fees as The Authority may determine] in respect of

13.0 PAVEMENT CAFÉ LICENCES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AS INSERTED IN THE HIGHWAYS ACT 1982

13.1 Section 115F, Sub-section (1) – Subject to sub-section (2) to (4), a Council may grant a permission under section 115E above upon such conditions as they think fit, including conditions requiring payment to the council of such reasonable charges as they may determine.

14.0 SECOND HAND DEALERS – SOUTH YORKSHIRE ACT 1980

14.1 The registration under this Act remains in place for three years. There is no provision in the legislation with regards to fees.

14.2 The Provision of Services Regulations 2009, Paragraph 18, Sub-paragraph (4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate. Therefore, we only recover our basic administration costs of issuing the registration.

15.0 REGISTRATION OF ACUPUNCTURE, EAR PIERCING, TATTOOISTS, ELECTROLYSIS AND SEMI PERMANENT SKIN COLOURING – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982, PART VIII

15.1 Acupuncture – Paragraph 14, Sub-paragraph (6) and Tattooing, Ear Piercing, Electrolysis and Semi Permanent Skin Colouring – Paragraph 15, Sub-paragraph (6) both state, a Local Authority may charge such reasonable fees as they determine for registration under this section.

16.0 SAFETY OF SPORTS GROUNDS ACT 1972 (As Amended)

- 16.1 Under the Safety of Sports Grounds Regulations 1987 & the Safety of Places of Sport Regulations 1988 both give the local authority powers to determine a fee in certain circumstances.
- 16.2 Paragraph 8 of the Safety of Sports Grounds Regulations 1987 regarding fees states, "A Local Authority may determine a fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a safety certificate but such a fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority in respect of the application".
- 16.3 Paragraph 6 of the Safety of Places of Sport Regulations 1988 sets out an identical provision for the charging of fees.

17.0 ADOPTION OF LEGISLATION

- 17.1 The legislation administered and enforced by the council's licensing service is either imposed by statute or adopted individually by the council.
- 17.2 The following pieces of legislation are imposed on the council by statute;
- Licensing Act 2003
 - Gambling Act 2005
 - Pet Animals Act 1951
 - Animal Boarding Establishments Act 1963
 - Riding Establishments Act 1964
 - Breeding of Dogs Act 1973
 - Dangerous Wild Animals Act 1976
 - Zoo Licensing Act 1981
 - Marriages Act 1949
 - Poisons Act 1972
 - South Yorkshire Act 1980 – Second Hand Dealers
 - Safety at Sports Grounds Act 1975 (As Amended)
 - Town Police Clauses Act 1847 – Hackney Carriages
- 17.3 The following pieces of legislation are adopted by the council;
- Local Government (Miscellaneous Provisions) Act 1976 – Part II, Private Hire and Hackney Carriage Licensing
 - Local Government (Miscellaneous Provisions) Act 1982 – Street Trading
 - Local Government (Miscellaneous Provisions) Act 1982 – Sex Establishments / Sexual Entertainment Venues
 - Local Government (Miscellaneous Provisions) Act 1982 as inserted in the Highways Act 1982
 - Scrap Metal Dealers Act 2013 – Pavement Café Licences
 - Local Government (Miscellaneous Provisions) Act 1982 – Acupuncture, Ear Piercing, Tattooists, Electrolysis and Semi Permanent Skin Colouring

- 17.4 Those that are adopted by the council have to follow strict procedural requirements, including;
- Specifying the day the provisions come in to effect
 - Placing a public notice in a local newspaper

Please note: the above are only an example of the procedural requirements and are not an exhaustive / detailed list

- 17.5 The City Councils Head of Legal has confirmed that the Council has properly adopted the above pieces of legislation where necessary and evidence is retained in the Councils archives (minutes etc.).

18.0 NEW FEES STRUCTURE & CHANGES

- 18.1 Although not a legal requirement under the European Services Directive, it is felt that it is good practice to show application fees in two parts. These are the pre application costs in dealing with the application itself and post application costs which are the ongoing costs of managing the licence and enforcing the terms and conditions.

- For example if a licence fee is £100 it will be shown as £75 pre costs and £25 post costs

- 18.2 The service will ask applicants to pay both fees up front as over 95% of licences are granted and therefore it is more cost effective. If an applicant requests to pay them separately then there will be an additional administration cost. The post costs would be refunded where an application is unsuccessful.

- 18.3 As a service we are also introducing a two tier fee system in line with the transformation project new investment in IT where there will be a different fee for making an application on paper in the traditional manner, than if you apply electronically. This lower fee will reflect the lower time spent on administration / staff time when processing an electronic application.

- 18.4 Attached at Appendix "B" is a full schedule of non-statutory fees.

- 18.5 The introduction of new working processes and a channel shift from manual to electronic has enabled efficiencies in the service cost base, including a reduction in workforce. This new streamlined capability has identified several key areas where reductions in cost can lead to fee reductions. These key areas are set out below;

- Sex Shop Licences & Variations etc.
- Gambling Premises Licences & Variations etc.
- Static / Schools & Short Term Street Trading Consents
- Private Hire & Hackney Carriage Vehicle Drivers & Operator Licences

- 18.6 The reductions above are allocated to areas that have either required less interaction / enforcement in 2013/14 due to premises being well managed (i.e. Sex Shops and Gambling Premises) or that due to the service restructure we are able to allocate resources to interact / enforce during normal hours rather than out of hours which incurs more costs.

- 18.7 There are also several areas that will see a slight increase in the licence fees. This is due to the service being required to allocate more resources / time over the last twelve months and see this requirement continuing in the 2014/15 financial year. These are set out below;
- Animal Health Licences (Pet Shops, Riding Establishments etc.)
 - Poisons Registrations
 - Pavement Café Licences
 - Skin Piercing / Tattooists etc.
- 18.8 The fees and income have been calculated based upon an expected 50/50 split in paper and electronic applications. The Chief Licensing Officer & Head of Licensing will manage the income generated in each area on a monthly basis.
- 18.9 If at any stage during the financial year the service is not achieving a 50/50 split then it must then decide on a course of action to be undertaken. If the service is receiving more paper applications it may require extra resources (staff) to deal with the demand in any particular area and may therefore use the additional income for this purpose. If more electronic applications are being received then it may need to reduce resources (staff) or reduce costs.
- 18.10 If a surplus is achieved at the end of the year then this may be carried forward in to next years budget, or the relevant fees reduced accordingly and / or the money re-invested within the service if it is necessary.

19.0 CONSULTATION

- 19.1 The Chief Licensing Officer & Head of Licensing has undertaken some initial consultations with various trade organisations which have been fairly positive.
- 19.2 As detailed in paragraphs 20.1 to 20.4 below there are strict statutory processes to be followed in relation to licensed vehicles and operators. This will commence immediately following the determination of the fees by members at this meeting.
- 19.3 The Licensing Service will also consult with those licensees and businesses licensed under the various other pieces of legislation during the same timescales.
- 19.4 If any objections are received they will be placed back before the licensing committee for consideration.
- 19.5 If no objections are received then the new fees will come in to force immediately following the 28 day consultation.

20.0 ADVERTISING

- 20.1 Any proposed variation to the fees for licensed vehicles and operators must be advertised and objections received within 28 days of the advertisement considered. There is no requirement for drivers or other fees to be advertised or for objections to be considered.
- 20.2 Following the advertisement where no objections are received the new scale of fees comes in to effect on a specified date no less than 28 days after the advertisement appeared.

20.3 Should objections be received (that are not withdrawn) then those objections must be considered. After consideration of any objections by the Council the new scale of fees, whether modified or not, will come in to effect on a new date that is within two months of the original date.

20.4 The Council cannot recover enforcement costs from the drivers licence application system.

21.0 THE LICENSING SERVICE

21.1 Licensing provides a single service / single point of contact. Licensing staff work across the whole of the service and are able to react to any needs as they arise. The service must be able to undertake work wherever the demand dictates at any particular time.

21.2 In most cases except taxis (which is governed by express provisions) , certain enforcement costs can be recovered. It is in those cases covered by the European Services Directive / Provision of Services Regulations that further fees cannot be recovered. These systems include Sex Establishments and Street Trading etc.

21.3 The Service is keen to streamline processes, improve performance, and provide an electronic option to customers which will in turn reduce costs in many areas.

22.0 FINANCIAL INFORMATION (COSTS)

22.1 Below is a summary of the anticipated budget for the Licensing Service for 2014-15. More detail can be found at Appendix "A"

Expenditure Type	£000's
Employee Costs	704
Other Direct Costs	141
Corporate & Mgt Overheads	241
Investment Scheme Costs	93
Total Budget	1,179

22.2 Overall, it is planned that the Service will reduce its costs by £86k in 2014.15 to £1.179m. This reflects a reduction in direct (staffing) costs as a result of the transformation project, together with savings anticipated in corporate and management overheads, in line with significant reductions being made by SCC in this area of activity.

22.3 Employee Costs will remain the single largest cost for the Service at around £0.7m (60%). These costs are based on the revised structure approved in October 2014.

22.4 Other Direct Costs include such things as equipment, fees, office expenses etc.

22.5 Corporate and Management Overheads include such activities as accommodation, legal, finance, committee secretariat, ICT and management. At £0.241m they represent around 20% of total cost and are derived from the corporate service level agreement process.

22.6 The Investment Scheme Costs represent the Transformation Project costs (ICT upgrade project staff and redundancy) which are repayable over 3 years at £93K per year.

23.0 FINANCIAL INFORMATION (REVENUE)

23.1 Fees are set in-line with the amount of time the licensing service plans to spend on each activity. During the fee setting process a review of the number of expected licences and activity/time spent on the service is undertaken.

23.2 Each year the services costs are budgeted for based on the delivery of the service and an hourly rate is calculated. This hourly rate is then used to inform the licence fee proposed based upon the amount of activity the licence is expected to receive by the service for the forthcoming year.

23.3 Below is a summary of the allocation of the licence service budgeted cost between the statutory, non-statutory and non-fee earning activities for 2014-15, together with the planned fee income to be generated.

	Statutory	Non-Statutory	Non-Fee	Total
	£'000	£'000	£'000	£'000
Expenditure				
• Costs Pre application determination	292	570	57	919
• Costs Post determination Enforcing / Reviewing etc.	83	160	17	260
Total	375	730	74	1,179
Income	(451)	(728)	0	(1,179)
Net	(76)	2	74	0

23.4 Revenue is raised from over 50 licensing systems such as alcohol & entertainment, street trading, gambling premises, sex shops and sexual entertainment venues, animal health licences etc.

24.0 NON STATUTORY FEES

24.1 The Licensing Service has undertaken an extensive review of the non-statutory fees with Finance. There are many fees charged across the service and we are proposing several changes to licence fee system as detailed in paragraphs 18.1 to 18.9 above

24.2 Members will note that fees must be reviewed / determined every year. Members should be aware that the fees were last determined in March 2013.

24.3 The Licensing Service has taken on several new systems over the last twelve months and those new systems are included in this report.

- 24.4 The fees set by the Licensing Authority which are proposed to remain the same are attached at Appendix "B".
- 24.5 Safety of Sports Grounds fees are dealt with separately and a list of projected fees is attached at Appendix "D"

25.0 STATUTORY FEES

- 25.1 The Licensing Service also administers several systems where the fee is determined by the Secretary of State through regulation. This includes all the fees under the Licensing Act 2003 and also several fees under the Gambling Act 2005.
- 25.2 The Licensing Authority has no powers to change these fees. Those fees are detailed at Appendix "C".

26.0 NON FEE PAYING

- 26.1 The last few systems the service administers are ones which in accordance with the legislation the Licensing Authority are unable to charge a fee. These systems include duties that are placed upon us by statute and must be undertaken.
- 26.2 These systems include Safety at Sports Grounds, Street Collections, House to House Collections, Hypnotism, Commons Registration and Scrap Metal Dealers.

27.0 FINANCIAL IMPLICATIONS

- 27.1 There are no financial implications for the Council arising from this report if members agree the fees proposed.
- 27.2 Should Members agree to determine the licence fees as detailed in the report above and attachments, the Council will recover its reasonable costs of the Licensing Service in relation to administering and enforcing the above licensing systems.

28.0 RECOMMENDATIONS

- 28.1 The Chief Licensing Officer and Head of Licensing following detailed consultation with the Councils Legal and Finance officers recommends that the committee accept the proposed fees set out and detailed in the attachments to this report.
- 28.2 Members must carefully consider all the information provided in this report and that included in any attachments and any written or verbal information received at the meeting before determining the licence fee(s) as set out and detailed in the attachments to this report.
- 28.3 These fees have been carefully calculated in order to ensure the Service recovers its reasonable costs and that the fees comply with all the relevant individual pieces of legislation and in particular the Provision of Services Regulations 2009.

29.0 OPTIONS OPEN TO THE BOARD

- 29.1 To determine the fees and authorise the Chief Licensing Officer and Head of Licensing to impose the fees as detailed in this report and the relevant attachments
- 29.2 To defer the decision to determine the fees for further consideration and work to be undertaken before being presented back to the Licensing Committee.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy & Regulation, Place
Staniforth Road Depot, Staniforth Road
March 2014

APPENDIX "A"

2014/15 Breakdown of Licensing Budget					
INCOME		Statutory Fee	Non Statutory	Non Fee Paying	TOTAL
FEES & CHARGES		-	- 102,000		
LICENSE FEES		-	- 5,000		
LIQUOR ALTERATIONS FEES		- 35,000	-		
LIQUOR CLUB PREMISES LICENSE		- 16,400	-		
TAXI DRIVERS		-	- 195,000		
GAMBLING LICENSE FEES		-	- 64,000		
HACKNEY CARRIAGES LICENSE FEES		-	- 108,000		
LIQUOR MISC LICENSE FEES		- 39,000	-		
LIQUOR PERSONAL LICENSE FEES		- 16,000	-		
LIQUOR PREMISES LICENSE FEES		- 345,000	-		
PRIVATE HIRE TAXIS LICENSE FEE		-	- 237,000		
TAXI MISCELLANEOUS INCOME		-	- 17,000		
TOTAL INCOME	TOTAL	- 451,400	- 728,000	-	- 1,179,400
DIRECT COSTS		Statutory	Non Statutory	Non Fee Paying	
Staffing		246,383	401,252	56,316	703,950
Premises & Transport		4,480	7,296	1,024	12,800
Professional Fees and Subscriptions		10,000	37,500	-	47,500
Office Materials & Supplies		14,498	32,670	1,332	48,500
Advertising / Publicity		645	855	-	1,500
Telephone and IT		7,600	22,140	260	30,000
Capital Investment Costs		22,750	70,500	500	93,750
SUB TOTAL	TOTAL	306,356	572,213	59,432	938,000
INDIRECT COSTS					
Corporate Overhead and Legal and Democratic Services		68,648	158,000	14,752	241,400
TOTAL COSTS	TOTAL	375,004	730,213	74,184	1,179,400
Cash Limit		- 76,397	2,213	74,184	0

APPENDIX "B"

Proposed Fee by Type 2014-2015

Sex Establishments		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
New	5,200	1,310	1,290	2,600	948	1,152	2,100
Renewal	4,400	1,118	1,182	2,300	814	1,086	1,900
Transfer	1,200	995	605	1,600	654	446	1,100
Variation	1,000	735	165	900	410	90	500
Staff Reg.	37	34	6	40	30	5	35

SEV's		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
New	1,335	698	637	1,335	574	626	1,200
Renewal	1,000	464	536	1,000	378	507	885
Variation	1,000	464	536	1,000	378	507	885
Transfer	500	345	156	500	245	125	370

Street Trading		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Mobile (Ice Cream)	236	104	132	236	65	126	190
Mobile (Fruit & Veg)	315	110	205	315	72	198	270
Football Hot Food	505	188	317	505	145	310	455
Football Memorabilia	100	70	30	100	48	27	75
Schools	37	31	9	40	26	7	32
Short Term Day	48	51	9	60	37	9	45
Short Term Week	75	66	14	80	53	12	65
Short Term Month	118	95	25	120	74	21	95
Variation	100	84	16	100	53	15	68
New Assistants badge	15	20	-	20	15	-	15
Change of details (Minor)	15	20	-	20	15	-	15
Replacement Badge	8	10	-	10	7.5	-	7.5
Replacement Certificate	8	10	-	10	7.5	-	7.5
Static Street Trading	-	15,451	10,514	25,965	12,283	8,847	21,130

Animal Health		PAPER				ELECTRONIC			
Type	2013/14 Fee	PRE	POST	OTHER	TOTAL	PRE	POST	OTHER	TOTAL
Pet Shop New	156	44	14	107	165	30	11	107	148
Pet Shop Ren.	134	44	14	85	143	30	11	85	126
Riding Est. New	210	44	14	158	216	30	11	158	199
Riding Est. Ren.	185	44	14	127	185	30	11	127	168
Animal Bdrs. New	210	44	14	153	211	30	11	153	194
Animal Bdrs. Ren.	183	44	14	131	189	30	11	131	172
DWA's New	182	44	14	132	190	30	11	132	173
DWA's Ren.	159	44	14	108	166	30	11	108	149
Dog Breeders New	150	44	14	102	160	30	11	102	143
Dog Breeders Ren.	150	44	14	100	158	30	11	100	141

MISC -		PAPER					ELECTRONIC			
Type	2013/14 Fee	PRE	POST	Other	TOTAL	PRE	POST	Other	TOTAL	
Skin Piercing / Tattoois	Operator	50	43	7	50	30	5		35	
Skin Piercing / Tattoois	Premises	250	33	7	225	17	3	225	245	
Scrap Metal Dealers Sites	New	350	205	145	350	170	140		310	
	Renewal	300	168	132	300	135	125		260	
	Variation	75	61	14	75	50	10		60	
Scrap Metal Collectors	New	150	108	42	150	85	40		125	
	Renewal	100	65	35	100	50	30		80	
Pavement Café		88	77	18	95	63	12		75	
Poisons Registration	New	34	30	10	40	24	6		30	
	Renewal	18	17	3	20	15	-		15	
	Change of details	9	10	-	10	7.50	-		7.50	
2nd hand dealers		15	10	5	15	15	-		15	

Civil Marriage Premises		PAPER				ELECTRONIC			
Type	2013/14 Fee	PRE	POST	OTHER	TOTAL	PRE	POST	OTHER	TOTAL
New	970	422	139	430	970	343	153	430	890
Renewal	970	422	139	430	970	343	153	430	890

Private Hire Vehicles		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Renewals	160	115	38	153	79	34	113
New	215	157	51	208	120	48	168
Transfer (Misc)	21	21	-	21	15	-	15

Hackney Carriage Vehicles		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Renewals	160	115	38	153	79	34	113
New	215	157	51	208	120	48	168
Transfer (Misc)	21	21	-	21	15	-	15

PH / HC Drivers		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
New	215	169	36	205	150	30	180
Renewals (With DBS)	140	101	29	130	81	24	105
Renewals (Without DBS)	96	65	21	86	55	16	71

Operators		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
New	1,200	243	427	670	188	412	600
Renewal 0 to 50	n/a	205	255	460	159	241	400
Renewal 51+	n/a	243	427	670	188	412	600

MISC - Taxis		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Replacement Plates	23	25	-	25	20	-	20
Replacement Badges	15	20	-	20	15	-	15

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Betting New	1,182	696	384	1,080	613	367	980
Betting First Annual Fee	198	102	48	150	65	40	105
Betting Annual Fee	283	150	80	230	108	72	180
Betting Variation	682	429	156	585	347	138	485
Betting Transfer	598	353	147	500	285	135	420
Betting Reinstatement	598	353	147	500	285	135	420
Betting Provisional Statement	1,182	694	386	1,080	614	366	980
Betting App Following Prov Statmnt	818	503	212	715	420	195	615

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Casino First Annual Fee	1,097	430	520	950	350	490	840
Casino Annual Fee	1,567	647	753	1,400	569	721	1,290
Casino Variation	958	638	222	860	540	210	750
Casino Transfer	874	568	212	780	477	193	670
Casino Reinstatement	874	568	212	780	477	193	670

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Bingo New	1,274	728	422	1,150	643	407	1,050
Bingo First Annual Fee	496	268	172	440	208	162	370
Bingo Annual Fee	709	385	225	610	328	212	540
Bingo Variation	774	483	182	665	404	161	565
Bingo Transfer	690	426	159	585	342	143	485
Bingo Reinstatement	690	426	159	585	342	143	485
Bingo Provisional Statement	1,274	727	423	1,150	643	407	1,050
Bingo App Following Prov Statmnt	910	544	256	800	462	238	700

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
Tracks New	1,366	769	491	1,260	679	476	1,155
Tracks First Annual Fee	556	248	202	450	168	177	345
Tracks Annual Fee	795	333	347	680	252	323	575
Tracks Variation	866	557	198	755	469	181	650
Tracks Transfer	782	497	178	675	405	165	570
Tracks Reinstatement	782	497	178	675	405	165	570
Tracks Provisional Statement	1,366	768	492	1,260	680	475	1,155
Tracks App Following Prov Statmnt	938	565	270	835	479	251	730

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
FEC's New	906	504	306	810	439	291	730
FEC's First Annual Fee	299	165	85	250	111	74	185
FEC's Annual Fee	428	196	144	340	145	130	275
FEC's Variation	590	362	138	500	290	130	420
FEC's Transfer	506	285	130	415	223	117	340
FEC's Reinstatement	506	285	130	415	223	117	340
FEC's Provisional Statement	906	504	306	810	439	291	730
FEC's App Following Prov Statmnt	542	302	148	440	245	125	370

Gambling Act		PAPER			ELECTRONIC		
Type	2013/14 Fee	PRE	POST	TOTAL	PRE	POST	TOTAL
AGC's New	1,182	639	441	1,080	565	415	980
AGC's First Annual Fee	343	172	118	290	118	102	220
AGC's Annual Fee	491	217	203	420	160	190	350
AGC's Variation	710	463	149	612	380	135	515
AGC's Transfer	626	375	150	525	300	130	430
AGC's Reinstatement	626	375	150	525	300	130	430
AGC's Provisional Statement	1,182	639	441	1,080	565	415	980
AGC's App Following Prov Statmnt	818	503	212	715	420	195	615

APPENDIX C

STATUTORY FEES

LICENSING ACT

APPLICATION	FEE
Premises New Band A	£100.00
Premises New Band B	£190.00
Premises New Band C	£315.00
Premises New Band D	£450.00
Premises New Band E	£635.00
Premises New Band D x 2	£900.00
Premises New Band E x 3	£1,905.00
Premises Annual Fee Band A	£70.00
Premises Annual Fee Band B	£180.00
Premises Annual Fee Band C	£295.00
Premises Annual Fee Band D	£320.00
Premises Annual Fee Band E	£350.00
Premises Annual Fee Band D x 2	£640.00
Premises Annual Fee Band E x 3	£1,050.00
Premises Provisional Statement	£315.00
Premises Variation Band A	£100.00
Premises Variation Band B	£190.00
Premises Variation Fee Band C	£315.00
Premises Variation Band D	£450.00
Premises Variation Band E	£635.00
Premises Variation Band D x 2	£900.00
Premises Variation Band E x 3	£1,905.00
Minor Variation	£89.00
Variation of DPS	£23.00
Premises Transfer	£23.00
TEN's	£21.00
Notification of Freeholder Interest	£21.00
Theft or Loss of Licence	£10.50
Change of Address	£10.50
CPC New Band A	£100.00
CPC New Band B	£190.00
CPC New Band C	£315.00
CPC New Band D	£450.00
CPC New Band E	£635.00
CPC New Band D x 2	£900.00
CPC New Band E x 3	£1,905.00
CPC Variation Band A	£100.00
CPC Variation Band B	£190.00
CPC Variation Band C	£315.00
CPC Variation Band D	£450.00

CPC Variation Band E	£635.00
CPC Variation Band D x 2	£900.00
CPC Variation Band E x 3	£1,905.00
CPC Annual Fee Band A	£70.00
CPC Annual Fee Band B	£180.00
CPC Annual Fee Band C	£295.00
CPC Annual Fee Band D	£320.00
CPC Annual Fee Band E	£350.00
CPC Annual Fee Band D x 2	£640.00
CPC Annual Fee Band E x 3	£1,050.00
Theft or Loss of CPC	£10.50
Change of Details CPC	£10.50
Personal Licence Grant	£37.00
Personal Licence Renewal	£37.00
Personal Licence Change of Address	£10.50
Personal Licence Duplicate / Copy	£10.50

GAMBLING ACT

APPLICATION	FEE
Lotteries New	£40.00
Lotteries Renewal	£20.00
Notification of Two Machines	£50.00
LPGMP	£150.00
Club Machine Permit	£200.00
Club Gaming Permit	£200.00
Unlicensed FEC Permit	£300.00
Prize Gaming Permits	£300.00

APPENDIX “D”

Safety at Sports Grounds Schedule of Fees

PLEASE NOTE All the fees below are only to give an indication of the potential costs based on prior experience and knowledge of the work involved. The actual fee will be calculated after the completion of the process and the full costs to the Council are then able to be calculated accurately.

General Safety Certificate

Application for grant	£5,000 to £15,000
Application for amendment / variation	£ 1,000 (small) £ 3,000 (medium) £ 5,000 (large)
Application for a replacement	£ 100
Application for transfer	£ 750

Special Safety Certificate

Application for grant	£ 1,000 to £15,000 (dependant upon size / type of event)
Application for amendment / variation	£ 1,000 (small) £ 3,000 (medium) £ 5,000 (Large)
Application for a replacement	£ 100
Application for transfer	£ 750

Regulated Stand Certificate

Application for grant	£1,000 to £10,000 (dependant upon size / type of event)
Application for amendment / variation	£ 1,000 (small) £ 2,000 (medium) £ 3,000 (Large)
Application for a replacement	£ 100
Application for transfer	£ 750