

Licensing Committee

Tuesday 31 March 2015 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 David Barker, Olivia Blake, Nikki Bond, Jack Clarkson, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Anne Murphy, Josie Paszek, Vickie Priestley, Denise Reaney, Geoff Smith, 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
31 MARCH 2015**

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. Determination of Licence Fees**
Report of the Chief Licensing Officer
- 6. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-

8th, 17th, 22nd and 31st July

5th, 7th, 11th, 12th and 21st (Committee) August

1st, 2nd, 9th, 18th, 25th, 29th and 30th September

2nd, 9th, 15th, 16th, 21st, 23rd, 28th and 30th October

4th, 10th, 25th and 27th November

9th, 16th and 18th December, 2014; and

6th, 8th, 13th, 15th and 27th January

10th February

3rd and 10th March, 2015

This page is intentionally left blank

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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 Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

This page is intentionally left blank

Licensing Sub-Committee

Meeting held 8 July 2014

PRESENT: Councillors Geoff Smith (Chair), Stuart Wattam and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Nikki Bond.

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. 69/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 70/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 28/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 48/14 attended the hearing. Two witnesses also attended the hearing and they all addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
69/14	Application for a new Hackney Carriage and Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case, specifically relating to the age of the

		vehicle at application, to warrant a departure from the current policy relating to the age limit of vehicles.
70/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
28/14	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) in view of the information now reported, and the responses provided to the questions raised, the licence be suspended under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, up until such time the licence holder successfully completes Unit 5 (Regulatory Framework) of the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and (b) the licence holder be issued with a written warning as to his future conduct, specifically relating to his compliance and understanding of the taxi regulations, to remain on his licence for a period of three years.
48/14	Application to renew 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 representations now made and the responses provided to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 July 2014

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Denise Reaney 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 - CITY CENTRE SMALL TRADING STALLS

4.1 The Chief Licensing Officer submitted a report to consider two applications for a street trading consent to trade in the city centre, at Tudor Square and Sheaf Street, Sheffield.

4.2 Present at the meeting were Zina Simeonova and Hristo Hristov (Applicants), Natasha Wagstaff (Events Manager, City Centre and Major Events), Guy Biggin (City Centre Management), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that an objection to trade at Sheaf Street had been received from the Sheffield Rail Station Manager and was attached at Appendix "B". Following a site visit, an alternative site was identified away from the Station and a picture of the site was attached at Appendix "C". An objection was then received from the Highways Service and a copy of this objection was attached at Appendix "D". The applicant made a site visit to the area and was subsequently advised to make an application for a site at Tudor Square as an alternative to Sheaf Street and a copy of the application was attached at Appendix "E". Comments on both the Sheaf Street and Tudor Square applications were received from the City Centre Management Team and were attached at Appendix "F".

- 4.5 Zina Simeonova referred to the report and stated that it was their intention to trade on either site selling traditional Balkan food and not, as stated in the report, chips, breaded chicken and pork skewers. She referred to the Council's website which encouraged more local businesses to trade in the city centre and offer a more continental style of trading in certain areas. She added that the food will give customers a healthier option and will be sold in eco-packaging.
- 4.6 Zina Simeonova stated that she felt that Tudor Square had easy access and egress for their small trailer, which would be brought into position each day by a driver, who would return to remove the trailer at the end of the day.
- 4.7 In response to questions from Members of the Sub-Committee, Zina Simoneova said that the intention was to serve salads, herbal teas, Turkish coffee and a small amount of fried food which would be cooked by gas and stated that the trailer had a ventilation system in place. She added that there was space at the side of the trailer to store a gas bottle safely. She informed the Sub-Committee that she had contacted Waste Management and was informed that once they started trading, the necessary contract would be drawn up with them to control waste in the area. She added that there were adequate containers within the trailer to deal with waste.
- 4.8 In response to a further question, Zina Simoenova stated that they do hold a food hygiene certificate and were going to trade at Devonshire Green on Saturdays.
- 4.9 Natasha Wagstaff outlined her objections stating that turning/manoeuvring space is required at the bottom end of Tudor Square which is used regularly by articulated lorries delivering stage sets to both the Crucible and Lyceum Theatres. She further stated that the applicants would not be able to trade in Tudor Square for the whole period before, during and after the snooker event each year and that the area is also used during Doc Fest and Fright Night, thus restricting trade at these times. Ms. Wagstaff felt that footfall was limited to certain times of the day and due to other outlets in the area, the business might not be viable.
- 4.10 Natasha Wagstaff added that £12m had recently been spent refurbishing Tudor Square, introducing street furniture and specialist lighting and also that the paving is made from high quality granite which is non-porous so is particularly susceptible to becoming slippery when wet and is expensive to maintain and keep clean.
- 4.11 Guy Biggin added that the area at Sheaf Street is also paved with granite and the fountains could become contaminated. He also felt that the positioning of the trailer at Sheaf Street would cause health and safety risks and would compromise the "gold route" into the city centre from the Rail Station.
- 4.12 In response, the applicants felt that they were being discriminated against as vehicles are allowed onto Fargate and there is a large ice cream trailer at the top of the Peace Gardens which has to be positioned passing a number of bus stops and pedestrians on a daily basis. Natasha Wagstaff informed the meeting that vehicle movement is only allowed on Fargate until 10.00 a.m., but vehicles are allowed onto Tudor Square at any time.

- 4.13 Natasha Wagstaff then offered a site on Angel Street as part of the Council's initiative for encouraging small businesses to trade in the City Centre.
- 4.14 The applicants and the objectors were then given the opportunity to sum up, at which point the applicants agreed, if granted the consent at Tudor Square, to trade for 48 weeks of the year.
- 4.15 RESOLVED: That the public and press and attendees involved in the hearing 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.
- 4.16 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the applications.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, in connection with two applications for a street trading consent to trade in the city centre, the Sub-Committee:-
- (a) refused the street trading application at Sheaf Street on the grounds of health and safety; and
 - (b) granted consent for the street trading application at Tudor Square for 48 weeks of the year, and requiring the applicant to hold detailed discussions with the relevant Services regarding positioning of the trailer and waste management.
- (The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 July 2014

PRESENT: Councillors Geoff Smith (Chair), Jillian Creasy and Josie Paszek

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Stuart Wattam 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 applicant in Case No.71/14 attended the hearing and addressed the Sub-Committee.

4.3 The license holder in Case No.72/14 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>
71/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
72/14	Application for the renewal of	Grant a licence for the normal term

a Hackney Carriage and
Private Hire Driver's Licence

of 18 months, subject to there being no further cause for concern and the applicant be issued with a warning to make sure that he reports any further offences to the Licensing Service immediately.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 31 July 2014

PRESENT: Councillors David Barker (Chair), Nikki Bond and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SUMMARY REVIEW OF PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for a summary review of a premises licence (Ref. No.73/14).

4.2 Present at the meeting were Benita Mumby (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Board), the Premises Licence Holder, Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be following during the hearing.

4.4 Clive Stephenson 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 'E' to the report.

4.5 Benita Mumby reported on the grounds as to why the application had been made by South Yorkshire Police, stating that, in the opinion of the Police, the premises are associated with serious crime or serious disorder or both.

4.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board.

4.7 The Premises Licence Holder addressed the Sub-Committee and responded to a

number of questions raised by Members of, and the Solicitor 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 Marie-Claire Frankie 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to modify the conditions of the licence (Ref. No.73/14) as follows:-
- (a) an ID scanning system to be installed and maintained at the premises;
 - (b) all glass collectors to be required to wear high visibility jackets;
 - (c) all customers entering and re-entering the premises are to be searched with a wand; and
 - (d) the Challenge 25 scheme to be implemented at the premises.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 August 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Although Councillor Stuart Wattam attended the meeting as a Member, he 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. 74/14 attended the hearing with a friend and addressed the Sub-Committee.

4.3 The applicant in Case No. 75/14 did not attend the hearing and the application was considered in his absence.

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

<u>Case No</u>	<u>Licence Type</u>	<u>Decision</u>
74/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
75/14	Application for a new Hackney Carriage and	(a) Grant a licence for the normal term of nine months, subject to the applicant (i)

Private Hire Driver's
Licence

completing all the relevant tests and medical required of a new applicant and (ii) having no further convictions at the time he presents himself for his licence and (b) 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 Sub-Committee

Meeting held 7 August 2014

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Anne Murphy

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Denise Reaney.

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 - PAPA JOHNS, 289 ECCLESALL ROAD, SHEFFIELD, S11 8NX

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 the premises known as Papa Johns, 289 Ecclesall Road, Sheffield S11 8NX (Case No. 74/14).

4.2 Present at the meeting were Jill Thompson and William Emery (Objectors, Broomhall Park Association), Eamonn Ward (Objector, Green Party), Dean Carr (DLT Licensing, on behalf of the applicant), Gurnek Sina (Applicant), Manoj Sizdel (Applicant's friend), Nina Hollis (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.

4.4 Nina Hollis presented the report to the Sub-Committee and it was noted that four objections had been received from members of the public and these were attached at Appendix "B" to the report.

4.5 Eamonn Ward stated that he was raising his objections to the application on behalf of himself and a Green Party Ward Councillor who was unable to attend. Mr. Ward referred to a recent planning application which had subsequently been refused in the area, and whilst acknowledging that Planning and Licensing are totally separate processes he felt it appropriate to refer to the decision and the subsequent appeal. Mr. Ward felt that if the extension to the opening hours was

granted, there would be considerable noise nuisance to the local residents emanating from people congregating in the vicinity, customers talking and/or shouting, an increase in vehicles in the area and car doors opening and closing and that this would harm the living conditions of the residents.

- 4.6 Jill Thompson stated she was attending on behalf of the members of the Broomhall Park Association and that there was a general consensus amongst her members that the majority of the bars along Ecclesall Road have a tendency of closing between 11.30 p.m. and midnight, seven days a week, which for the majority of the time worked well within the area. She added that occasionally there was disruption and the Police were called. She stated that the streets and gardens are continuously littered with discarded packaging from the numerous fast food outlets already operating along Ecclesall Road. She added that frequently the discarded packaging contains the leftover food which is then a target for rats, foxes and badgers, all of which carry fleas and can be harmful to public health. Jill Thompson believed that the longer the opening hours, the greater the nuisance into the early hours of the morning, sometimes until dawn, causing sleep deprivation amongst the residents.
- 4.7 William Emery stated that the Broomhall Conservation Association, of which he is a member, has been in existence for over 50 years. He said that it has between 70-80 members and has links to other Residents' Associations in the area and are actively engaged in striking the right balance between residents and businesses in the area to live in harmony. In response to questions, Mr. Emery stated that the Association has dialogue with the two Universities, the Police and the Planning and Highways Services relating to the control of noise nuisance.
- 4.8 Dean Carr stated that Papa Johns is part of a group of businesses and there are three other fast food outlets in different parts of the country. He stated that all the premises are fitted with CCTV, that there is a litter policy where members of staff go outside and collect litter in the surrounding area and also they operate a "quiet" leaving policy with notices at the entrance/exits requesting customers to leave quietly and not disturb the neighbours. Mr. Carr added that at the three other outlets, there had been no complaints of anti-social behaviour. Mr. Carr went on to add that he had researched the area and that there are other premises which open until 3 – 4 a.m., and believed that the proposed opening hours at Papa Johns were appropriate and can be sustainable in the area.
- 4.9 In response to questions, Mr. Carr stated that the other premises are located in similar areas to Ecclesall Road and have proved successful, with 70% of trade being through the delivery service. He added that the CCTV cameras monitor the external area and considered that as alcohol is not sold, there is no added contribution to anti-social behaviour. He went on to say that if there was any anti-social behaviour outside the premises, the Police would be called and the recordings taken by the CCTV would be passed on to them. Mr. Carr summed up by stating that the company is well-run, works with the local community if there are any problems and that the litter picks and notices contribute to the prevention of any nuisance occurring in the area.
- 4.10 RESOLVED: That the public and press and attendees involved in the hearing 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 Marie-Claire Frankie 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, and the representations now made, the Sub-Committee agrees to grant a Premises Licence in respect of Papa Johns, 289 Ecclesall Road, Sheffield S11 8NX, in the terms requested and subject to the additional conditions as follows:-
- (a) a colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times when the premises are open. CCTV images will be stored for 28 days. Police will be given access to the copies of images for purposes in connection with the prevention and detection of crime and disorder;
 - (b) litter shall be cleared from 25 yards either side of the premises twice daily. Records of this to be kept and made available to officers for inspection; and
 - (c) the Premises License Holder shall prominently display A4 notices on the premises reminding patrons that they are in a residential area and to be quiet when leaving the premises and area.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 August 2014

PRESENT: Councillors Geoff Smith (Chair), Olivia Blake and Jillian Creasy

.....

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 interest.

4. LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION

4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003 (Case No. 77/14).

4.2 Present at the meeting were the applicant, the applicant's uncle, Benita Mumby (South Yorkshire Police Licensing, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Caroline Milson (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 Clive Stephenson 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' to the report.

4.5 Benita Mumby made representation on behalf of South Yorkshire Police, referring to the applicant's offences and convictions. She made specific reference to the offences, detailing the offences, the date of conviction and indicating that, under Section 5 of the Rehabilitation of Offenders Act, her objection is based on the prevention of crime and disorder and that the applicant has unspent convictions against him. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant and the applicant's uncle addressed the Sub-Committee. The applicant stated that he regretted carrying out the offences and that his personal circumstances had changed. He responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee, and Clive Stephenson.
- 4.7 RESOLVED: That the attendees involved in the application for a Personal Licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That the application for the Personal Licence (Case No. 14/13) be rejected on the grounds that, in the light of the representations now made and the nature of one of the offences now reported, the Sub-Committee considered that granting a Personal Licence in this case would not be beneficial for the promotion of the licensing objectives.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 August 2014

PRESENT: Councillors David Barker (Chair), Neale Gibson and Cliff Woodcraft

.....

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 two cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 76/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 78/14 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>
76/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider that, due to the seriousness of the offence committed, there has been a sufficient period of time elapsed since the disqualification of his licence ended.
78/14	Application for a new Hackney Carriage and Private Hire	Grant a licence for the shorter term of six months, in the light of

Driver's Licence

the nature of the offence now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 21 August 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake, Neale Gibson, Anne Murphy, Josie Paszek, Denise Reaney and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Nikki Bond, Jack Clarkson, Jillian Creasy, George Lindars-Hammond and Geoff Smith.

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 10th, 17th, 24th, 25th and 27th February, 3rd, 10th, 17th, 18th, 24th, 25th and 31st March, 3rd, 7th, 8th, 14th, 28th and 29th April, 12th, 19th and 20th May, 2nd, 3rd, 4th, 5th, 9th, 12th, 16th, 17th, 19th, 24th and 30th June and 1st July, 2014 and the Licensing Committee held on 20th February and 27th March, 2014 were approved as correct records.

5. COMMONS ACT 2006 - FEE SETTING – LANDOWNER STATEMENTS UNDER SECTION 15A

5.1 The Chief Licensing Officer submitted a report outlining changes to the Commons Act 2006, which came into force on 1st October, 2013. The purpose of the report was to ask Members to agree a fee in respect of the Landowner Statements under Section 15A of the Act. A breakdown of the estimated fees was attached at Appendix "1".

5.2 Carolyn Forster informed Members that the proposed fee of £320 on applications for Landowner Statements had been derived through calculations of officer time in carrying out the application requirements and process as prescribed by the regulations, including, the placing of notices on the land and keeping an up-to-date register. Notwithstanding that the regulations do not provide fee amounts, the power to set the fee falls to the Authority and the fee must be reasonable for the application type. Carolyn Forster added that the proposed fee will be reviewed to ensure that amounts charged are proportionate to the Authority's costs.

5.3 **RESOLVED:** That the Committee:

- (a) notes the contents of the report now submitted; and
- (b) approves the proposed fee of £320 for applications for Landowner Statements under the Commons Act 2006, with the fee being subject to review at any time.

6. TEMPORARY EVENT NOTICE - TERMINUS TAVERN, 150A MAIN ROAD, SHEFFIELD S9 5HQ

- 6.1 The Chief Licensing Officer submitted a report to consider a notice of objection relating to a Temporary Event Notice for the premises known as Terminus Tavern, 150A Main Road, Sheffield S9 5HQ (Case No.83/14).

Members of the Committee in attendance for this item were Councillors David Barker (Chair), Olivia Blake, Anne Murray and Josie Paszek.

- 6.2 Present at the meeting were Tansy Bagshaw (Applicant), Tony Stubbs (Applicant's friend), Benita Mumby (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Committee) and Jennie Skiba (Democratic Services).
- 6.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.
- 6.4 Clive Stephenson presented the report to the Committee and it was noted that an objection had been received from South Yorkshire Police and was attached at Appendix "B" to the report.
- 6.5 Benita Mumby stated the grounds of objection from South Yorkshire Police were based on the protection of children from harm. She further stated that the Police have serious concerns regarding the suitability of the premises for children to attend the proposed events. Benita Mumby went on to add that there had been issues with bad language, drugs use and fighting and did not feel that it was the right environment for children to be in.
- 6.6 In response to questions, Benita Mumby said that in June, 2014 there had been a fight at the premises to which the Police were called and had attended. She added that the licence conditions had already been breached and felt that by granting the extension, children would have free reign to access all areas of the premises.
- 6.7 Tansy Bagshaw stated that as far as she was aware, there had not been an incident of violence in June, the only time she can recall the Police being called was last Christmas Eve. She went on to say that the purpose of holding the three day charity event was to prove to the

Police and Licensing Services that the premises were a safe and suitable environment for children to be in attendance. She further stated that a charity event had been held previously, but due to children having to vacate the premises by 5.00 p.m., parents leave at the same time and therefore the event was not as successful as she would have liked.

- 6.8 Tony Stubbs stated that children are currently allowed onto the premises with their parents in a designated children's room, but considers this room to be too small and is very restrictive. He added that a high fence with lockable gates had recently been erected to the beer garden and the original application for children to be allowed onto the premises was for the designated room and beer garden but this had been refused.
- 6.9 In response to questions from Members of the Sub-Committee, Tansy Bagshaw stated that at present, children have to pass through the bar area to get to the toilets and felt that if children were allowed outside, they can access toilets in the doorway thus alleviating the need to pass through the premises. She added that there is never any trouble on the premises, and anyone who might be likely to cause trouble are stopped from entering through the garden. She informed Members that as well as erecting the fence, plug sockets had been moved out of the reach of children and the steps had been painted in order to make the area "child friendly". Tansy Bagshaw further stated that most of her trade is during the day and generally closes by 8.00 p.m.
- 6.10 In summing up, Tansy Bagshaw stated that trade was very poor and she and her partner were struggling to make the business a success, but felt that by holding the three-day charity event, business would pick up in the future.
- 6.11 Clive Stephenson outlined the options open to the Committee.
- 6.12 RESOLVED: That the public and press and attendees involved in the hearing 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.
- 6.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 6.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.15 RESOLVED: That the Committee agrees that the applicant be issued with a counter notice in respect of the Temporary Event Notice for 29th, 30th and 31st August, 2014, in respect of the premises known as

Terminus Tavern, 150A Main Road, Sheffield S9 5HQ, as it considers it necessary on the grounds of the protection of children from harm and the prevention of crime and disorder.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 September 2014

PRESENT: Councillors David Barker (Chair), Jillian Creasy and Anne Murphy

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - WALKLEY BEER CO, 362 SOUTH ROAD, SHEFFIELD, S6 3TF

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 Walkley Beer Co., 362 South Road, Sheffield, S6 3TF.

4.2 Present at the meeting were Christopher Challis (Applicant), Rodney Challis (Co-Director, Walkley Beer Co.), Richard Greaves (Objector), Councillor Neale Gibson (representing the Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that, in addition to the representations made by Mr Greaves, a petition, signed by himself and six other local residents, objecting to the application, had been received, and which was attached at Appendix 'B' to the report.

4.5 Councillor Neale Gibson stated that Mr Greaves lived in a property adjoining the premises, with half of his living room, in which he spent most of his time, sharing the same party wall. He referred to a number of events held at the premises during the Summer, using Temporary Event Notices (TENs), which had resulted in Mr Greaves being subjected to an element of noise nuisance. Reference was also made to the fact that there was only a single front door to the premises, which could result in issues with regard to noise breakout. Mr Greaves had no issues with regard to the premises being used as a retail outlet, but had concerns with

regard to the on-sales element of the business. He was concerned that the premises could operate similar to a pub, and that if a Premises Licence was granted, and if the premises were consequently sold, the new owner could operate it as a pub. He believed that if the applicant was only giving away small samples of beer for customers to taste, there should be no need for him to apply for a licence to allow him to sell alcohol for consumption on the premises.

- 4.6 In response to questions from Members of the Sub-Committee and Marie-Claire Frankie, Mr Greaves stated that he had owned his property since 1996, and lived there since 2008. He stated that the applicant had held between six to eight events at the premises during the Summer and that during the events, he had witnessed a number of people stood outside the premises, although they were not making excessive noise, nor were they smoking. He confirmed that there had been no issues regarding noise nuisance at the premises in the past as it had been a florist. The problems of noise nuisance generally occurred from 19:00 hours up until the premises closed, and the noise levels increased when there were more customers on the premises. The noise tended to travel through the walls as there was no carpet or sound proofing in the premises. He confirmed that there had been noise issues during each of the events, albeit at different levels, and that he had not contacted the applicant or the Environmental Health Service to discuss his concerns.
- 4.7 Christopher Challis spoke in support of his application, providing an explanation of the business model, which included selling high quality beers from around the world. He had held a number of events, using TENs, during the Summer, both to promote his business and to give local residents the opportunity of discussing any concerns. He confirmed that he had not received any complaints from local residents either during or following the events, and that he had learnt how to deal with any issues, such as noise nuisance, if they occurred in the future. Mr Challis referred to two other similar business ventures in other parts of the country, which operated on-sales in an off-licence, and were located in residential areas. Although he had indicated opening hours of 10:00 to 23:00 hours, it was not likely that the premises would be open till that time every night. He planned to have low level, background music, in the form of a radio in the serving area, with no plans for any piped music, and all licensing activities would take place in one room.
- 4.8 In response to the issues raised as part of the objector's representations, Mr Challis stated that the area in which the premises were located was designated as a local shopping centre in the Council's Unitary Development Plan, and that he believed that he was contributing to the vitality of the area by utilising the premises, particularly as there were a number of vacant premises in the area, which were very unsightly. He was providing a service in that there were very few outlets left in the area which sold alcohol. In terms of the objections, he stated that the tenant living above the premises had not made any representations and out of the seven people who had signed the petition, only three lived in residential properties in the immediate vicinity. Mr Challis had replaced the tables with large benches, which were much less likely to be moved around, thereby minimising any noise nuisance. He confirmed that he had no plans for holding any private parties at the premises, and that he had never operated any events at the premises without applying for a TEN. He would ensure that no customers consumed any alcohol outside the

premises and that all doors and windows would be kept close, save for access and egress. He would not be planning to have an overspill area outside the premises in order to minimise any potential noise nuisance, and the maximum number of people allowed in the premises, at any one time, would be 32, inclusive of staff. He disputed the objector's claims that he had held an event at the weekend of 27th and 28th June 2014, and with regard to the notice of the application, he confirmed that it had been placed in the window at the front of the premises, which had been easily visible. Mr Challis stated that he would be providing an on-sales service on the premises for financial reasons. The difference between the applicant's business and that of a public house was that pubs operated primarily through on-sales, whereas in the applicant's case, the on-sales would only be an ancillary part of the business. In terms of potential noise nuisance, Mr Challis stated that, as the premises were only small, it was easy for him to talk to all his customers and therefore, if he considered that the noise levels were rising, he would ask them to quieten down, which is what he did during the events held in the Summer. It was not likely that customers would remain on the premises for more than two hours, therefore would not be consuming large amounts of alcohol, which could result in them raising their voices. Mr Challis made the point that noise would be more likely to travel at present as there was very little in terms of fixtures and fittings in the premises. He raised the possibility of hanging fabric panels from the ceiling in order to absorb some of the sound, and pointed out that the main seating area was situated to the front of the premises which area adjoined the commercial property next door, as opposed to Mr Greaves' living area. He stated that he had operated the temporary events at the premises partly to enable him to get a better understanding of how to run the business. He had undertaken the relevant Premises Licence Holder training and had plans to undertake the Safeguarding Children course, subject to the decision at this hearing. Mr Challis stated that he would have up to four cask ales, which would be served direct from the barrel and during the temporary events, he only used two of these. He was not aware that the premises were included as part of a pub crawl during the temporary events and his business to date had predominately involved off-sales. He stated that he would be able to differentiate between on and off-sales on his till system if requested to provide proof that the on-sales element was an ancillary part of the business. He added that he would look to offer on-sales on certain days of the week. The bins for empty bottles were situated behind a wall outside the premises and Mr Challis stated that he would ensure that the empty bottles would only be cleared out during daytime office hours, as with all deliveries to the premises.

- 4.9 In response to questions from Councillor Neale Gibson, Mr Challis indicated the size of the premises, using the Committee Room as a comparison. He confirmed that although the on-sales element was ancillary to the business, he could, in effect, offer on-sales up to 22:00 hours. He stated that he had not visited the two premises referred to earlier in the hearing which offered a similar service to the Walkley Beer Co., and was not able to confirm as to whether there were any residential properties within the immediate vicinity of the Rose House Pub. He stated that he had called on the resident living in the flat above the premises to inform him of the application, but had not been able to make contact, so had left a note with his contact number on. He had not heard from him to date. Mr Challis indicated that he was not aware of the new off-licence on Sharrow Vale Road, which operated similar to his premises, whilst not offering on-sales. In conclusion,

Mr Challis stated that even if the business was not operating successfully, he would not look at selling spirits or introducing vertical drinking as he would be in breach of his licence.

- 4.9 Christopher Challis summarised his case.
- 4.10 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.
- 4.11 Marie-Claire Frankie 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 attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Walkley Beer Co, 362 South Road, Sheffield, S6 3TF, in the terms requested and subject to the additional conditions as follows:-
- (a) On-sales be limited from between 12:00 and 22:00 hours;
 - (b) Sales be limited to cask and bottled beers only;
 - (c) There shall be no vertical drinking on the premises;
 - (d) All doors and windows to be closed after 19:00 hours, save for egress and access; and
 - (e) Empty bottles be disposed of in the external bins during 09:00 and 17:00 hours.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 September 2014

PRESENT: Councillors Geoff Smith (Chair), George Lindars-Hammond and Anne Murphy

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 81/14 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 84/14 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>
81/14	Application for a new 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 insufficient time that has elapsed since his last conviction.
84/14	Application to renew a Hackney Carriage and	The Sub-Committee agreed to the licence holder's request for the consideration of

Private Hire Driver's
Licence

the case to be deferred to a future hearing,
after the conclusion of the pending legal
proceedings.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 September 2014

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Anne Murphy

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Denise Reaney 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. 86/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 87/14 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 88/14 did not attend the hearing and the case was considered in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
86/14	Renewal of a Hackney Carriage and Private Hire Driver's Licence	(a) Renew the licence for a shorter term of 12 months in the light of the offences and convictions now reported and the applicant be issued with a written warning as to his future conduct, to remain on his licence for a period of two years and (b) on renewal,

authority be given to grant the applicant an 18 month licence, subject to there being no further cause for concern.

87/14	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 and convictions now reported, and particularly, the two recent complaints received with regard to his driving and (b) the applicant's admission that he had made false statements at a previous meeting of the Sub-Committee.
88/14	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 number and nature of the offences and convictions now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 September 2014

PRESENT: Councillors David Barker (Chair), Neale Gibson and Denise Reaney

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Nikki Bond.

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. 89/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 90/14 had not received proper notification of the hearing, therefore did not attend.

4.4 The applicant in Case No. 91/14 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>
89/14	Application for a new 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 representations now made and the responses provided to the questions raised, (b) the offences and convictions now reported, particularly the three recent

		driving offences and (c) the 12 points he currently has on his licence.
90/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application and request that arrangements be made for the application to be considered at the hearing on 30 th September 2014.
91/14	Application for a new 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 Sub-Committee

Meeting held 25 September 2014

PRESENT: Councillors Geoff Smith (Chair), Josie Paszek and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Anne Murphy 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. COMMONS ACT 2006 - APPLICATION TO REGISTER "SMITHY WOOD" AS A TOWN OR VILLAGE GREEN

4.1 The Chief Licensing Officer submitted a report to consider an application to register land known as "Smithy Wood" adjacent to the M1 at Junction 35 with Cowley Hill, Sheffield, as a Town or Village Green.

4.2 Present at the meeting were Jean Howe (Chair of Cowley Residents Action Group (CRAG) attending on behalf of CRAG (the Applicant), Jacqueline Cox (Legal Adviser to CRAG), Paul Brackenbury (Deputy Chair, CRAG), Geoff Driver, Colin Taylor, Mick Harrison, David Miller, B. Glossop, Chris Perring, M. Widdowson (on behalf of the Applicant); David Newton attending on behalf of Axis 1 Limited/St. Paul's Development PLC (the Objector), Glenn Sharpe and Martin Carter (legal representatives acting on behalf of the Objector); Carolyn Forster (on behalf of the Clerk to the Registration Authority), Brendan Twomey (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 The Chair of the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 In response to questions from the Chair, Jean Howe indicated that there were nine witnesses in attendance, two of whom had not completed questionnaires in support of the application, and that the Applicant intended to submit an additional piece of evidence, in the form of a statement from a new witness, who was unable to attend. Mrs. Howe further advised the Committee that the Deputy Chair of CRAG would be addressing the Sub-Committee. Speaking on behalf of the Objector, Martin Carter indicated that there was one witness in attendance, three witness statements had been submitted which the witness would speak to, and one new piece of material was to be tabled in the form of a larger scale map of the

site.

- 4.5 Jean Howe stated that the report was incomplete, in that three questionnaires were missing. She introduced local Councillor Steve Wilson, Oliver Newham (Woodland Trust) and Christina Dore (former Ecologist), as interested parties.
- 4.6 Martin Carter outlined submissions on behalf of the Objector asking for the hearing to be adjourned and for a non-statutory inquiry to be arranged. He stated that the Objector is the owner of the vast majority of the site and feels that there has been a lack of clarity in the procedure to be followed, which could lead to unfairness; also that the law requires a non-statutory inquiry takes place regarding the circumstances of the case and feels that starting or completing a two day hearing when it could potentially change at any time to an inquiry is a waste of time and resources for everyone involved.
- 4.7 Martin Carter submitted that the Licensing Sub-Committee's hearing procedure gave no indication as to whether the Sub-Committee will allow the parties to submit additional evidence at the hearing. He added that no directions have been made in advance for the disclosure of evidence; the Objector had made its evidence available in advance and was aware that the Applicants have been canvassing locally for persons to attend the hearing and give evidence. He further stated that the Objector has had no notice of how many persons would be giving evidence, or of their relevant details and to this end, he felt that the Objector was at a serious disadvantage as he has not had a proper opportunity to consider all the evidence.
- 4.8 Martin Carter asserted, citing the decision in R (Whitney) v Commons Commissioners, that on the evidence presently disclosed, there is serious dispute about matters such as the amount, nature, duration, continuity and other qualities of the alleged users of the land and feels that for these reasons a non-statutory public inquiry should be held.
- 4.9 At this stage in the proceedings, the Chair asked the applicants whether they wished to adjourn, and for how long, to consider the submissions made by the objectors. Jean Howe requested that the Sub-Committee adjourn for one hour to allow CRAG the opportunity to consider and respond to the submissions of the Objector. The proceedings were duly adjourned and all attendees were asked to leave the room.
- 4.10 After a period of one hour, the meeting was then re-opened to all parties and the proceedings re-commenced.
- 4.11 Paul Brackenbury, Deputy Chair of CRAG, responded on behalf of the Applicants. He stated that, having considered the submissions made by the Objectors, the Applicant believed the request that a public inquiry should be held was an obvious delaying tactic. Further, that the Applicants wished for the hearing to continue as the procedure had been sent out to all parties in advance and that the arguments for a non-statutory inquiry did not stand up. He added that the Applicants are just ordinary people, who were unpaid and who simply wished to continue to enjoy the amenities provided by the site. Further, he felt that their case was robust, the evidence clear and that most of the evidence was much of the same. In addition,

the Applicant had serious concerns that if the hearing was adjourned, and that before the application was decided, there would be a decision in the planning application relating a Motorway Service Area on the site which may render this application null and void.

- 4.12 In response, Martin Carter stated that the Objectors' concerns over the procedure had been made known prior to the hearing and that when the planning application is considered, the outcome will have no effect on this application.
- 4.13 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.
- 4.14 Brendan Twomey 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 attendees.
- 4.16 RESOLVED: That the application to register land known as "Smithy Wood" adjacent to the M1 at Junction 35 with Cowley Hill, Sheffield as a Town or Village Green be referred to a non-statutory inquiry for the following reasons:-

The Sub-Committee felt that on hearing the representations made and on considering the papers submitted, it is satisfied that there is a serious dispute between the parties. In addition, the Sub-Committee felt that there appeared to be evidential matters which impact on the fairness of the proceedings which could be remedied at an inquiry, in particular an Inspector at a public inquiry would be able to give directions on the disclosure of all evidence, witnesses and interested parties, thereby ensuring that all parties have a proper opportunity to prepare and make their case.

With respect to concerns raised about the planning issue, the planning procedure and the Town or Village Green application are separate procedures, are not connected in any way by law and should not be considered together. To take into account any implications of a planning application would be irrelevant when hearing a Town or Village Green application. The Sub-Committee understood the concerns of the applicants regarding a delay in the application being heard, but feel that they must ensure that the application is considered fairly and it is their view that the principles of natural justice would be best met by a non-statutory inquiry.

Both parties were informed that the recommendations and a full report of the inquiry will be brought back to this Sub-Committee for a final decision. The report will set out all the evidence that has been heard and the Sub-Committee will be asked to consider this and make the final decision and can decide whether to accept the recommendations or not.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 September 2014

PRESENT: Councillors Geoff Smith (Chair), Vickie Priestley and George Lindars-Hammond

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Olivia Blake.

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 Elmham Road (Ref No. 93/14).

4.2 Present at the meeting were Aamir Zaman (Applicant), Mohammed Khan (Applicant's representative), Nasar Ahmed (Objector), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Chair 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 an objection to the application had been received from Nasar Ahmed and was attached at Appendix 'B' to the report.

4.5 Mohammed Khan, on behalf of Aamir Zaman, stated that Mr Zaman had been trading at the same location since 2007, and had built up a solid customer base. He indicated that Mr Zaman would be trading only on a Monday, from approximately 12 noon to 3.00 pm.

4.6 In response to questions from Members of the Sub-Committee and Marie-Claire Frankie, Andy Ruston confirmed that Mr Zaman had previously had a Mobile Street Trading Consent, which enabled him to trade at a number of different locations, but this application was for a Static Street Trading Consent, which would allow him to trade for a longer period, albeit in one location.

- 4.7 Nasar Ahmed stated that although he traded on Fridays, and the applicant would be trading on Mondays, he considered that there was not enough business in the area for two traders, selling similar produce. He stated that customers generally bought fruit and vegetables for the week and therefore, if they purchased their produce on the Monday, they would not need to buy anything on the Friday. Mr Ahmed also made reference to the fact that there was a shop in the immediate vicinity, selling similar produce.
- 4.8 In response to a question from a Member of the Sub-Committee, Mr Ahmed stated that he had held his Static Street Trading Consent since March 2013.
- 4.9 Nasar Ahmed summarised his objections, indicating that he objected to the application on the grounds that it would have an adverse effect on his business, for which he paid £400 a year for the consent to trade.
- 4.10 Mohammed Khan summarised the applicant's case on his behalf, indicating that there were a number of shops in the area, selling similar produce, so it was up to the public as to where they wished to purchase their produce.
- 4.11 Andy Ruston reported on the options open to the Sub-Committee, as outlined in the report.
- 4.12 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.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.15 RESOLVED: That the application for a Static Street Trading Consent on Elmham Road (Ref No. 93/14) 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

Meeting held 30 September 2014

PRESENT: Councillors Geoff Smith (Chair), Cliff Woodcraft and Jillian Creasy

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Olivia Blake.

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. 84/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 95/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case Nos. 96/14 and 90/14 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>
84/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months, in the light of the most recent offence and conviction now reported, subject to the applicant producing the relevant BTEC/NVQ certificate and (b) the applicant be given a written warning in terms of his future conduct, to remain valid for a period of

		three years.
95/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no cause for concern.
96/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, 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 cause for concern.
90/14	Application for a new Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case, specifically relating to the condition of the vehicle and delays outside the applicant's control, to warrant a departure from the current policy relating to the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 October 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake and Jack Clarkson

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - REVIEW OF PREMISES LICENCE - THE TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence, made under the Licensing Act, 2003, in respect of the premises known as The Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD.

4.2 Present at the meeting were Simone Wraith (Manager of the premises), Deborah Potts (Designated Premises Supervisor (DPS)), Berwick Ulcena (Premises Licence Holder (PLH)), Benita Mumby, Lizzie Payne and Gayle Kirby (South Yorkshire Police), Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board), Matt Proctor (Licensing Enforcement and Technical Officer), David Hollis (Solicitor to the Sub-Committee and Jennie Skiba (Democratic Services).

4.3 Councillor David Barker asked those present if they had any objections to the report, to which Berwick Ulcena (PLH) asked for a copy of the report, stating that he had not seen it prior to the meeting and that he had only been made aware the previous day that this meeting was to be held.

4.4 At this point in the proceedings, David Hollis asked Matt Proctor to confirm the date the Notice of Hearing had been served on all parties. Matt Proctor stated that, as can be seen in Appendix C to the report, all Notices were served on the 16th September, 2014. David Hollis then asked Mr. Ulcena on what date he had received a report from the Police, to which he replied that he had received it in August.

4.5 David Hollis then asked Mr. Ulcena if he was willing to carry on with the hearing, to which he responded that he felt he needed more time to prepare and maybe

take legal advice. Mr. Hollis then asked the applicants if they were prepared to adjourn the hearing to allow more time, to which they stated that they were.

- 4.6 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 David Hollis reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 RESOLVED: That (a) the review of the premises licence in respect of The Timbertop, 334 Shirecliffe Road, be adjourned until the 23rd October, 2014, to give the Premises Licence Holder sufficient time to consider the application and take any legal advice he deems necessary; and
- (b) both parties be reminded that any further incidents that may occur or evidence of proper management between now and the next hearing date can be submitted as evidence to the rearranged hearing.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 October 2014

PRESENT: Councillors Geoff Smith (Chair), Olivia Blake and Nikki Bond

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - TERMINUS TAVERN, 150A MAIN ROAD, SHEFFIELD, S9 5HQ

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Sheffield Safeguarding Children Board, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as Terminus Tavern, 150a Main Road, Sheffield, S9 5HQ.

4.2 Present at the meeting were Julie Hague (Sheffield Safeguarding Children Board, Applicant), Tansy Bagshaw (Designated Premises Supervisor, Terminus Tavern), PC Gillian Parker, Benita Mumby and Lizzie Payne (South Yorkshire Police), Matt Proctor (Licensing Enforcement and Technical Officer), Caroline Milson (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Caroline Milson 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, and were attached at Appendix 'B' to the report.

4.5 Julie Hague stated that the application to review the Premises Licence had been made under the core objective for the protection of children from harm under the Licensing Act 2003, on the grounds that, despite continued attempts to advise, support and work in partnership with the premises management, there was evidence that the safeguarding concerns at the premises remained unaddressed since the Sheffield Safeguarding Children Board (SSCB) last made representation as part of a review of the Premises Licence in July 2013. Ms Hague stated that since 2010, the SSCB had attempted to work in partnership with a number of

Designated Premises Supervisors (DPS) at the premises, to address persistent issues, which had involved providing advice, support and training, and which had involved Ms Bagshaw while in her current role as the DPS, and during the time she was General Manager at the premises in March 2013. At a meeting of this Sub-Committee held on 2nd July 2013, the SSCB had made a representation to the Licensing Authority, seeking an improvement to the way the premises was regulated, in order to promote the core objective for the protection of children from harm. The Sub-Committee modified the licence conditions to include a prohibition of persons under the age of 18 after 17:00 hours and requested a trained safeguarding co-ordinator to oversee complaints, a dynamic risk assessment and the use of a designated family area. These conditions had been set by the Sub-Committee in order to address persistent safeguarding issues relating to children and young people being exposed to dangerous or inappropriate adult behaviour, including criminal behaviour, intoxication, fighting and swearing, as well as a lack of supervision of children.

- 4.6 At that time, the SSCB was hopeful that with a range of licence conditions in place, the environment at the premises could develop into a suitable, family-friendly venue and with this aim, the SSCB continued to attempt to work in partnership with Ms Bagshaw, who had expressed a wish to apply, at a future date to this Sub-Committee, to relax the restrictions, if control and compliance could be evidenced. However, despite a significant level of support provided to Ms Bagshaw, including free multi-agency safeguarding training in April 2013, advice meetings and communications, and telephone discussions, Ms Hague stated that there was evidence that over the past year, the premises management had not met the core objective to protect children from harm. Ms Hague reported that Ms Bagshaw and one other member of staff had attended the free multi-agency safeguarding training, but no other staff members had taken up the offer. Ms Bagshaw had indicated that she would be willing to cascade the training to other staff members, but despite this, there were still safeguarding concerns. She referred specifically to the incident whereby a child was seen wandering in and out of the premises, and eventually wandering near a main road, a number of incidences whereby children or young people were seen wandering around the premises, unsupervised, after 17:00 hours and a 17-year-old girl witnessed serving at the bar on her own, without adequate adult supervision. Ms Hague stated that, in the view of the SSCB, the premises was not a family-friendly environment, there was nowhere safe for children and young people to sit or play, and the staff did not recognise their safeguarding responsibilities. Ms Hague concluded by referring to the CCTV recordings of activity at the premises, which had been provided to the SSCB on 16th June 2014, by South Yorkshire Police, and which showed evidence relating to safeguarding risks to children, which was not being adequately managed by the DPS or other staff members. The activity demonstrated a breach of licence conditions, a lack of due diligence and a disregard for the core objective for the protection of children from harm under the Licensing Act 2003, whereby children and young people could be observed to be wandering around the premises unsupervised, in keeping unsupervised young children loitering at the bar and being served by staff, or being left to stand alone in an unsuitable adult environment. The SSCB was concerned that, in the light of the style and character of the premises, and the management's lack of compliance with the licence conditions, children and young people would continue

to be at risk of harm unless positive was taken. Ms Hague stated that, due to the nature of the CCTV evidence submitted as part of the application, which included recordings of a confidential nature, the public and press should be excluded from the meeting to allow the Sub-Committee to view the recordings.

- 4.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 2 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Sub-Committee, together with Julie Hague, the representatives from South Yorkshire Police and Tansy Bagshaw, viewed the CCTV recordings, with the Police and Julie Hague referring to a document setting out a chronological list of incidents at the premises, which had been circulated to the Sub-Committee prior to the meeting.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.10 In response to questions from Members of the Sub-Committee, Tansy Bagshaw and Caroline Milson, Julie Hague confirmed that the SSCB had been involved in working in partnership with the premises management and that, despite all the advice and guidance provided over the years, involving four different DPSs, there appeared to be a culture whereby the message regarding the Board's safeguarding concerns had not been fully understood by the management. Such intervention had involved Julie Hague talking to staff and customers at the premises in 2010, in connection with their responsibilities under the Licensing Act 2003. Ms Hague stated that, from experience, she believed that if children were not allowed on the premises at all, their parents would find alternative premises to drink and socialise. In addition to the SSCB's safeguarding concerns, PC Parker stated that the Police had concerns with regard to crime and disorder at the premises, and referred specifically to an assault on a female at an event at the premises on 7th May 2014, which was dealt with by the Police, and of which Ms Bagshaw had not been aware. Despite the condition relating to the requirement for the premises to have a designated children's area, and the continued monitoring of this by the SSCB, there was no aspiration at this stage, that the children's area would be used. If the Sub-Committee decided to add a condition not allowing children on the premises, it could result in a change of view on the part of both parents and the DPS. The last safeguarding training undertaken by the DPS and a colleague was the free safeguarding children training offered by the SSCB in April 2013, although a number of offers of training had been made for other members of staff, with Julie Hague offering to attend the premises to undertake such training to make it more convenient for staff members. Unfortunately, this offer had not been taken up. The SSCB or the Police did not have any evidence, or concerns, with regard to underage drinking at the premises. Also, there was no evidence or concerns with regard to any incidences of child sexual exploitation at the premises, although the SSCB and the Police viewed this as a potential risk. PC Parker confirmed that during a recent event held at the

premises, under a Temporary Event Notice (TEN), children were allowed on the premises after 17:00 hours, but should still have been in the designated children's area. Ms Bagshaw confirmed that she was aware of these arrangements as she had been informed by PC Parker on two occasions. Julie Hague confirmed that a 17-year old was allowed to serve behind the bar, but should be supervised by a responsible person, seeking permission from them to ensure that each sale was safe and legal. Ms Hague stated that, whilst it was appreciated that there may be instances at other licensed premises whereby young children were left unsupervised, due to the character of the pub, and the clientele, the SSCB had identified problems regarding the lack of supervision of young children at the premises over a number of years, which had not been witnessed at other premises. Ms Hague referred again to the incident in 2013, where a child, having left the premises, was found wandering near a main road. It was considered that the DPSs at other premises recognised the risks of young children being left unsupervised in their premises, and took the necessary steps to negate any serious risks to the children.

- 4.11 Ms Hague stated that, whilst there was no evidence of harm being caused to any children since Ms Bagshaw had become the DPS, the SSCB had serious concerns at the potential risk on the grounds that, in its opinion, there were no adequate safeguarding systems in place. There were particular risks to children when wandering around, inside and outside the premises, unsupervised. She stated that if adequate safeguarding systems were implemented at the premises, there was a possibility that some of the conditions could be relaxed, such as allowing children on the premises up until 19:00 hours. However, despite extensive intervention by the SSCB and the Police, there was no evidence to show that such procedures were being implemented. Ms Hague stressed that Ms Bagshaw had been informed of the dates of the safeguarding training for other members of staff on a number of occasions and that she had made an offer to attend the premises to provide such advice and training.
- 4.12 Benita Mumby made representations on behalf of South Yorkshire Police, indicating that the Police adopted a robust approach in terms of the monitoring of licensed premises and that, in respect of the Terminus Tavern, they had witnessed a breach of a number of conditions on the Premises Licence, namely young children being present on the premises after 17:00 hours, customers drinking outside, at the front of the premises and glass being taken off the premises. Ms Mumby also referred to a number of incidents relating to crime and disorder at the premises, one including the DPS being assaulted, and which had required Police intervention. She stated that whilst the request for a review of the premises had been made by the SSCB, the Police had supported the request. She stated that decisions to request reviews were taken very seriously and every attempt possible was made to resolve the issues first, prior to such a request being made. Ms Mumby concluded by stating that, despite extensive support from both the Police and the SSCB, the DPS had continued to breach the conditions of her Premises Licence.
- 4.13 In response to questions from Members of the Sub-Committee, and Caroline Milson, Benita Mumby stated that some of the incidents referred to had occurred during the afternoon and early in the night, therefore there was a potential for

young children being put at risk. The reason for the Police visiting the premises on 13th April 2014, as shown on the CCTV recordings, had been as a result of a call regarding an incident in the area relating to a vulnerable family, and the Police had been informed that a child of the family had been taken to the premises. The Police found the child at the premises, as well as a number of other young children. Whilst the request for the review related mainly to the two concerns regarding the safeguarding of children, the Police also had concerns with regard to crime and disorder at the premises, and there had not been a decline in the number of incidents over the past year. It was stressed that the majority of incidents had occurred due to the nature of the clientele, and through no fault of the DPS, but regardless of this, it still resulted in young children being put at risk. The Police could not confirm as to whether any of the incidents relating to assaults involved glasses being taken off the premises, but the fact that customers were taking their glasses outside was still a breach of the conditions of the Premises Licence. This resulted in the Police not having confidence in the DPS's ability to manage the premises properly.

- 4.14 PC Parker stated that the Terminus Tavern was valued as a facility within the local community, but the premises needed managing properly, and within the law, both for the sake of the premises management and the local community. Benita Mumby stated that she had no personal views on Tony Stubbs, Ms Bagshaw's business partner, despite comments made by him during one of her visits to the premises, and that the Police were merely acting on the fact, that despite conditions being place on the licence in July 2013, relating to a designated children's area, such conditions were still not being adhered to in November 2013. It was accepted that there was a possibility that other premises in the City were likely to experience similar levels of crime and disorder, but the main issues at the Terminus Tavern related to concerns regarding the safeguarding of children. The Police confirmed that there had been no prosecutions in connection with the selling or taking of drugs on the premises. PC Parker stated that if the Sub-Committee was to add a condition on the Premises Licence to the effect that no children under the age of 18 years old were allowed on the premises at any time, and if a customer attended the premises, accompanied by his children, and refused to leave, the Police would attend the premises and assist Ms Bagshaw, subject to available resources. PC Parker added that the Police could always assist DPSs where help was required, but where a DPS was not acting responsibly and problems persisted as a result of this, alternative courses of action would be pursued. Benita Mumby stated that on one occasion, the Police had been made subject to what could be described as a verbal assault, when comments were passed by customers when they made a visit to the premises, and during what was described by the Police as a hostile environment. It was clear that the majority of customers did not like the Police being on the premises and for this reason, officers would always visit, accompanied by a colleague.
- 4.15 Tansy Bagshaw stated that she had no comment to make in relation to her case.
- 4.16 In response to questions from Members of the Sub-Committee and the Police, Ms Bagshaw stated that the condition added to the licence following the Licensing meeting on 2nd July 2013, not allowing children on the premises after 17:00 hours, had resulted in a number of customers, with children, going elsewhere.

She indicated that she would like to see the beer garden being identified as a second designated area for children, as this would make it a lot easier for parents to supervise their children. Ms Bagshaw stated that generally, the premises were family-friendly, and that problems usually only occurred when strangers came in. She indicated that she would welcome any further offers of training for other members of staff. Ms Bagshaw stated that there had been a number of improvements made at the premises since the time of the CCTV recordings, and that she had the necessary skills and ability to deal with any future issues relating to children being unsupervised on the premises. She confirmed that the 17-year old working behind the bar was her niece and that she understood that she would be able to work behind the bar as long as a responsible person was watching her. Ms Bagshaw confirmed that her niece was still working behind the bar, but was now being properly supervised. Despite being advised by PC Parker on two occasions that under 18-year olds still had to be in the designated children's area during the event organised using a TEN, Ms Bagshaw thought that the normal licence conditions did not apply to such events.

- 4.17 In response to a question from Councillor Geoff Smith, Julie Hague stated that the SSCB had objected to having the beer garden as a second designated children's area as the Board wished to have only one such area and that if this was managed properly by the DPS, it would look to take incremental steps to assist the DPS, such as designating a further children's area. The area designated had been chosen as it was near to the bar, where it was considered that premises staff could keep an eye out on the children. Ms Bagshaw did not want the beer garden designated initially as it would not be able to be used during the winter months.
- 4.18 Julie Hague and Benita Mumby summarised their cases and Tansy Bagshaw indicated that she had nothing further to add.
- 4.19 Matt Proctor outlined the options open to the Sub-Committee.
- 4.20 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.
- 4.21 Caroline Milson reported orally, giving legal advice on various aspects of the application.
- 4.22 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.23 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the CCTV recordings now viewed, 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, Sheffield, S9 5HQ, by the addition of the following condition:-

Access to persons under the age of 18 to all parts of the premises at all times shall be prohibited.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 October 2014

PRESENT: Councillors Geoff Smith (Chair), Jillian Creasy and Stuart Wattam

.....

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 - CHAPELTOWN GRILL, 17 STATION ROAD, CHAPELTOWN, SHEFFIELD, S35 2XE

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 34 of the Licensing Act 2003, in respect of the premises known as Chapeltown Grill, 17 Station Road, Chapeltown, Sheffield, S35 2XE.

4.2 Present at the meeting were Sadegh Navaseri (Applicant), Councillor Alan Hooper (Ecclesfield Parish Council, Objector), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie 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 Ecclesfield Parish Council, and were attached at Appendix 'D' to the report. Mr Proctor added that the representations made by the City Council's Health Protection Service had been withdrawn, following the agreement of two conditions with the applicant.

4.5 Councillor Alan Hooper, attending on behalf of Ecclesfield Parish Council, stated that the Parish Council's main concerns focused on the sale of alcohol with the deliveries. He made reference to problems caused by young people drinking in the area, and referred to a number of failed test purchases at licensed premises in the area. In response to questions raised as part of his submission, it was reported that, in accordance with the condition agreed with the Health Protection

Service, alcohol would only be delivered if food had been ordered by the customer, and that the Police would monitor the premises and if they were aware of any concerns, they would carry out test purchases.

- 4.6 In response to questions from members of the Sub-Committee, Councillor Hooper stated that he was not in a position to provide any evidence in terms of problems caused by such a delivery service on the basis that it was a new venture, the Parish Council was concerned that there would be an increased risk of underage people being able to purchase alcohol as part of the delivery service. He stated that the problems of underage drinking in the area were mainly focussed in the Burncross Road area, and linked to off-sales at small convenience stores.
- 4.7 Sadegh Navaseri stated that the reason for the application to vary the Premises Licence had come about both following requests for the service from customers and as a means of expanding the business. He stated that he and a colleague had received all the relevant training.
- 4.8 In response to questions from members of the Sub-Committee and Marie-Claire Frankie, Mr Navaseri stated that himself and a colleague were responsible for the operation of the business, with at least one of them being present at the premises at all times, during opening hours. In terms of the delivery of alcohol and in accordance with Challenge 25, which was in operation, they would ask for a number on a relevant form of ID, such as a passport or driving licence, over the phone, when taking the order, and then cross-check this with the same ID when delivering at the customer's home. If they considered that the person ordering the drink was already drunk, they would not sell them the alcohol. Customers would be able to purchase the food and alcohol using a debit or credit card or cash, with the driver having a card machine with him when making the delivery. Mr Navaseri stated that he did not envisage any problems in terms of he and his colleagues' safety when out delivering as he had run the business for six/seven years, and had got to know some of his customers very well. He had not experienced any problems with his customers in the past, and last orders in terms of deliveries would be made at 23:30 hours, meaning they wouldn't be out too late. He was not aware of any other businesses offering the delivery of alcohol with food, but he had spoken to a number of his friends in order to get some ideas and tips in terms of the nature of the service. He had been advised to leave the food and drink in the car, then call at the property to take payment and ensure the customer was not drunk, prior to returning to the car and collecting the customer's order. Mr Navaseri stated that the alcohol for sale as part of the delivery service would include cans of lager and beer, at a cost of approximately £1.50 each, and bottles of wine, at £10 for three bottles. In terms of the ratio of food and alcohol customers were allowed to purchase, the minimum food spend for free delivery was £8 and there would be a limit of £30 they could spend on alcohol with any one order. Customers would also be allowed a minimum spend of £5 on food on the premises, to enable them to purchase £30 of alcohol. If a customer was not able to provide the relevant identification in terms of proof of age, either at the stage of ordering or when the delivery was made, the sale would be declined and a record would be made of the refusal on the computer at the premises.
- 4.9 Matt Proctor reported on the options open to the Sub-Committee, as set out in the

report.

- 4.10 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.
- 4.11 Marie-Claire Frankie 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 attendees.
- 4.13 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now reported and the representations now made, the Sub-Committee agrees to vary the Premises Licence in respect of the premises known as Chapeltown Grill, 17 Station Road, Chapeltown, Sheffield, S35 2XE, on the grounds now requested, subject to the imposition of conditions agreed with the Health Protection Service, with the second condition to be amended as follows:-

‘The sale of alcohol shall be subject to the provision of food on the premises and as part of the delivery service.’

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 October 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake and George Lindars-Hammond

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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 - POINTING DOG CLUBHOUSE, 516 ECCLESALL ROAD, SHEFFIELD S11 8PY

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence made under Section 34 of the Licensing Act 2003, in respect of the premises known as Pointing Dog Clubhouse, 516 Ecclesall Road, Sheffield, S11 8PY.

4.2 Present at the meeting were Richard Law (Java Joe Limited, Applicant), Phillip Roberts (Manager of the premises), John Gaunt (Solicitor acting on behalf of the Applicant), Richard Wood (Enquiry Agent on behalf of the Applicant), Jonathan Round (Environmental Health Officer, Sheffield City Council), Marian Watson, Roger Beaverstock, Andy Green, Eamonn Ward, Councillor Brian Webster, Marika Puglisi, Matthew Simpson, Helen Davies, John Green and Caroline Burke (objectors), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report and it was noted that representations had been received from the Environmental Protection Service, 41 local residents and one Ward Councillor and were attached at Appendices "C" and "D", respectively, to the report.

4.5 Jonathan Round made reference to the original submission and skeleton

argument which had been circulated by John Gaunt. He stated that other licensed premises in the vicinity which were referred to have different licensed hours to the Pointing Dog, in that the outside area at the Pointing Dog is already licensed for three hours beyond the other premises on Thursdays to Saturdays. He also referred to a noise impact assessment which had been carried out relating to a roof-mounted extractor fan and felt that the conclusions reached were inaccurate and stated that the Pointing Dog was currently in breach of planning conditions. He stated that the noise impact assessment had been carried out on a Monday night, which was possibly the quietest night of the week for business and had not been monitored on the Dover Road side of the premises.

- 4.6 Jonathan Round stated that the outside area to the front of the Pointing Dog has a clear line of sight with properties on Dover Road and residential accommodation on Ecclesall Road and as such there is potential noise nuisance from customers in the outside area, those queuing to gain access into the premises whilst waiting to have their membership checked, and those arriving in or waiting for taxis. He added that Night Time Noise Service Officers had witnessed elevated noise levels when responding to complaints received by the 101 service. Jonathan Round believes that the noise levels could be increased by people making their way from closing premises in the surrounding area and customers migrating between another business with extended trading hours, and the Pointing Dog.
- 4.7 In response to questions, Jonathan Round stated that, following complaints received from members of the public, he had met with the management of the Pointing Dog in May but felt that any further meetings would not be fruitful and that he had been advised by the Licensing Service that this matter was coming before the Sub-Committee and all outstanding issues could be raised there. He said that he had monitored the area on a Friday night and that although there was noise from other premises, the loudest noise was by people sat outside the Club, arriving/departing by car or on foot and from the kitchen extractor fan which, if the extension was granted, could carry on until 1.00 a.m. Whilst monitoring the area, he saw someone leave the Club and subsequently vomit outside. The door staff did not come to their aid and felt that if the premise was run as a "members club", assistance would be given, but there appeared to be an open door policy with no limit to the numbers of members or any qualifying criteria.
- 4.8 In response to further questions, Jonathan Round judged the line of sight to end at number 26 Dover Road and although there is a screen at the entrance, it is not very effective. When asked how many calls had been received by the 101 service, he said that between 25th May, 2013 and 27th September, 2014, five calls had been received.
- 4.9 Andy Green, a local resident, stated that his family and neighbours have been adversely affected by the Pointing Dog. He gave a powerpoint presentation which showed Dover Road and his home in relation to the premises. He stated that he had lived at his address for eight years and for the most part enjoyed living there but the current situation was untenable and that he had been making calls to 101 for the last 12 months. He outlined events over a 24 hour period, beginning on a Friday afternoon with illegal parking, blocked driveways, odours from the kitchen, bottles being emptied into bins at all hours, empty glasses left around, vomit, litter

and debris. He added that at 6.30 the following morning, the bin lorry arrived to empty the bins. He further stated that, in his opinion, the glass screen at the entrance to the premises did nothing to subdue any noise from the building as it did not touch the ground and was not very high. He went on to state that he and his neighbours were unable to open bedroom windows during warm weather but accepted that not all the noise was from the Pointing Dog.

- 4.10 Andy Green referred to the owners' contention that this was a well-run, responsible business, but stressed that there was no evidence of this. He stated that he had been in dialogue with the Pointing Dog when it first opened over noise issues and this had resulted in the screen being erected and although he had been in dialogue with them since this, nothing tangible had become of it and he proposed that a meeting should be held between all parties to try and resolve the issues.
- 4.11 Marika Puglisi, a resident of Dover Road, stated that she had rung the 101 service every weekend during the summer and on one occasion, an Environmental Health Officer had arrived at 1.00 a.m. and took noise readings from her bedroom. At the time there was approximately 150 people stood outside the premise, talking or shouting and feels that this is totally unacceptable.
- 4.12 Marian Watson commented that she lives on Wilson Road and her property is adjacent to the Pointing Dog. She stated that her main concerns were that since April, following the completion of the extension works to the premises, the extractor fan above the kitchen area was switched on and this produced a rumbling noise which varied from time to time and subsequently she had been unable to enjoy her garden area because of it and the cooking odours from the kitchen filled her home.
- 4.13 John Gaunt, acting on behalf of Java Joe Limited, stated that the premises had historically traded as The Dover Road Polish Club which had ceased trading and fallen into some disrepair. He added that in May, 2013 the applicant applied to re-licence the premises on identical terms as those previously enjoyed and subsequently renovated the building. Since re-opening in May 2014, the premises have traded strictly in accordance with the conditions on the Licence, including the condition that the premises operate a membership scheme which they have done quite successfully. He stated that following a period of trouble free trade, it was decided to apply to extend the terminal hour, three nights per week, which will not be dissimilar to other premises operating in the area. He added that ever since the premises had been redeveloped, the applicant has been confronted by local hostility, and despite attempts to meet up with residents to discuss the issues, the offer had not been taken up.
- 4.14 John Gaunt further stated that the applicant had made enquiries of South Yorkshire Police to establish if there had been any cause for complaint, to which the Police had confirmed that no complaints had been received by them.
- 4.15 John Gaunt then introduced Richard Wood, a private investigator, employed by the applicant to undertake covert surveillance of the premises.

- 4.16 Richard Wood informed the Sub-Committee that he has no connection with Java Joe Limited, or the firm of Solicitors acting on their behalf, and that he was acting independently without bias to the Applicant. He stated he had surveyed the area on two occasions, the 9th and 10th August, 2014, stating that Saturday, 10th August was the busiest of the two days along Ecclesall Road due to the warm weather on that day. He recalled seeing Mr. Round on the same night along Dover Road. In his report to the applicant, Mr. Wood stated that there was no music emanating from the premises and the only sound was the general murmur of people talking. He further stated that motor vehicles travelling up and down Ecclesall Road could be heard and occasionally music from other establishments. He had observed up to 15 taxis waiting at any time and clients could leave the premises and walk straight into a taxi, therefore a queue never formed to cause nuisance or obstruction and there were no any instances of aggressive, unruly or anti-social behaviour by any persons leaving the Club. He also observed the doormen at the entrance to the Club talking to customers, checking ID and membership and also, just before midnight, informed them that last orders had been called and they might be unable to get another drink and telling all clients to leave the premises quietly.
- 4.17 John Gaunt suggested that not all objectors to the application lived within the area but is aware that there is a wider concern about the night time environment along Ecclesall Road and this application is not intended to create any further public nuisance.
- 4.18 In response to questions from Members, John Gaunt stated that the club has 10,000 members, that a loyalty scheme is in operation and that not everyone who turns up will be accepted due to age and dress. He added that the applicant holds a database with members' details, email addresses where available and a membership card is provided.
- 4.19 In response to further questions from Members, Phillip Roberts stated that the gate to the rear of the premises is monitored by CCTV and checked regularly by staff. He said that the premises could hold up to 800 patrons at any time, but two out of the three areas are given over to diners. He added that meals have to be ordered by no later than 10.00 p.m.
- 4.20 In response to questions from the objectors, John Gaunt stated that there was no particular reason why the equipment test was carried out on a Monday night but it was indicative and that noise from traffic travelling along Ecclesall Road was predominantly higher. He stated that the premises are run as a proprietary club and totally different to the former Polish Club. Relating to questions regarding the report of the private investigator, Richard Wood stated that he had carried out his surveillance over a seven hour period and was requested to provide a snapshot of the area.
- 4.21 John Gaunt summed up by stating that he knew there would be objections to the application which is why independent advice was sought and is disappointed to learn that five complaints had been received by the 101 service, but the Club had not been made aware of them. If they had, maybe the applicant would have had the opportunity to address the issues. He added that he feels the impact of the

Pointing Dog Club in the local area is very limited and that the Club is run responsibly.

4.22 Matt Proctor reported on the options open to the Sub-Committee, as outlined in the report.

4.23 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.

4.24 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.25 At this stage in the proceedings, the meeting was re-opened to the attendees.

4.26 RESOLVED: That the Sub-Committee agrees to the variation of the Premises Licence in respect of the Pointing Dog Clubhouse, 516 Ecclesall Road, Sheffield S11 8PY, in the terms requested and subject to the additional conditions as follows:-

- (a) no persons shall be admitted/re-admitted to the premises after midnight;
- (b) no alcohol will be consumed in the external area after 00:30 hours and 01:30 hours Thursday to Saturday; and
- (c) no alcohol shall be consumed in the external area after 01:00 hours and 01:30 hours on bank holiday weekends and other special dates.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 October 2014

PRESENT: Councillors David Barker (Chair), Stuart Wattam and
Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 97/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 98/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 99/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 100/14 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>
97/14	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a verbal warning as to his future conduct.

98/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a six month licence, on the second renewal, authority be given to grant the applicant a nine month licence, on the third 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 in terms of his future conduct, to remain valid for a period of nine months.
99/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a six month licence, on the second renewal, authority be given to grant the applicant a nine month licence, on the third 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 in terms of his future conduct, to remain valid for a period of nine months.
100/14	Application for a new 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 in the light of the offences and convictions now reported and the responses provided to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 October 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake and Jack Clarkson

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - THE TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

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 Timbertop, 334 Shirecliffe Road, Sheffield, S5 8XD.

4.2 Present at the meeting were Benita Mumby, Craig Charlesworth and Lizzie Payne (South Yorkshire Police, Applicant), Simone Wraith (Manager), Deborah Potts (Designated Premises Supervisor), Berwick Ulcena (Licence Holder, The Timbertop), Julie Hague (Sheffield Safeguarding Children Board), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Marie-Claire Frankie 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 Sheffield Safeguarding Children Board, and were attached at Appendix "B" to the report.

4.5 Benita Mumby stated that since February this year, there have been several reported incidents of assault and drugs usage/dealing at the premises, and although there has been several visits made to the premises by the Police, due to the changes in management and apparent lack of concern over adhering to the conditions of the licence, there would appear to be no improvement in the management of the premises. She added that there would appear to be no consistency in managing the premises and this was the main cause for concern.

Benita Mumby further stated that Police Officers had visited the premises in September and there was a smell of cannabis in the car park and also traces of cocaine were found in the toilets.

- 4.6 Julie Hague stated that the Sheffield Safeguarding Children Board (SSCB) had a long history of attempting to engage with various premises managers of The Timbertop in an attempt to achieve a culture change with the aim of making the premises suitable for children. Ms. Hague stated that despite attempts to advise, work with and support the premises management, there was evidence of safeguarding concerns which were still unaddressed. Ms. Hague further stated that there appeared to be a revolving door of managers which led to instability, and felt that it was too early to assess the new Designated Premises Supervisor. However, Ms. Hague did state that there had been better co-operation from the new management and that they had attended meetings of the SSCB.
- 4.7 In response to questions from members of the Sub-Committee, Julie Hague stated that she had received better co-operation from the new management, and given time and training, it might be possible to turn the business round and make the premises more family friendly and provide a safe environment for children and young people to attend family events.
- 4.8 Berwick Ulcena stated that since the change of management he has accepted full responsibility for the running of the premises. He added that he, along with the DPS and the Manager are trying to be stronger in dealing with troublesome customers and are barring the known offenders from entering the premises. He added that when he first took over the running of the business he did not understand the culture of the clientele, but has since studied the demographics of the local community. He went on to add that they had employed doorstaff, but this had proved to be costly and so was now trying a different approach. He stated that he had spoken to young people in an attempt to get them to understand what is acceptable within the premises and what is not. He further stated that most of the customers now are over 40 years of age. Mr. Ulcena went on to add that it was his intention to fully co-operate with the Police if incidents occurred both inside and outside of the premises.
- 4.9 In response to questions regarding the drugs policy in the premises, Deborah Potts (DPS) stated that notices are display all around the premises regarding zero tolerance to drugs, preventative measures have been carried out in the toilets and checks are carried out regularly. Ms. Potts further stated that if anyone looked suspicious on entering the toilets, they were asked to leave the premises. She also added that the erection of a gate to the car park was under consideration which she felt would prevent members of the public coming into the car park to deal drugs. Ms. Potts further added that she had a lot of experience working in public houses with similar customers to The Timbertop and feels that she is more experienced than previous managers.
- 4.10 In response to further questions from members of the Sub-Committee, Mr. Ulcena stated that he was constantly checking to see if those persons who have been barred are not attempting to come back and was constantly communicating with customers for their support at keeping undesirables out. He stated that the

premises has large function rooms which could be used for community events, local football teams, parties etc., and with the co-operation of his customers, it would be possible to create a family friendly pub.

- 4.11 Simone Wraith referred to a recent incident when she heard fighting outside the premises and rang for the Police to attend straight away. She added that there are six members of staff and that she aimed to be present for the majority of the time, although it was impossible to be there during all hours of trading. Ms. Wraith stated that the busiest periods were at teatimes and from 9.00 p.m. until closing time, but even then there are not many customers.
- 4.12 In response to questions from South Yorkshire Police, Berwick Ulcena stated that at present it was not viable to employ doorstaff, but it was intended to fully co-operate with all Responsible Authorities and now that various training courses had been brought to his attention he would ensure that all staff were fully trained to deal with any occurrences. He further stated that so far he had done nothing, because he was unsure of whether the licence would be granted.
- 4.13 Benita Mumby summed up by saying that South Yorkshire Police were not trying to close the business down, but since the licence had been granted in June, there had been several breaches of the conditions and despite assurances, nothing had been addressed. She felt that there needed to be constant management.
- 4.14 Julie Hague summed up by stating that there was no evidence at this stage which suggested the premises were suitable to allow families and asked that conditions relating to children remain on the premises licence.
- 4.15 Matt Proctor reported on the options open to the Sub-Committee, as set out in the report.
- 4.16 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.
- 4.17 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.19 RESOLVED: That, in the light of the information contained in the report now submitted 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 Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD as follows:-
- (a) the reduction of the opening times on Fridays and Saturdays to close at midnight;
 - (b) the removal of current Conditions 10 and 13 due to the fact that they are no

longer relevant;

- (c) the revision of Condition 9 to require that there are at least two members of staff, one of which is a Designated Premises Supervisor, to be present at all times;
- (d) the premises to carry out, and act upon, a crime and disorder risk assessment to be kept on the premises for inspection at all times; and
- (e) the premises join the Licence Watch Scheme and maintain regular attendance at meetings.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 October 2014

PRESENT: Councillors Geoff Smith (Chair), Nikki Bond and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor George Lindars-Hammond 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 four cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.102/14 attended the hearing with a representative and they both addressed the Sub-Committee

4.3 The licence holder in Case No.103/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.104/14 did not attend the hearing.

4.5 The licence holder in Case No. 105/15 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>
102/14	Review of a Hackney Carriage and Private Hire Driver's Licence	The applicant be given a written warning as to his future conduct with members of the public and that such warning to remain on his licence for three years.

103/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant for the normal term of 12 months and that delegated powers to renew subsequent licences be given back to Licensing Officers.
104/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Defer on the basis that the applicant did not attend the hearing and requested a deferral.
105/14	Application to renew a Private Hire Vehicle Licence	In light of the long, unblemished service history of the vehicle, approval be given to extend the licence for a period 12 months, on the condition that the vehicle is subject to three compliance tests with the 12 month period.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 October 2014

PRESENT: Councillors David Barker (Chair), Josie Paszek and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - RIVERSIDE, MOWBRAY STREET, NEEPSSEND, SHEFFIELD S3 8EN

4.1 The Chief Licensing Officer submitted a report to consider an objection in relation to a Temporary Event Notice, under the Licensing Act 2003, in respect of the premises known as Riverside, Mowbray Street, Sheffield, S3 8EN.

4.2 Present at the meeting were Jonathan Round (Environmental Protection Service, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Caroline Milson (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services). The applicant had been invited to, but did not attend, the meeting.

4.3 Caroline Milson outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that an objection to the Temporary Event Notice (TEN) had been submitted by the Environmental Protection Service on 21st October, 2014, and was attached at Appendix "B" to the report.

4.5 Jonathan Round stated that over the last four years the Environmental Protection Service had received a number of complaints from residents residing in properties at Millsands apartments, Central Quay, Mowbray Street, Union Forge and Brewery Wharf. He felt that the spread of these locations indicated that noise from the premises had affected a wide area, and that the local built environment allows noise to spread over some distance. Mr. Round further stated that there are several single glazed doors leading onto a large riverside terrace which is used by smokers and access to the terrace has no lobby to prevent noise breakout from the bar area.

- 4.6 Jonathan Round added that the complaints received by the Night Time Noise Service (NTNS) related to both noise breakout from inside the building and to music in the outside areas. He further added that the nuisance had been witnessed by NTNS officers who had reported that noise was excessive and very intrusive inside local properties and that noise levels in the street were, on one occasion, so loud the vibrations could be felt through the floor of the street.
- 4.7 In response to questions from Members of the Sub-Committee, Jonathan Round stated that the multiple change of management at the premises have prevented any meaningful dialogue to discuss a way forward in dealing with the complaints and a possible solution to them. He added that complaints to the 101 Service were made between the hours of 7.00 p.m. and 1.30 a.m.
- 4.8 Clive Stephenson outlined the options open to the Sub-Committee, as set out in the report.
- 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 Caroline Milson reported orally, giving legal advice on various aspects of the objection to the Temporary Event Notice.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made as regards the objection to a Temporary Event Notice at Riverside, Mowbray Street, Sheffield S3 8EN, the Sub-Committee issued a counter notice on the premises on the grounds of preventing public nuisance.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 November 2014

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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. 106/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 107/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 108/14 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>
106/14	Application to renew a Hackney Carriage Vehicle Licence	Grant a licence for 12 months, with effect from the expiry of the current licence and subject to the vehicle having three compliance tests within the 12 month period, on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case,

		specifically relating to the service history and excellent condition of the vehicle, to warrant a departure from the current policy relating to the age limit of vehicles.
107/14	Application for a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee to depart from the current policy relating to the age limit of vehicles.
108/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the normal term of 18 months and (b) in the light of the offences and convictions now reported and the information provided at the hearing, the applicant be issued with a written warning as to his future conduct, to remain valid for a period of three years.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 November 2014

PRESENT: Councillors David Barker (Chair), Olivia Blake, Jack Clarkson and Josie Paszek

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - 47-49 CHESTERFIELD ROAD, SHEFFIELD, S8 0RL

4.1 The Chief Licensing Officer submitted a report to consider an application for a Sex Establishment Licence made under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of the premises at 47-49 Chesterfield Road, Sheffield, S8 0RL.

4.2 Present at the meeting were Councillor Steve Jones and nine other objectors, Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). The applicant had been given notice of the hearing, but did not attend. He submitted a letter in support of his application, which was circulated at the hearing.

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that representations had been received from 25 members of the public and three Councillors, and were attached at Appendix 'B' to the report.

4.5 Marie-Claire Frankie read out the letter sent by the applicant and, following a number of questions from the objectors, she reported on the legal position with regard to the status of sex establishments, relating specifically to what can and cannot be sold in such premises. With regard to the reference by the applicant to the issue of the reduction of the applicant's licence fees, Ms Frankie stated that the Council's Licensing Service was not allowed to make a profit, and any surplus made by the Service had to be carried over to the next financial year. This happened in 2013/14 and, as a result of the surplus, licence fees for some

licences, including Sex Establishment Licences, had been reduced. Clive Stephenson added that a recent Court case had resulted in the Service charging less for such licences as it was not allowed to charge for enforcement, which had previously been included in the fee. It was confirmed that the cost of the licence was £2,300. Ms Frankie stated that if the application was refused, the applicant could either re-apply with immediate effect or appeal to the Magistrates' Court within 21 days of receiving notification of the decision. In response to a question from a Member of the Sub-Committee, Ms Frankie provided clarification as to what the Sub-Committee could have regard to when making its decision, details of which were set out in paragraph 5.3(c)(i), (ii) and (iii) of the report.

4.6 The following objections were received:-

4.6.1 Councillor Steve Jones (Objector No. 1)

Councillor Steve Jones, representing the local Ward Councillors, stated that a sex establishment in this area would not be suitable on the grounds that there had been a major positive change in the area over the last few years, with the development of a number of new shops and services. Such developments included B&M, Lidl, a new GP surgery, new restaurants and takeaways, and the reconstruction of the United Reform Church and church hall. Councillor Jones also referred to the existing shops and facilities in the area, namely the playground and pavilion in Meersbrook Park, Heeley Retail Park and public houses, some which had recently been refurbished. He added that there were two mosques within the vicinity of the premises, together with a local Asian Women's Refuge, and referred to the fact that there was a bus stop at the other side of the road, directly opposite the premises. He concluded by referring to the large number of objections to the application and requested that the application be refused in order to maintain the excellent community spirit in the area.

4.6.2 Objector No. 2

Such an establishment would be inappropriate for women living in the area, with particular concern being raised with regard to the R18 certificate DVDs, which was the most restrictive category, being sold at the premises. As it was situated on the main road, large numbers of people would have to walk past the premises, with many finding it awkward and unsuitable. The nature of goods to be sold at the premises and the images in the shop window could be offensive, degrading and threatening to some women.

4.6.3 Objector No. 3

The objector indicated that he had lived in the area for 15 years, and had witnessed all the improvements made, mainly the reduction in anti-social behaviour and crime.

4.6.4 Objector No. 4

Reference was made to the improvements in the area throughout the last nine years of living there. The GP surgery, which was built around two years ago, was

directly opposite the premises. The vast majority of footfall on Chesterfield Road would be on the side of the road where the premises were located, and it was on the main route up to Meersbrook Park, where several families and children would be walking past. Having such an establishment in the row of shops would not help to attract other businesses or shops to this area. Particular reference was made to the potential adverse effect on the Thali Café, which was very popular and busy most evenings.

4.6.5 Objector No. 5

Reference was made to the residential nature of the area, and the fact that all the residential streets lead on to Chesterfield Road, in the vicinity of the premises. Some families would find it awkward walking past the premises with their children, particularly if the children questioned them as to what was sold at the shop. There were three primary schools in the area, who arranged trips to the local swimming baths, with the pupils having to walk past the premises.

4.6.6 Objector No. 6

There had been an increase in family housing in the area, resulting in more families with young children living within the vicinity of the premises.

4.6.7 Objector No. 7

The objector indicated that he had lived in Heeley for 35 years, and had seen a lot of changes over the years, mainly positive. Having such an establishment could be detrimental to young children in the area.

4.6.8 Objector No. 8

There was concern that having one such establishment in the area could have a potential for attracting other such establishments.

4.6.9 Objector No. 9

With the increase in cafes and restaurants in the area, more people were likely to sit outside, where the premises would be visible.

4.7 In response to a question from a Member of the Sub-Committee, Marie-Claire Frankie stated that, if the application was to be refused, the nature and type of goods to be displayed in the premises window would be enforced by Trading Standards, under advertising regulations. She confirmed that the general ruling was that any goods for sale should not be deemed offensive to members of the public.

4.8 In response to questions from Marie-Claire Frankie, the objectors stated that there was a pedestrian crossing directly outside the premises and a bus stop on the other side of the road, directly opposite the premises. The new GP surgery opposite the premises had approximately 11,500 patients, with a large number of them visiting on foot, and using the pedestrian crossing. Although the three

primary schools (Meersbrook Bank, Anns Grove and Carfield) were set back from the main road, they were all within a 10 minute walk from the premises, and a number of parents and children would have to walk past the premises on their way to, and back from, the schools. A number of secondary school and college pupils also used the bus stop opposite the premises. There were also two mosques and the United Reform Church, with a community centre, within the vicinity of the premises, all of which would attract people who would have to walk past the premises.

- 4.9 Councillor Steve Jones summarised the objectors' representations.
- 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 Marie-Claire Frankie 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 the Sub-Committee refuses to grant the application for a Sex Establishment Licence in respect of the premises at 47-49 Chesterfield Road, Sheffield, S8 0RL, on the grounds that, in the light of the objections now made, it considers that such a licensed establishment would be inappropriate, having regard to the character of the relevant locality.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 November 2014

PRESENT: Councillors Geoff Smith (Chair), Jillian Creasy, Anne Murphy and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended the meeting as a reserve Member, leaving the meeting after the consideration of Case No. 114/14. Councillor Jillian Creasy attended the meeting after consideration of Case No. 114/14 and remained for the rest 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 four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 114/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.115/14 did not attend the hearing, and had given prior notice that he was not able to attend on this date.

4.4 The applicant in Case No. 116/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 117/14 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>
114/14	Application for a first	Defer making a decision on the

	Hackney Carriage and Private Hire Driver's Licence	application and request that the applicant provides (a) evidence in terms of any paid or voluntary work undertaken and (b) references in respect of his character, since his last offence in 2007, for consideration at a further hearing.
115/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to allow the applicant to attend a hearing to put forward his case.
116/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
117/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 November 2014

PRESENT: Councillors David Barker (Chair) and Josie Paszek

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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. 111/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 112/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 113/14 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>
111/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a six month licence, on the second renewal, authority be given to grant the applicant a nine month

licence, on the third 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 in terms of his future conduct.

- | | | |
|--------|--|---|
| 112/14 | 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 in the light of the offences and convictions now reported and the responses provided to the questions raised. |
| 113/14 | Application for a first Hackney Carriage and Private Hire Driver's Licence | Defer until the next available date, on the basis that the applicant's representative was unable to attend the hearing and the applicant requested a deferral. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 December 2014

PRESENT: Councillors Geoff Smith (Chair), George Lindars-Hammond and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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. 119/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 121/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 123/14 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>
119/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light of the nature of the offence now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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.
121/14	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 18 months and the licence be referred back to the Sub-Committee for review in the event that cause for concern occurs during the term of the licence.
123/14	Review of a Hackney Carriage and Private Hire Driver's Licence	No action be taken in relation to the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 December 2014

PRESENT: Councillors David Barker (Chair), Jillian Creasy and Stuart Wattam

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 5 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 - APPLICATION FOR A PERSONAL LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003 (Case No. 122/14).

4.2 Present at the meeting were the applicant, the applicant's business partner, Benita Mumby (South Yorkshire Police Licensing, Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (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 Clive Stephenson 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' to the report.

4.5 Benita Mumby made representation on behalf of South Yorkshire Police, referring to the applicant's offences and convictions. She made specific reference to the offences, detailing the offences, the date of conviction and indicating that, under Section 5 of the Rehabilitation of Offenders Act, her objection is based on the prevention of crime and disorder and that the applicant has unspent convictions against him. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant addressed the Sub-Committee. The applicant stated that he regretted carrying out the offences, that his personal circumstances had changed and that he was trying to build a new life. He responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee, and Clive Stephenson.
- 4.7 RESOLVED: That the attendees involved in the application for a Personal Licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That the application for a Personal Licence (Case No. 122/14) be granted in the terms now requested.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 5.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 113/14 attended the hearing and addressed the Sub-Committee.
- 5.3 The applicant in Case No. 104/14 attended the hearing and addressed the Sub-Committee.
- 5.4 The applicant in Case No. 124/14 attended the hearing and addressed the Sub-Committee.
- 5.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
113/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer until the next available date, on the basis that the applicant's representative was unable to attend the hearing and the applicant requested a deferral.
104/14	Application for a new Hackney Carriage and Private Hire Driver's Licence (Under 21)	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12

		month licence and, on any subsequent renewals, an 18 month licence, subject to there being no cause for concern.
124/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 December 2014

PRESENT: Councillors Geoff Smith (Chair), Neale Gibson and Josie Paszek

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 125/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 114/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 126/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 127/14 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>
125/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month

		licence, subject to there being no further cause for concern.
114/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light of the nature of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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.
126/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a six month licence, on the second renewal, authority be given to grant the applicant a nine month licence, on the third renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence and (b) for the duration of the first four licences, if any complaints, convictions or officer concerns are received, the licence will be brought back before the Sub-Committee.
127/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 January 2015

PRESENT: Councillors Geoff Smith (Chair), Jack Clarkson and Joyce Wright

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft 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. 115/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 01/15 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>
115/14	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the normal term of nine months, subject to the applicant successfully completing the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and (b) 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.

01/15	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 serious nature of the offences and convictions now reported and the responses provided to the questions raised.
-------	--	---

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 January 2015

PRESENT: Councillors David Barker (Chair), Neale Gibson and Vickie Priestley

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Stuart Wattam 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 - KOKO RESTAURANT, 503 ECCLESALL ROAD, SHEFFIELD, S11 8PR

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 Koko Restaurant, 503 Ecclesall Road, Sheffield, S11 8PR.

4.2 Present at the meeting were Stuart MacFarlane (Applicant and Designated Premises Supervisor), Jayne Gough (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Jayne Gough presented the report to the Sub-Committee and it was noted that representations had been received from two members of the public, with one withdrawing their representations prior to the hearing. The member of public with the outstanding representations was invited to attend the meeting, but was not in attendance. Representations had also been made by the Health Protection Service, Environmental Protection Service and South Yorkshire Police, but had been withdrawn prior to the circulation of the papers, following agreement, with the applicant, to amend the Operating Schedule.

4.5 Stuart MacFarlane commented on the issues raised as part of the one outstanding objection to the application, indicating that he envisaged that the majority of customers would visit the premises by taxi, and in groups, therefore there was not likely to be any considerable adverse impact in terms of car parking in the area.

He added that, due to the size of the premises, there were only likely to be around four to five cars per night. With regard to complaints of potential noise nuisance, Mr MacFarlane stated that the premises were in a row of existing restaurants and that there were also a number of other restaurants and bars in the surrounding area, therefore it was not likely that there would be a noticeable increase in noise nuisance. He stated that, apart from a few exceptions, it was likely that the majority of his customers would have left the premises by 22:30 hours, so there would not be any issues in terms of late night noise nuisance. Mr MacFarlane stated that he ran a similar restaurant on Campo Lane, which had around 50 residential flats above, and he had not received any complaints of noise nuisance with regard to those premises. He stated that he would ensure that there was a notice at the door, reminding customers to leave quietly. He concluded by stating that all employees at the premises were well-trained to deal with any problems of noise and drunkenness.

- 4.6 In response to questions from Members of the Sub-Committee, Mr MacFarlane stated that the premises would be a Japanese restaurant, with the food prices being at the higher end of the market. He expected customers to be present at the restaurant for up to two hours and planned to open at lunch times two to three times a week, initially, and with a more affordable menu, in order to test the market. Once the restaurant was up and running, he planned to introduce a takeaway facility, but did not plan to offer a delivery service. The off-sales would comprise only specialist sake and whiskey. The reason for the single door to the toilets was simply due to the capacity of the premises. Mr MacFarlane stated that he had stipulated an end time, in terms of the supply of alcohol, of 23:30 hours simply to provide him with flexibility, such as if customers wanted a drink after their meal. He stressed that he had no plans to keep the premises open until that time, operating as a bar. In terms of other potential sources of noise nuisance, he stated that there were already restrictions, imposed as part of the Planning Application, as to what times the bottle bins could be filled outside. Mr MacFarlane confirmed that the only reason why there was a single door to the toilets was due to the size of the building, and stressed that there would be some form of barrier between the toilet door and the restaurant area. In the light of any complaints of noise nuisance, Mr MacFarlane stated that he would ensure that all relevant details were recorded, either by himself or other members of staff, and if he could link any incidents to specific customers, he would speak to them personally, asking that they leave the premises quietly after finishing their meal.
- 4.7 Mr MacFarlane summarised his case, emphasising the fact that, whilst he did not intend to operate the premises as a late bar, after customers had finished their meals, he would like the flexibility of allowing customers to have additional drinks after their meals if they so required as, if he was not able to do this, it would have a negative effect on his business.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.9 Marie-Claire Frankie 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 public and press and attendees.
- 4.11 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Koko Restaurant, 503 Ecclesall Road, Sheffield, S11 8PR, in the terms now requested, subject to the amended Operating Schedule.

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

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 January 2015

PRESENT: Councillors David Barker (Chair), Jillian Creasy and George Lindars-Hammond

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 03/15 did not attend the hearing at the allocated time.

4.3 The applicant in Case No. 113/14 attended the hearing with his brother and a representative and they all addressed the Sub-Committee.

4.4 The applicant in Case No. 04/15 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 05/15 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>
03/15	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to a future hearing.

113/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
04/15	Application to renew a Private Hire Vehicle Licence	Grant an extension to the licence for a period of six months on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case, specifically relating to the service history and excellent condition of the vehicle, to warrant a departure from the current policy relating to the age limit of vehicles.
05/15	Application for a new Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds of the Council's limitation policy regarding Hackney Carriage vehicle licences.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 January 2015

PRESENT: Councillors Geoff Smith (Chair), Stuart Wattam and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Joyce Wright 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. LICENSING ACT 2003 - APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 37 of the Licensing Act 2003, to specify an individual as Designated Premises Supervisor (Case No. 06/15).

4.2 Present at the meeting were the General Manager (Applicant), a representative of the premises' owners, Benita Mumby (South Yorkshire Police, Objector), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson 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 'C' to the report.

4.5 Benita Mumby made representations on behalf of South Yorkshire Police, stating that the applicant had been found guilty of an offence in 2014, and that the Police's objection related to Section 5 of the Rehabilitation of Offenders Act, based on the licensing objective regarding the prevention of crime and disorder. Ms Mumby made reference to the sentence the applicant had received and stated that, for these reasons, the Police did not believe that he was a fit and proper

person to hold the position of Designated Premises Supervisor. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee, Marie-Claire Frankie and the representative of the premises' owners.

- 4.6 The applicant stated that he had held a Premises Licence for the last eight years, and had also been a Designated Premises Supervisor (DPS) at two licensed premises in different areas of the country, without experiencing any problems. He stressed that, in his position of DPS, he had always upheld all licensing rules and regulations. He provided an explanation of the offence, indicating that it was a one-off, stupid mistake, for which he was very regretful.
- 4.7 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.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the application to vary a Premises Licence to specify an individual as Designated Premises Supervisor, in respect of the premises now mentioned (Case No. 06/15), be granted.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 January 2015

PRESENT: Councillors David Barker (Chair), Olivia Blake and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Neale Gibson.

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. 07/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 08/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 03/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 09/15 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>
07/15	Application for a new Hackney Carriage Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that, although the vehicle does not meet the Council's specification for such vehicles, the Sub-Committee considers

		that the applicant has shown that disabled passengers can be carried securely and thus warrants a departure from the current policy.
08/15	Application for a new 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 serious nature of the offences and convictions now reported and the responses provided to the questions raised.
03/15	Application for a new Private Hire Vehicle Licence	In the light of the circumstances of the case, and based on the evidence provided by the applicant, the Sub-Committee agreed to grant a licence until 9 th September, 2015, at which date the vehicle is nine years old, the maximum age for private hire vehicles under the current policy.
09/15	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 February 2015

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Cliff Woodcraft

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Vickie Priestley 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. 10/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 11/15 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 12/15 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>
10/15	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

- | | | |
|-------|--|---|
| 11/15 | Application for a new Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern and (b) the applicant be given a written warning to stay on his licence for the first three renewals. |
| 12/15 | Application for a new Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the shorter term of three months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a six month licence, on the second renewal, authority be given to grant the applicant a nine month licence, on the third 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) for the duration of the first four licences, if any complaints, convictions or officer concerns are received, the licence will be brought back before the Sub-Committee. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 March 2015

PRESENT: Councillors Geoff Smith (Chair), Olivia Blake and Denise Reaney

.....

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 13/15 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>
13/15	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for 18 months, subject to the applicant passing a medical assessment and, if the time when he passes the assessment is longer than a period of nine months from the date of this meeting, he also be subject to a further Disclosure and Barring Service check and be requested to resubmit his driving licence, and if there are any concerns regarding both these issues, the licence be referred back to this Sub-Committee and (b) the applicant be requested to take a drugs test once a month, for six months, and if he fails any one of these tests, his licence be suspended with immediate effect.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 March 2015

PRESENT: Councillors David Barker (Chair), Jack Clarkson and George Lindars-Hammond

.....

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. 14/15 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 15/15 attended the hearing and addressed the Sub-Committee.

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

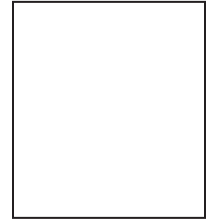
<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
14/15	Application to renew a Private Hire Vehicle Licence	Grant an extension to the licence for a period of six months on the grounds that the Sub-Committee considers that there are exceptional circumstances in the case to warrant a departure from the current policy relating to the age limit of vehicles.
15/15	Application to renew a Private Hire Vehicle	Grant an extension to the licence for a period of six months on the grounds that

Licence

the Sub-Committee considers that there are exceptional circumstances in the case, specifically relating to the service history and excellent condition of the vehicle, to warrant a departure from the current policy relating to the age limit of vehicles.



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of:	Chief Licensing Officer & Head of Licensing
Date:	31 st March 2015
Subject:	Determination of Licence Fees
Author of Report:	Steve Lonnia
Summary:	To determine the non-statutory licences fees for the 2015/16 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: 20/15

**Licensing Fees Review (Determination of Fees)
2015/16 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
- Town and Village Green 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 OPERATORS – 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 be 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
- 6.7 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. **Page 118**

(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 intended to introduce a two tier fee system in line with the transformation project and 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 However due to unforeseen technical problems that have been experienced with the project and the resulting impact on the amount of time and resource required to move the project forward we are still awaiting the new system being installed.

18.5 It is expected the back office part of the system will be fully installed and operational in early April. However the front end of the system (public facing) that enables applicants to apply online still requires some considerable development and configuration. It is hoped that we will be in a position to introduce the first part of the electronic application process in the summer (July/August).

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

18.7 Therefore, fees and income have been calculated based upon all paper applications during the first six months and then an expected 50/50 split in paper and electronic applications in the second half of the year (July onwards). The Chief Licensing Officer & Head of Licensing will manage the income generated in each area on a monthly basis.

18.8 If at any stage following the introduction of electronic applications and payments 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.

18.9 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 As there is no intention to change any fees as part of this report, the service has not undertaken any consultation.
- 19.2 The service has verbally informed certain trades of its proposal to maintain the current fees for the 2015/16 financial year.
- 19.3 Notices have been erected in the Licensing Reception and the information has also been placed on the Licensing Page of the Council Website.

20.0 ADVERTISING

- 20.1 Should there be 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.
- 20.5 As there have been no changes to the fees the above advertising is not applicable this year.

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 2014/15

- 22.1 Members will be aware that the Service set a budget of £1,179,000 for the 14/15 financial year.

- 22.2 The actual position at the end of the financial year will show a £121K increase to that what was budgeted in income. The main single reason for this is that the service was unable to put in to place the electronic application system.
- 22.3 Offsetting the increase in income was a £122K increase in expenditure. The single largest increase in expenditure was the employment of three temporary staff to undertake the work resulting from an increase in paper applications and to assist with the additional work created by the project and the additional project fees.

23.0 FINANCIAL INFORMATION (COSTS)

- 23.1 Below is a summary of the anticipated budget for the Licensing Service for 2015-16. More detail can be found at Appendix "A".

Expenditure Type	£000's
Employee Costs	758
Other Direct Costs	146
Corporate & Mgt Overheads	251
Investment Scheme Costs	93
Total Budget	1,248

- 23.2 Employee Costs will remain the single largest cost for the Service at around £0.76m (60%). The service has increased staffing levels with the employment of a Licensing Analyst / Processing Officer in February 15 and a further Licensing Strategy / Policy Officer is currently being recruited and is expected to start in May.
- 23.3 The service has seen an increase in workloads in these two areas and also highlighted some significant new work around analytical work, benchmarking, customer surveys, consultation and several policy and strategy areas.
- 23.4 Other Direct Costs include such things as equipment, fees, office expenses etc.
- 23.5 Corporate and Management Overheads include such activities as accommodation, legal, finance, committee secretariat, ICT and management. At £0.25m they represent around 20% of total cost and are derived from the corporate service level agreement process.
- 23.6 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.

24.0 FINANCIAL INFORMATION (REVENUE)

- 24.1 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.
- 24.2 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.

24.3 The increase in budgeted expenditure of £69k in 2015-16 is offset through additional anticipated generated income. The additional budgeted income in comparison to 2014-15 is a direct result of the delays to the on-line application system. In 2014-15 the budget was based on full year implementation, as opposed to half year in 2015-16.

24.4 Below is a summary of the allocation of the licence service budgeted cost between the statutory, non-statutory and non-fee earning activities for 2015-16, together with the planned fee income to be generated.

15-16	Statutory	Non-Statutory	Non-Fee	Total
	£'000	£'000	£'000	£'000
Expenditure	368	818	62	1248
Costs Pre application determination	272	604	46	922
Costs Post determination Enforcing / Reviewing etc.	96	214	16	326
Total	368	818	62	1248
Income	-423	-815	-10	-1,248
Net	-55	3	52	0

24.5 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.

25.0 NON STATUTORY FEES

25.1 The Licensing Service has undertaken an extensive review of the non-statutory fees with Finance.

25.2 Members will note that fees must be reviewed / determined every year. Members should be aware that the fees were last determined in March 2014.

25.3 The fees set by the Licensing Authority which are proposed to remain the same are attached at Appendix "B".

26.0 STATUTORY FEES

26.1 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.

26.2 The Licensing Authority has no powers to change these fees. Those fees are detailed at Appendix "C".

27.0 NON FEE PAYING

- 27.1 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.
- 27.2 These systems include Safety at Sports Grounds, Street Collections, House to House Collections, Hypnotism, Commons Registration and Scrap Metal Dealers.

28.0 FINANCIAL IMPLICATIONS

- 28.1 There are no financial implications for the Council arising from this report if members agree the fees proposed.
- 28.2 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.

29.0 RECOMMENDATIONS

- 29.1 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.
- 29.2 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.
- 29.3 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.

30.0 OPTIONS OPEN TO THE BOARD

- 30.1 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
- 30.2 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"

2015/16 Breakdown of Licensing Budget					
INCOME		Statutory Fee	Non Statutory	Non Fee Paying	TOTAL
FEES & CHARGES		-	- 108,000		
LICENSE FEES		-	- 2,000		
LIQUOR ALTERATIONS FEES		- 32,000	-		
LIQUOR CLUB PREMISES LICENSE		- 17,000	-		
TAXI DRIVERS		-	- 250,000		
GAMBLING LICENSE FEES		-	- 61,000		
HACKNEY CARRIAGES LICENSE FEES		-	- 127,000		
LIQUOR MISC LICENSE FEES		- 32,000	-		
LIQUOR PERSONAL LICENSE FEES		-	- 6,400		
LIQUOR PREMISES LICENSE FEES		- 342,000	-		
PRIVATE HIRE TAXIS LICENSE FEE		-	- 261,000		
TAXI MISCELLANEOUS INCOME		-	-	- 10,000	
TOTAL INCOME	TOTAL	- 423,000	- 815,400	- 10,000	- 1,248,400
DIRECT COSTS		Statutory	Non Statutory	Non Fee Paying	
Staffing		223,743	496,785	37,923	758,450
Premises & Transport		6,195	13,755	1,050	21,000
Professional Fees and Subscriptions		10,384	23,056	1,760	35,200
Office Materials & Supplies		16,446	36,516	2,788	55,750
Advertising / Publicity		1,180	2,620	200	4,000
Telephone and IT		8,850	19,650	1,500	30,000
Capital Investment Costs		27,435	60,915	4,650	93,000
SUB TOTAL	TOTAL	294,233	653,297	49,870	997,400
INDIRECT COSTS					
Corporate Overhead and Legal and Democratic Services		74,045	164,405	12,550	251,000
TOTAL COSTS	TOTAL	368,278	817,702	62,420	1,248,400
Cash Limit		- 54,722	2,302	52,420	-

APPENDIX "B"

Sex Establishments		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
New	2,600	1,343	1,257	2,600	2,100	970	1,130	2,100
Renewal	2,300	1,150	1,150	2,300	1,900	838	1,062	1,900
Transfer	1,600	1,014	586	1,600	1,100	660	440	1,100
Variation	900	738	162	900	500	410	90	500
Staff Reg.	40	33	7	40	35	27	8	35

SEV's		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
New	1,335	715	620	1,335	1,200	592	608	1,200
Renewal	1,000	480	520	1,000	885	390	495	885
Variation	1,000	480	520	1,000	885	390	495	885
Transfer	500	350	150	500	370	250	120	370

Street Trading		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Mobile (Ice Cream)	236	111	128	236	190	70	120	190
Mobile (Fruit & Veg)	315	116	200	315	270	80	190	270
Football Hot Food	505	196	309	505	455	150	305	455
Football Memorabilia	100	70	30	100	75	50	25	75
Schools	40	32	8	40	32	26	7	32
Short Term Day	60	52	8	60	45	37	8	45
Short Term Week	80	67	13	80	65	55	10	65
Short Term Month	120	100	20	120	95	75	20	95
Variation	100	85	15	100	68	60	10	70
New Assistants badge	20	20	-	20	15	15	-	15
Change of details (Minor)	20	20	-	20	15	15	-	15
Replacement Badge	10	10	-	10	8	8.0	-	8.0
Replacement Certificate	10	10	-	10	8	8.0	-	8.0
Static Street Trading	25,965	15,486	10,514	26,000	21,130	12,000	9,000	21,000

MISC		PAPER					ELECTRONIC				
Type	Fee	PRE	POST	Other	TOTAL	Fee	PRE	POST	Other	TOTAL	
Skin Piercing Operator	50	45	5	-	50	35	30	5	-	35	
Skin Piercing Premises	265	45	5	215	265	245	17	3	225	245	
Scrap Metal Dealers - Sites New	350	205	145	-	350	310	170	140	-	310	
Scrap Metal Dealers - Sites Renewal	300	170	130	-	300	260	135	125	-	260	
Scrap Metal Dealers - Sites Variation	75	62	13	-	75	60	50	10	-	60	
Scrap Metal Dealers - Mobile New	150	108	42	-	150	125	85	40	-	125	
Scrap Metal Dealers - Mobile Renewal	100	70	30	-	100	80	50	30	-	80	
Pavement Café	95	80	15	-	95	75	63	12	-	75	
Poison Registration New	40	30	10	-	40	30	24	6	-	30	
Poison Registration Renewal	20	17	3	-	20	15	15	-	-	15	
Change of details	10	10	-	-	10	8	8	-	-	8	
Second Hand Dealers	15	10	5	-	15	15	15	-	-	15	

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Betting New	1,080	696	384	1,080	980	613	367	980
Betting First Annual Fee	150	102	48	150	105	65	40	105
Betting Annual Fee	230	150	80	230	180	108	72	180
Betting Variation	585	429	156	585	485	347	138	485
Betting Transfer	500	357	143	500	420	285	135	420
Betting Reinstatement	500	357	143	500	420	285	135	420
Betting Provisional Statement	1,080	700	380	1,080	980	614	366	980
Betting App Following Prov Statmnt	715	503	212	715	615	420	195	615

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Casino First Annual Fee	950	447	503	950	840	360	480	840
Casino Annual Fee	1,400	668	732	1,400	1,290	590	700	1,290
Casino Variation	860	650	210	860	750	550	200	750
Casino Transfer	780	570	210	780	670	477	193	670
Casino Reinstatement	780	570	210	780	670	477	193	670

Civil Marriage Premises		PAPER				ELECTRONIC				
Type	Fee	PRE	POST	OTHER	TOTAL	Fee	PRE	POST	OTHER	TOTAL
New	970	462	108	400	970	890	390	100	400	890
Renewal	970	462	108	400	970	890	390	100	400	890

Animal Health		PAPER				ELECTRONIC				
Type	Fee	PRE	POST	OTHER	TOTAL	Fee	PRE	POST	OTHER	TOTAL
Pet Shop New	165	44	14	107	165	148	30	11	107	148
Pet Shop Ren.	143	40	15	85	140	126	30	11	85	126
Riding Est. New	216	44	13	158	215	199	30	11	158	199
Riding Est. Ren.	185	44	14	127	185	168	30	11	127	168
Animal Bdrs. New	211	44	13	153	210	194	30	11	153	194
Animal Bdrs. Ren.	189	44	15	131	190	172	30	11	131	172
DWA's New	190	44	14	132	190	173	30	11	132	173
DWA's Ren.	166	44	13	108	165	149	30	11	108	149
Dog Breeders New	160	44	14	102	160	143	30	11	102	143
Dog Breeders Ren.	158	45	15	100	160	141	30	11	100	141

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Bingo New	1,150	730	420	1,150	1,050	650	400	1,050
Bingo First Annual Fee	440	270	170	440	370	210	160	370
Bingo Annual Fee	610	385	225	610	540	328	212	540
Bingo Variation	665	485	180	665	565	450	160	610
Bingo Transfer	585	429	156	585	485	342	143	485
Bingo Reinstatement	585	429	156	585	485	342	143	485
Bingo Provisional Statement	1,150	730	420	1,150	1,050	650	400	1,050
Bingo App Following Prov Statmnt	800	544	256	800	700	460	240	700

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Tracks New	1,260	780	480	1,260	1,155	690	465	1,155
Tracks First Annual Fee	450	250	200	450	345	170	175	345
Tracks Annual Fee	680	336	344	680	575	260	315	575
Tracks Variation	755	560	195	755	650	475	175	650
Tracks Transfer	675	500	175	675	570	410	160	570
Tracks Reinstatement	675	500	175	675	570	410	160	570
Tracks Provisional Statement	1,260	775	485	1,260	1,155	690	465	1,155
Tracks App Following Prov Statmnt	835	571	264	835	730	485	245	730

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
FEC's New	810	504	306	810	730	440	290	730
FEC's First Annual Fee	250	165	85	250	185	111	74	185
FEC's Annual Fee	340	196	144	340	275	145	130	275
FEC's Variation	500	362	138	500	420	295	125	420
FEC's Transfer	415	285	130	415	340	225	115	340
FEC's Reinstatement	415	285	130	415	340	225	115	340
FEC's Provisional Statement	810	504	306	810	730	439	291	730
FEC's App Following Prov Statmnt	440	302	138	440	37	245	125	370

Gambling Act		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
AGC's New	1,080	640	440	1,080	980	570	410	980
AGC's First Annual Fee	290	172	118	290	220	120	100	220
AGC's Annual Fee	420	220	200	420	350	160	190	350
AGC's Variation	612	466	144	610	515	380	135	515
AGC's Transfer	525	375	150	525	430	300	130	430
AGC's Reinstatement	525	375	150	525	430	300	130	430
AGC's Provisional Statement	1,080	640	440	1,080	980	570	410	980
AGC's App Following Prov Statmnt	715	505	210	715	615	420	195	615

Private Hire Vehicles		PAPER			ELECTRONIC			
Type		PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Renewals	153	115	38	153		79	34	113
New	208	157	51	208		120	48	168
Transfer (Misc)	21	21	-	21		15	-	15
				-				
Hackney Carriage Vehicles		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Renewals	153	115	38	153		79	34	113
New	208	157	51	208		120	48	168
Transfer (Misc)	21	21	-	21		15	-	15
				-				
PH / HC Drivers		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
New	205	169	36	205	180	150	30	180
Knowledge	-	65	10	75	n/a	n/a	n/a	n/a
Renewals (With DBS)	130	101	29	130	105	81	24	105
Renewals (Without DBS)	86	65	21	86	71	55	16	71
				-				
Operators		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
New	670	243	427	670	600	188	412	600
Renewal 0 to 50	460	205	255	460	400	159	241	400
Renewal 51+	670	243	427	670	600	188	412	600
MISC - Taxis		PAPER			ELECTRONIC			
Type	Fee	PRE	POST	TOTAL	Fee	PRE	POST	TOTAL
Replacement Plates	25	25	-	25	20	20	-	20
Replacement Badges	20	20	-	20	15	15	-	15

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 (dependent 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 (dependent 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

This page is intentionally left blank