

Licensing Committee

Thursday 10 May 2018 at 2.00 pm

**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 (Chair), Josie Paszek (Chair), Andy Bainbridge, Lisa Banes, Jack Clarkson, Dawn Dale, Neale Gibson, Adam Hurst, George Lindars-Hammond, Vickie Priestley, Mick Rooney, Gail Smith and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

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

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

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
10 MAY 2018**

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:-

2017
November 23rd, 24th, 28th and 30th
December 5th, 12th, 14th and 21st
2018
January 4th, 9th, 11th, 16th, 18th, 25th and 30th
February 1st, 6th, 8th, 13th, 20th, 22nd and 27th
March 8th, 13th, 15th, 20th and 27th
April 5th

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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.

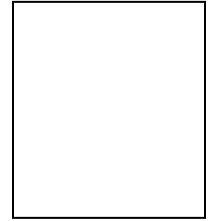
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of:	Chief Licensing Officer & Head of Licensing
Date:	May 2018
Subject:	Determination of Licence Fees
Author of Report:	Steve Lonnia
Summary:	To determine the non-statutory licences fees for the 2018/19 financial year (Except Taxi Licensing Fees)
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

**Licensing Fees Review (Determination of Fees)
2018/19 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:

- 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 Dealers;
- Sex Establishment Licensing (sex shops and sexual entertainment venues);
- Gambling Premises (casino, bingo, betting and track premises etc.);
- Approved Marriage Premises (secular and religious);
- Pavement Café Licences;
- Second Hand Dealers Registration;
- Skin Piercing / Tattooists; and
- Safety of Sports Grounds (Part)
- Commons Act 2006 – Landowner Statements.

1.2 To note, the following fee(s) are prescribed by the Secretary of State. These are “Statutory” fees and cannot 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 (Part);
- Street Collections;
- House to House Collections;
- Hypnotism; and
- Commons Registration / Town & Village Greens
- Children’s Permits

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 another is 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 the 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 Upon appeal to the Supreme Court on 29 April 2015, Lord Mance stated ...”there is no reason why it (the fee) should not be set at a level enabling the authority to recover from licensed operators the full cost of running and enforcing the licensing scheme, including the costs of enforcement and proceedings against those operating sex establishments without licences.”
- 3.6 The Council is entitled to set and require payment of a fee, including enforcement costs, as well as processing costs, applicable to all those who receive licences and benefit from enforcement. It was however wrong to charge this element of the fee relating to enforcement costs conditionally at the time of any licence application, yet once the application is successful, the fee becomes due unconditionally.
- 3.7 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 cannot 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.
- 3.8 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 (issued/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 an application (applicant) be unsuccessful.

5.0 ANIMAL HEALTH LICENSING

- 5.1 **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
- 5.2 **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

- 5.3 **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
- 5.4 **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;
- 5.5 **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).
- 5.6 **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
- 5.6.1 The Licensing Service through the Licensing Committee has agreed not to set a fee under this Act at this moment in time. It is agreed that such fees would be determined if an application was received.
- 6.0 STREET TRADING – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**
- 6.1 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.
- 6.2 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
- 7.0 SCRAP METAL DEALERS ACT 2013**
- 7.1 Schedule 1, Paragraph 6, Sub-paragraph 1, an application must be accompanied by the fee set by the Authority.
- 7.2 The Local Government Association has issued comprehensive guidance on licence fee charges and refers to the European Services Directive.

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

8.1 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

9.0 GAMBLING ACT 2005

9.1 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.

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

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

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

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

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

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

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

11.1 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.

12.0 SECOND HAND DEALERS – SOUTH YORKSHIRE ACT 1980

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

12.2 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.

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

13.1 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.

14.0 SAFETY OF SPORTS GROUNDS ACT 1972 (As Amended)

14.1 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.

14.2 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”.

14.3 Paragraph 6 of the Safety of Places of Sport Regulations 1988 sets out an identical provision for the charging of fees.

15.0 ADOPTION OF LEGISLATION

15.1 The legislation administered and enforced by the council’s licensing service is either imposed by statute or adopted individually by the Council.

15.2 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
- South Yorkshire Act 1980 – Second Hand Dealers
- Safety at Sports Grounds Act 1975 (As Amended)
- Town Police Clauses Act 1847 – Hackney Carriages

15.3 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 – Acupuncture, Ear Piercing, Tattooists, Electrolysis and Semi Permanent Skin Colouring
- Highways Act 1980 – Pavement Café Licences
- Scrap Metal Dealers Act 2013

15.4 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

15.5 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.).

16.0 FEES STRUCTURE

16.1 As members are aware from previous reports it is a legal requirement under the European Services Directive 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: a licence fee that is £100 would show the fee in two parts - £75 pre costs and £25 post costs

16.2 The service would like applicants to pay both fees up front as over 95% of licences are granted and therefore it is more cost effective and is easier to administer.

- However an applicant must be able to pay the fee in two separate parts and all fees will be advertised this way;
 - Pre costs (cost of administering / determining the application)
 - Post costs (enforcement of terms / conditions and ongoing administration)

If an applicant would prefer to pay the two fees separately then there will be an additional administration cost of £20 for processing the fee. If the applicant chooses to pay the fee upfront then the post costs would be refunded where an application is unsuccessful.

- 16.3 Attached at Appendix "B" is a full schedule of non-statutory fees.
- 16.4 The service has calculated the fees and income based on a projected split in paper and electronic applications. This is based on the electronic forms being released later this year. The Chief Licensing Officer & Head of Licensing will manage the income generated in each area on a monthly basis.
- 16.5 If at any stage following the introduction of electronic applications and payments the service is not achieving the projected income 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 be possible to re-assign resources to undertake more enforcement etc.
- 16.6 If a surplus is achieved at the end of the year then this may be carried forward and taken in to account when determining next year's budget, or the relevant fees reduced accordingly and / or the money re-invested within the service if it is necessary.

17.0 PROPOSED CHANGES

- 17.1 Fees for the following systems were amended in the fees report considered by members in November 17. Following further consideration of the time and costs involved and the resulting calculations there is no intention to make any further changes to these fees for the forthcoming financial year;
- Sex Establishments
 - Street Trading
 - Animal Health and
 - Approved Marriage Premises
- 17.2 Further to careful consideration of the time and costs involved and the resulting calculations it is not intended to make any changes to the following fees for the 18/19 financial year;
- Gambling Premises
- 17.3 Further to careful consideration of the allocation of time, costs and the resulting calculations it is proposed to increase fees in the following areas;
- Scrap Metal
 - Pavement Cafes
 - Skin Piercing
 - Second Hand Dealers
- 17.4 The fees outlined in paragraph 17.3 above require us to allocate more staff time than in the previous year.

18.0 THE LICENSING SERVICE

- 18.1 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.
- 18.2 In most cases except taxis (which is governed by express provisions), the enforcement costs for enforcing the terms and conditions of a licence can be recovered. It is in those cases covered by the European Services Directive / Provision of Services Regulations that costs relating to enforcement of unlicensed activity cannot be recovered. These systems include Sex Establishments and Street Trading etc.
- 18.3 The Service is keen to streamline processes, improve performance, and provide an efficient and effective customer service alongside a proportionate enforcement regime.

19.0 FINANCIAL INFORMATION (COSTS)

- 19.1 Below is a summary of the budget for the Licensing Service for 2018/19. More detail can be found at Appendix "A"

Expenditure Type 18/19	£000's	
Employee Costs	947	
Other Direct Costs	287	
Corporate & Mgt Overheads	304	
Total Budget	£1,538	

- 19.2 Employee Costs will remain the single largest cost for the Service at around £947K (62%).
- 19.3 Other Direct Costs include such things as equipment, protective clothing, fees, office expenses etc. have reduced to £287K this represents around 19% of the budget.
- 19.4 Corporate and Management Overheads includes accommodation, legal, finance, committee secretariat, ICT and management. At £304K they represent around 19% of total cost and are derived from the corporate service level agreement process.

20.0 FINANCIAL INFORMATION (REVENUE)

- 20.1 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.
- 20.2 Each year the services costs are budgeted for based on the proposed delivery of the service (see table in 19.1) and an hourly rate is calculated. This hourly rate is then used to inform the licence fee that is proposed based upon the amount of activity the licence is expected to receive (number of hours x hourly rate) by the service for the forthcoming year.
- 20.3 Below is a summary of the allocation of the licence service budgeted cost between the statutory, non-statutory and non-fee earning activities for 2018/19, together with the planned fee income to be generated.

18/19	Statutory	Non-Statutory	Other	Total
	£'000	£'000	£'000	£'000
Expenditure				
(a) Pre-app determination	290	558	27	875
(b) Post determination	137	485	41	663
Total Exp	427	1,043	68	1,538
Income	(472)	(1,043)	(23)	1,538
Net Exp	(45)	nil	45	nil

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

21.0 NON STATUTORY FEES

21.1 The Licensing Service has undertaken an extensive review of the non-statutory fees with Finance. Based upon those time allocations and the current budgeted cost, it is being proposed that several fees will remain the same, and a number of fees will increase as set out in paragraph 17 above.

21.2 Members will note that fees must be reviewed / determined every year. Members should be aware that the fees were last determined in November 2017.

21.3 The proposed fees for the Licensing Authority are attached at Appendix "B".

22.0 STATUTORY FEES

22.1 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.

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

23.0 OTHER SYSTEMS

23.1 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.

23.2 These systems include Safety at Sports Grounds, Street Collections, House to House Collections, Hypnotism, Commons Registration (Town & Village Greens).

24.0 FINANCIAL IMPLICATIONS

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

24.2 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.

25.0 RECOMMENDATIONS

25.1 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.

25.2 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.

25.3 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.

26.0 OPTIONS OPEN TO THE BOARD

26.1 To determine (approve) 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

26.2 To defer the decision to determine the fees for further consideration and work to be undertaken before being presented back to the Licensing Committee.

26.3 To determine (refuse) the fees and instruct the Chief Licensing Officer and Head of Licensing as members decide at this meeting.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy & Regulation, Place
Staniforth Road Depot, Staniforth Road
May 2018

APPENDIX "A"

2018/19 Breakdown of Licensing Budget

INCOME	Statutory Fees	Non Statutory	Other Systems	TOTAL
Sex Establishments	£0	£8,200	£0	£8,200
Sexual Entertainment Venues	£0	£2,400	£0	£2,400
Animal Health	£0	£11,500	£0	£11,500
Marriages	£0	£5,000	£0	£5,000
Street Trading	£0	£64,000	£0	£64,000
Pavement Cafes	£0	£1,400	£0	£1,400
LIQUOR ALTERATIONS FEES	£33,000	£0	£0	£33,000
LIQUOR CLUB PREMISES LICENSE	£200	£0	£0	£200
LIQUOR CLUB PREMISES ANN FEE	£16,800	£0	£0	£16,800
Sports Grounds	£0	£0	£15,000	£15,000
PH/HC Drivers	£0	£349,500	£0	£349,500
Private Hire Vehicles	£0	£334,500	£0	£334,500
Hackney Carriage Vehicles	£0	£150,000	£0	£150,000
LIQUOR PREMISES	£15,000	£0	£0	£15,000
LIQUOR PREMISES ANN FEE	£350,000	£0	£0	£350,000
LIQUOR MISCELLANEOUS	£30,000	£0	£0	£30,000
LIQUOR PERSONAL	£15,000	£0	£0	£15,000
PH Operators	£0	£5,000	£0	£5,000
Taxi Miscellaneous	£0	£27,500	£0	£27,500
GAME PERMITS	£9,000	£0	£0	£9,000
Scrap Metal	£0	£500	£0	£500
Second Hand Dealers	£0	£100	£0	£100
Acupuncture / Skin	£0	£500	£0	£500
Betting	£0	£21,000	£0	£21,000
Bingo	£0	£4,500	£0	£4,500
Casino	£0	£5,500	£0	£5,500
Tracks	£0	£3,000	£0	£3,000
AGC's	£0	£500	£0	£500
FEC's	£0	£2,400	£0	£2,400
Training/Knowledge/Consultancy	£3,000	£46,000	£8,000	£57,000
TOTAL INCOME	£472,000	£1,043,000	£23,000	£1,538,000
DIRECT COSTS	Statutory	Non Statutory	Other Systems	TOTAL
Staffing	283,501	615,355	47,844	946,700
Premises & Transport	8,400	18,200	1,400	28,000
Subscriptions, Publications & Periodicals	975	2,113	162	3,250
Equipment, Purchase, Repair & Other	19,800	45,800	400	66,000
Office Materials, Supplies & Clothing	13,500	29,250	2,250	45,000
Fee Expenses, Consultants, Legal Etc.	1,350	92,925	225	94,500
Advertising / Publicity & Insurance	1,650	3,575	275	5,500
Printing, Photocopying & Stationary	4,335	9,392	723	14,450
Telephone and IT	9,180	19,890	1,530	30,600
SUB TOTAL	342,691	836,500	54,809	1,234,000
INDIRECT COSTS	84,423	206,075	13,502	304,000
TOTAL COSTS	427,114	1,042,575	68,311	1,538,000
Net Cost / Income (-)	£44,886	£425	-£45,311	£0

APPENDIX "B"
Table of Fees for 2017-2018

Sex Establishments		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
New	2,050	1,300	750	2,050	1,550	932	618	1,550
Renewal	1,700	1,060	640	1,700	1,400	830	570	1,400
Transfer	1,200	999	201	1,200	700	600	100	700
Variation	850	785	65	850	450	420	30	450
Staff Reg.	40	33	7	40	35	28	7	35

SEV's		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
New	1,540	790	750	1,540	1,400	670	730	1,400
Renewal	1,220	645	575	1,220	1,100	525	575	1,100
Variation	1,100	530	470	1,000	950	490	460	950
Transfer	600	485	115	600	420	320	100	420

Street Trading		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
Mobile (Ice Cream)	250	130	120	250	205	90	115	205
Mobile (Fruit & Veg)	330	135	195	330	285	95	190	285
Football Hot Food	520	210	310	520	470	165	305	470
Football Memorabilia	115	75	40	115	90	65	25	90
Schools	55	27	28	55	47	37	10	47
Short Term Day	75	47	28	75	60	50	10	60
Short Term Week	95	67	28	95	80	67	13	80
Short Term Month	135	95	40	135	110	87	23	110
Variation	115	80	35	115	85	70	15	85
New Assistants badge	32	32	-	32	27	27	-	27
Change of details (Minor)	32	32	-	32	27	27	-	27
Replacement Badge	22	22	-	22	17	17	-	17
Replacement Certificate	22	22	-	22	17	17	-	17
Static Street Trading	41,955	24,283	17,672	41,955	-	-	-	-

Animal Health		Proposed 2018/19 Fee				Proposed 2018/19 Fee				
		PAPER				ELECTRONIC				
	2017/18 Fee	PRE	POST	OTHER	TOTAL	2017/18 Fee	PRE	POST	OTHER	TOTAL
Pet Shops New	185	53	20	112	185	162	30	20	112	162
Pet Shops Ren.	163	53	20	90	163	140	30	20	90	140
Riding Est. New	236	53	20	163	236	213	30	20	163	213
Riding Est. Ren.	205	53	20	132	205	182	30	20	132	182
Animal Bdrs. New	231	53	20	158	231	208	30	20	158	208
Animal Bdrs. Ren.	209	53	20	136	209	186	30	20	136	186
DWA's New	210	53	20	137	210	187	30	20	137	187
DWA's Ren.	186	53	20	113	186	163	30	20	113	163
Dog Breeders New	180	53	20	107	180	157	30	20	107	157
Dog Breeders Ren.	178	53	20	105	178	155	30	20	105	155

Civil Marriage Premises		Proposed 2018/19 Fee				Proposed 2018/19 Fee				
		PAPER				ELECTRONIC				
	2017/18 Fee	PRE	POST	OTHER	TOTAL	2017/18 Fee	PRE	POST	OTHER	TOTAL
	995	480	115	400	995	905	404	101	400	905
	995	480	115	400	995	905	404	101	400	905

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
Betting New	1,080	612	468	1,080	980	530	450	980
Betting First Annual Fee	150	98	52	150	105	58	47	105
Betting Annual Fee	230	140	90	230	180	92	88	180
Betting Variation	585	412	173	585	485	328	157	485
Betting Transfer	500	347	153	500	420	264	156	420
Betting Reinstatement	500	347	153	500	420	264	156	420
Betting Provisional Statement	1,080	612	468	1,080	980	530	450	980
Betting App Following Prov Statmnt	715	463	252	715	615	379	236	615

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
Casino Annual Fee	1,400	444	956	1,400	1,290	366	924	1,290
Casino Variation	860	615	245	860	750	520	230	750
Casino Transfer	780	543	237	780	670	448	222	670
Casino Reinstatement	780	543	237	780	670	448	222	670

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
Bingo New	1,150	632	518	1,150	1,050	546	504	1,050
Bingo First Annual Fee	440	242	198	440	370	186	184	370
Bingo Annual Fee	610	352	258	610	540	300	240	540
Bingo Variation	665	455	210	665	610	422	188	610
Bingo Transfer	585	394	191	585	485	314	171	485
Bingo Reinstatement	585	394	191	585	485	314	171	485
Bingo Provisional Statement	1,150	632	518	1,150	1,050	546	504	1,050
Bingo App Following Prov Statmnt	800	502	298	800	700	420	280	700

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
Tracks New	1,260	602	658	1,260	1,155	544	611	1,155
Tracks First Annual Fee	450	193	257	450	345	113	232	345
Tracks Annual Fee	680	254	426	680	575	165	410	575
Tracks Variation	755	530	225	755	650	443	207	650
Tracks Transfer	675	470	205	675	570	381	189	570
Tracks Reinstatement	675	470	205	675	570	381	189	570
Tracks Provisional Statement	1,260	602	658	1,260	1,155	544	611	1,155
Tracks App Following Prov Statmnt	835	502	333	835	730	418	312	730

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
FEC's New	810	465	345	810	730	403	327	730
FEC's First Annual Fee	250	108	142	250	185	70	115	185
FEC's Annual Fee	340	154	186	340	275	110	165	275
FEC's Variation	500	350	150	500	420	302	118	420
FEC's Transfer	415	295	120	415	340	260	80	340
FEC's Reinstatement	415	295	120	415	340	260	80	340
FEC's Provisional Statement	810	465	345	810	730	403	327	730
FEC's App Following Prov Statmnt	440	305	135	440	370	250	120	370

Gambling Act		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
		PAPER			ELECTRONIC			
Type	2017/18 Fee	PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
AGC's New	1,080	615	465	1,080	980	541	439	980
AGC's First Annual Fee	290	147	143	290	220	103	117	220
AGC's Annual Fee	420	186	234	420	350	142	208	350
AGC's Variation	610	481	129	610	515	410	105	515
AGC's Transfer	525	396	129	525	430	325	105	430
AGC's Reinstatement	525	396	129	525	430	325	105	430
AGC's Provisional Statement	1,080	615	465	1,080	980	541	439	980
AGC's App Following Prov Statmnt	715	503	212	715	615	433	182	615

		Proposed 2018/19 Fee				Proposed 2018/19 Fee				
		PAPER				ELECTRONIC				
	2017/18 Fee	PRE	POST	Other	TOTAL	2017/18 Fee	PRE	POST	Other	TOTAL
Skin Piercing / Tattooisits	50	55	-	N/A	55	50	52	-	N/A	52
Skin Piercing / Tattooisits	265	45	-	225	270	265	42	-	225	267
Scrap Metal Dealers Sites (New)	350	193	162	N/A	355	265	180	160	N/A	340
(Renewal)	300	157	148	N/A	305	360	140	145	N/A	285
(Variation)	75	46	34	N/A	80	60	34	31	N/A	65
Scrap Metal Collectors (New)	150	69	86	N/A	155	125	85	40	N/A	125
(Renewal)	100	62	43	N/A	105	80	50	30	N/A	80
Pavement Café	95	65	50	N/A	115	85	60	45	N/A	105
2nd hand dealers	15	20	-	N/A	20	15	20	-	N/A	20

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

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Licensing Committee

Meeting held 23 November 2017

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge, Neale Gibson, George Lindars-Hammond, Andy Nash and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Lisa Banes, David Barker, Jack Clarkson, Dawn Dale, Kieran Harpham, Adam Hurst, Gail Smith and Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. SEX ESTABLISHMENT POLICY (INCORPORATING SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES) - APPROVAL

4.1 The Chief Licensing Officer submitted a report informing Members of the results of the consultation process undertaken on Sheffield City Council's new Sex Establishment Policy (incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) and seeking approval of the final updated Policy for implementation with effect from 1st January, 2018.

4.2 Claire Bower, Licensing Strategy and Policy Officer, outlined the updated Sex Establishment Policy which was attached at Appendix "A" to the report. She referred to the consultation process which had been carried out over the past 12 months, beginning on 21st November, 2016. She stated that the process had been conducted in three stages, the outcome of which had offered very differing views. She said a pre-consultation stage was carried out which involved holding a number of workshops. These were attended by Members of the Licensing Committee, existing sex establishment licence holders, religious establishments, schools and equality groups. The first stage had been carried out over a seven week period and comments were invited via email and post to the City Council's consultation hub, Citizen Space. She said that 82 responses had been received from South Yorkshire Police, local businesses, elected Members and a Member of Parliament, equality and religious groups and local residents and the majority of comments were against the policy and against sex establishments and a large number requested a nil cap. As a result of the comments received, the Draft Policy was amended. The second stage of the consultation process was then carried out over a four week period during March, 2017, 47 responses were

received in total. Claire Bower said that, this time, the majority of responses received were in favour of the policy, some respondents even said that it was too strict. No complaints had been upheld against existing SEV premises, nor had any issues been identified by the Sheffield Safeguarding Children Board and South Yorkshire Police. An overview of the consultation responses received following Stage 1 and Stage 2 of the process were attached at Appendix "B" to the report.

- 4.3 Claire Bower then referred to a questionnaire which had been carried out with performers at one of the sexual entertainment venues. She stated that there was only one negative comment out of 25 responses received, and none of the responses highlighted any worries from the performers themselves. The questionnaire results were attached to the report at Appendix "C".
- 4.4 Claire Bower then referred to research articles that had been carried out and stated that, in New York when there had been zero tolerance to SEVs, this had a negative impact and forced such activities underground.
- 4.5 In response to questions from Members of the Committee, Claire Bower stated that the Licensing Service had only been able to approach the dancers through Spearmint Rhino, not directly, and although it would have been possible to contact the dancers directly, there had been no evidence to suggest that the responses had been filtered. Claire Bower also confirmed that there was the option for performers to respond to the questionnaire in a confidential manner, without the business they were employed by being informed. Leo Charalambides, Legal Adviser to the Committee, advised that each application would be considered on its own merits i.e. the suitability of the applicant, the situation of the premises, the intended use of the premises, the character of the surrounding area and the number of SEVs already in the city. He added that, due to the fact that the SEV licence comes up for review annually, not pre-determining specific areas in fact affords greater flexibility in terms of looking at any population changes, movement, regeneration, etc., which could all be taken into account when considering a licence application. Mr Charalambides explained how applications for a licence could still be received, even if a nil policy were in place, with each case being required to be considered on its own merits. The policy in its current form affords maximum flexibility to Members, meaning they can exercise their discretion to a greater degree when determining the 'relevant locality' and its 'suitability', in accordance with the legislation. It also ensures they consider these factors to their fullest extent, meaning any decision to refuse an application is comprehensive and robust. Mr. Charalambides confirmed that 'adult magazines' could be lawfully sold anywhere, however R18 films would require the relevant licence. Steve Lonnia, Chief Licensing Officer, informed Members that the policy would be kept under review at all times and, in any event, as with all City Council policies, reviewed every three years. Steve Lonnia also clarified the difference between the 'Cultural Hub' and 'Cultural Industries Quarter', with the latter being the term used by Sheffield City Council, and referring to the area between the city centre and the Midland Station.
- 4.6 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there

would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

4.7 Leo Charalambides reported orally, giving legal advice on various aspects of the Sex Establishment Policy.

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

4.9 RESOLVED: That the Committee:-

- (a) approves the Sex Establishment Policy, with no amendments, for implementation with effect from 1st January, 2018;
- (b) requests a report on the implementation of the Policy, after three months initially, and then every six months thereafter; and
- (c) thanks officers for the extensive consultation carried out by them and the legal advice given.

5. MINUTES OF PREVIOUS MEETINGS

5.1 The minutes of the meetings of the Licensing Sub-Committee held on 7th, 9th, 14th, 16th, 21st, 23rd and 28th February, 2nd, 7th, 9th, 14th, 16th, 21st, 23rd and 30th March, 6th, 11th, 13th, 18th, 20th, 25th and 27th April, 2nd, 4th, 11th, 17th, 18th, 23rd and 30th May, 1st, 13th, 15th, 21st, 27th and 29th June, 4th, 11th, 13th, 18th, 25th and 27th July, 8th, 15th, 17th, 22nd, 24th, 29th and 31st August, 5th, 7th, 12th, 14th, 19th, 26th and 28th September, 3rd, 5th, 10th, 17th, 19th, 24th and 26th October and 2nd November, 2017, were approved as correct records, subject to the addition of the name of Councillor Kieran Harpham to the list of names present at the meeting on 9th February, 2017 and the correction of the minutes of the meeting held on 25th April, 2017 which records the name of Councillor Andy Bainbridge twice in the list of names present at that meeting.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 November 2017

PRESENT: Councillors Josie Paszek (Chair), Lisa Banes and David Barker

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **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 paragraph 7 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 THE REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER GRANTED BY THE MAGISTRATES' COURT

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 167 of the Licensing Act 2003, for a review of a Premises Licence, following a Closure Order granted by the Magistrates' Court (Ref. No. 150/17).

4.2 Present at the meeting were James Ketteringham (South Yorkshire Police Legal Services), Ian Armitage (South Yorkshire Police Licensing Officer) and Jonathan Greaves (South Yorkshire Police, Applicants), Chris Grunert (John Gaunt and Partner, Solicitors, for the Premises), Baron Balman (Premises Licence Holder), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Chris Grunert, on behalf of the premises, referred to the serious incident which had occurred outside the premises on 10th November, 2017, involving members of staff of the premises, indicating that all the members involved would be dismissed, and excluded from the premises. In the light of this action, and the placing of four suggested new conditions on the Premises Licence, he was formally requesting that this hearing be adjourned, that the Closure Order made in respect of the premises be lifted and that the prospective Premises Licence Holder be allowed to manage the premises as part of a six week trial. Mr Grunert stated that whilst Mr Ketteringham had provisionally agreed to this suggested course of action, they were both mindful that this would be a decision to be made by the Sub-Committee.

- 4.4 James Ketteringham, on behalf of South Yorkshire Police, referred to the incident on 10th November 2017, which had involved members of staff of the premises assaulting a customer on the street outside the premises, indicating that the incident had been deemed serious enough for the police to apply to the Magistrates' Court for the Closure Order. He added that there had been other incidents at the premises, together with issues regarding non-compliance with the licensing requirements. Mr Ketteringham referred to Mr Grunert's request, indicating that, whilst he still had concerns in terms of the future management of the premises, he did agree, in principle, to the hearing being adjourned for a period of six weeks to allow the new management of the premises, with the additional proposed conditions on the Premises Licence, to manage the premises. In the light of this, Mr Ketteringham stated that he would be willing to make a request to the Magistrates' Court for the Closure Order to be lifted accordingly.
- 4.5 Chris Grunert referred to the four proposed conditions, which were set out in his letter circulated prior to the hearing, indicating that he believed that, with the conditions in place, the premises would be managed without any further problems. He added that, if there were any problems during the six week trial period, the police had the powers to apply for a further Closure Order.
- 4.6 Members of the Sub-Committee raised a number of questions, which were responded to by the relevant attendees present at the hearing.
- 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 Samantha Bond 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 light of the representations now made:-
- (a) the meeting be adjourned for a period of six weeks to give the new, prospective Premises Licence Holder, the opportunity, once the Closure Order has been lifted, of managing the premises, with the following conditions being placed on the Premises Licence:-
 - (i) the Premises Licence Holder shall ensure the premises' CCTV system cameras shall continually record whilst the premises are open to the public, and records shall be kept for a minimum of 28 days, with time and date stamping; data recordings shall be made immediately available to an authorised officer of South Yorkshire Police or Sheffield City Council, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act; recorded images shall be of such quality, to the satisfaction of South

Yorkshire Police and, as to be able to identify the recorded person; at least one member of staff on the premises at any time during operating hours shall be trained to access any download material from the CCTV system;

- (ii) a minimum of two Security Industry Accredited (SIA) Registered Door Supervisors shall be employed at the venue from 23:00 hours on Friday and Saturday evenings, as well as Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day, until close;
 - (iii) the individuals now mentioned shall not be employed or involved in the supervision of the premises;
 - (iv) the management shall undertake training in the subject of Conflict Management, with such training being cascaded to all staff members, and will be documented, with records retained for inspection for a period of three months after the date of termination of employment;
 - (v) a sign, headed 'Under New Management', shall be affixed, and clearly visible, to the window of the premises for the six week trial period; and
 - (vi) the Premises Licence Holder shall be required to be on the premises from 23:00 hours on Friday and Saturday, and at least on two of the additional days listed in paragraph (ii) above, until close; and
- (b) arrangements be made for the review of the Premises Licence, in respect of the premises now mentioned (Ref No. 150/17), to be considered at a meeting of the Sub-Committee in six weeks' time.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 November 2017

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Adam Hurst 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 LAND KNOWN AS "LOWER WALKLEY GREEN", SHEFFIELD, AS A TOWN OR VILLAGE GREEN

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 15 of the Commons Act 2006, to register land known as "Lower Walkley Green", Sheffield, as a Town or Village Green (Ref. No. 148/17).

4.2 Present at the meeting were Kate Jeeves (Applicant/Witness), Linda Charlton, Daniela Walker and Phil Walker (Witnesses), Shimla Finch (Clerk to the Registration Authority), Louise Bate (Legal Adviser to the Sub-Committee (Commons Registration), and John Turner (Democratic Services).

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

4.4 Shimla Finch presented the report to the Sub-Committee, indicating that the application had included the submission of 52 evidence questionnaires, which were referenced in the report, and which had been circulated to Members of the Sub-Committee, at its meeting held on 4th July 2017, with the purposes of deciding whether the application should be determined either with or without a non-statutory public inquiry. In terms of formal directions compliance, Ms Finch confirmed that the directions had been publicised as detailed in the formal Directions, and stated that the clarification documents had been submitted by the applicant on 3rd October 2017, with all the relevant documentation, including the legal argument, having been circulated to Members prior to this meeting. In addition, a site visit had also been arranged on 20th November 2017, attended by Councillors Andy Bainbridge and Josie Paszek, the Legal Adviser to the Sub-Committee and the applicant and her representatives.

4.5 Application

- 4.5.1 Kate Jeeves stated that, as the application for Village Green status was made in 2008, a number of the older residents who had been asked to provide witness statements had either passed away, or were no longer in a fit state to attend the meeting to give evidence. The Residents' Association, which had been established to steer the application process, had also been depleted and, as a result of this, and on the basis that the application had to focus on the use of the land before 2008, this had made the process more difficult. A number of the older residents had referred to the land as 'the spare land' as they believed it was a little piece of land that was owned by the Council, and left for the use by local residents. The land had been maintained by the Council up until the early 1990's. In terms of its use, Ms Jeeves stated that some of the older residents remembered poultry being kept there during the Second World War, children had always played on the land, a bonfire had been held on 5th November, each year, when the neighbourhood all came together, and several residents used to sledge on the land when it had snowed.
- 4.5.2 Sometime around 2004, a fence had been erected on the land, but this had not deterred locals from accessing the land, which they did through gaps in the fence. Ms Jeeves reported that in 2008, some men appeared with chainsaws, and started cutting some of the trees down, and following news that they had been working for a local estate agent, and that the estate agents had declared that the land belonged to one of their clients, concerned local residents arranged a public meeting in a local public house on Walkley Bank Road. The locals arranged for signs to be erected on the land, warning the workmen to stop cutting down the trees, and indicating that the land was available for use by the local community. These were removed by the workmen, but replaced by local residents straightaway. Around 100 people attended the public meeting, all sharing stories of how they and their predecessors had played on, and used, the land for a variety of recreational purposes, and expressing concerns over the possible loss of the green space. A considerable amount of money was raised, which was used to hire a Solicitor, to assist with the application to register the land as a Town or Village Green. The meeting had been viewed as a very productive and heart-warming experience, and which had kick-started the application process.
- 4.5.3 Sometime after the meeting, notices were erected on the land, indicating 'Private Property', and CCTV cameras were set up at the top end of the site. However, this made people even more determined to use the green space, which resulted in the estate agent calling the police. Discussions and meetings were held, and the estate agent's client was asked to provide proof of ownership, with the client claiming that he could, but it would be very expensive to do so, involving the transfer of the relevant documentation, which was held on the Isle of Man. During the discussions, the Residents' Association made a successful application for a right of way across the land to be recognised. Nothing further was heard from the estate agent and their client, and local residents removed the fencing, and started mowing the grass, and generally tidying up the land. Ms Jeeves stated that, in the light of potential claims for ownership of the land in the future, and following discussions with the Solicitor and local Councillors, the community decided that the best way of protecting the land was to apply for Village Green status. Following

extensive research, which included visits to Sheffield Archives, no proof of ownership was discovered and, as the land had never been sold or built on, the residents believed it had been left as a common land for the use by local people.

4.6 Witness Statements

4.6.1 Daniela Walker stated that she had moved to live in the area, on Gresham Road, in 2001, and during the time she had lived there, as well as using the area herself, she had noticed that it was very popular with dog walkers, children playing there, and people gathering in the evenings to socialise and simply enjoy the views. She stated that, in 2003, flats had been constructed on land adjacent to the land, which had resulted in some areas being tarmacked over. There were a number of paths running through the land, which were well used by people either undertaking activities on the land, or as a walking route through the land. Ms Walker stated that the land was used by people of all ages, as it had been for a number of years, and there had never been any safety concerns as a number of houses in the surrounding area overlooked the land. In terms of personal use, Ms Walker stated that she used it for walking her dog, and generally enjoying the wildlife and greenery which the area provided. Lots of the houses in the surrounding area either had no gardens at all or very small gardens, therefore people would use the area as a substitute. Ms Walker stated that, in 2008, she heard the sound of chainsaws on the land, and immediately contacted the Council in an attempt to find out if anyone owned the land. As she had witnessed the Council tending to the land on occasions during the year, she believed that it was Council-owned. After a number of attempts to find out who owned the land, she was informed by officers in Parks and Countryside that whoever was cutting down the trees should not be doing so if there were nesting birds in them, and appropriate notices were put up to stop this action. The tree-cutting had generated interest within the local community, and a meeting was arranged, in a local public house, to discuss what action should be taken. At the meeting, people of all ages came together and discussed how they and their predecessors had used the land for all kinds of recreational purposes. Almost £1,000 was raised during the meeting, which would be used by the local community to fund legal representation, as part of the application for Town or Village Green status.

4.6.2 Linda Charlton stated that she had moved to her home, on Elliottville Street, in 1970, and that her children, who were born there, used to play and socialise on the land when growing up. She stated that she never had any concerns regarding their safety as their home overlooked the land. She stated that children of all ages used to use the land for various activities, which included making dens and grass sledging during the summer, and sledging on snow during the winter. Ms Charlton stated that her daughter used to like flower arranging when she was younger, and used to find all sorts of flowers and leaves on the land for this purpose. There was also a fire on bonfire night, when all the children used to go round the neighbourhood, asking people for spare wood, and people would build a large fire on the land. She stated that both her children, who had now grown up, were both in creative professions, which she believed, was due in part to them having such adventurous childhoods, where they were free to explore, and undertake a number of activities on the land.

- 4.6.3 Phil Walker stated that he had moved to the area in 2001, and during the time he lived there, he had noticed numerous people using the land as of right, including dog walkers and children of all ages. He had personally used the land for walking his dog, and he also enjoyed the wildlife on the land, which included bats and different species of birds, including owls and waxwings. Mr Walker stated that the only time questions were raised with regard to the use of the land was when residents witnessed workers had erected fencing, and were cutting down trees, which he believed was linked to an article on the internet with regard to claiming ownership of pieces of land having no known owner. He was aware of other incidents, in other areas of the City, where similar practices were going ahead. Using the money raised at the community meeting, the residents hired a Solicitor and sought advice from an organisation specialising in open green spaces, and were subsequently advised to remove the fencing which had been erected on the land. The residents were also advised to apply to the Council for the right of way in terms of the path passing through the area, which they did, successfully. This was subsequently approved, which forced the prospective developers to stop their plans. Mr Walker stated that, since the community meeting, he had talked to a number of older residents living in the area, who all had stories in terms of how they and their children used the land for recreational purposes. He stated that, although the process had taken a considerable length of time, the residents could all be assured that they had followed the correct, legal route in terms of applying for Town or Village Green status, and that, in their opinion, all the relevant criteria had been met.
- 4.6.4 Kate Jeeves, acting as a witness as well as the applicant, stated that she had moved to the area in 2007, and used the land regularly to walk her dogs, as well as generally unwinding after a hard day's work, and enjoying the brilliant views. She stated that children of all ages used the land for various different activities, such as using the rope swing, building dens, climbing trees and sledging during the winter months. Ms Jeeves, as well as other local residents, also enjoyed watching and listening to the wildlife, which included foxes, birds, bats and badgers. Ms Jeeves referred to the annual bonfire which had been held on the land for a number of years, which she believed had stopped sometime in the mid 1990's as a result of a growth in the trees and shrubbery, making it dangerous. Ms Jeeves made specific reference to a recent visit to the land by a group of ladies and children, who were identified as a Garden Group, who undertook various nature activities on green and open spaces.
- 4.7 In response to questions from Members of the Sub-Committee, it was confirmed that the annual bonfire no longer took place on the land as there was no longer a large enough clearing for a fire, due to the trees and shrubbery becoming overgrown. There were no other annual festivities or community activities held on the land, but it was used extensively by local residents for a wide range of recreational activities. The 52 evidence questionnaires, which had been submitted as part of the application, had been sent by local residents who all lived within the local neighbourhood. It was deemed a neighbourhood on the basis of the facilities and services within the locality, which included schools, shops, public houses and a GP surgery. From all the stories of local residents, particularly the elderly residents, there was a considerable amount of evidence to show that local residents had used the land, as of right, for a very long time, and for a number of

different recreational purposes.

- 4.8 Kate Jeeves summarised her case, referring to a number of stories of how local residents used the land in the past, with a specific story of someone's relative who played there as a child in 1878.
- 4.9 Shimla Finch presented the options available to the Sub-Committee.
- 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 Louise Bate 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, in the light of the information contained in the report now submitted, the information circulated to Members prior to the meeting, specifically the witness statements, and the representations now made, the land known as "Lower Walkley Green", Sheffield, be registered as a Town or Village Green on the basis that all the statutory criteria has been met (Ref No. 148/17).

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 November 2017

PRESENT: Councillors David Barker (Chair), Adam Hurst and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jack Clarkson and Vickie Priestley.

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 - DUBAI CAFE, 25 LONDON ROAD, SHEFFIELD S2 4LA - REVIEW OF A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Health and Safety Enforcing Authority, under Section 51 of the Licensing Act 2003, for a review of the premises licence for Dubai Café, 25 London Road, Sheffield S2 4LA (Case No.144/17).

4.2 Present at the meeting were Sean Gibbons (Health and Safety Enforcement Team, Applicant), Susan Hird (Consultant in Public Health), Julie Hague (Sheffield Safeguarding Children Board), Cheryl Topham (South Yorkshire Police, Licensing), Georgina Hollis (Licensing Strategy and Policy Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services). The Premises Licence Holder had been invited to attend but was not present.

4.3 Sean Gibbons stated that the premises first opened in 2011 and has illegally operated as a Shisha bar and the licence holder had been prosecuted three times, firstly in 2013, then again in 2014 and again in 2017 for allowing shisha pipes to be smoked indoors, and to date, he believes the premises are still being used as a shisha bar. Sean Gibbons further stated that he visited the premises in October, 2016 and raised concerns regarding the safety of a gas appliance and the electrical wiring which was hanging down above a heater and not encased in trunking, as could be seen from the photographs circulated at the meeting. Sean Gibbons reported that, following such visit, two Statutory Improvement Notices were served under the Health and Safety at Work etc. Act, 1974 which required the licence holder to obtain a satisfactory Gas Safe Certificate and an electrical condition report within 21 days. Neither was received, so legal proceedings were

initiated. Sean Gibbons went on to state that eventually a gas certificate was received but there was some doubt as to its credibility. The licence holder informed Mr. Gibbons that he only used the appliance for approximately 10 minutes per day, but when challenged, he changed his stance on this and had the appliance capped off. At a court hearing on 29th August, 2017, an electrical certificate was produced, but there were serious flaws on the certificate and the hearing was adjourned for further investigations to take place. Sean Gibbons stated that, although Dubai Café continues to operate, he still has a lot of outstanding issues as the owners continue to demonstrate a serious disregard for legislation.

- 4.4 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that the Health and Safety Enforcement Team always work with licence holders to get them to comply with legislation and bringing prosecution against a premise is the final step in the process. He commented that he had tried to guide the owners of the premises in the right direction and had exhausted attempts to get them to comply. Sean Gibbons further stated that the outstanding issue was electrical safety and he had met with the landlords and their Solicitors to inform them of the risks, and he had been informed by the landlords that they were working towards getting the licence holder to carry out the works required.
- 4.5 Susan Hird presented the statement submitted by Greg Fell, Director of Public Health. She stated that it had been found that the premises were still operating illegally under the smoke free legislation. She added that the smoke free legislation had been effective in reducing the risk of harm associated with tobacco products for workers and the general public. Susan Hird further stated that there was a perception that smoking a shisha pipe was safer than smoking tobacco, but evidence showed that the risk to health could be significantly more than the risk to those who smoked cigarettes. She further stated that the City Council spends £1m per annum on a programme which focused on prevention measures aimed at stopping children from starting to smoke, increasing the number of smoke free outdoor sites and “stop smoking” support for adults and children alike.
- 4.6 Julie Hague stated that she had visited the premises with Sean Gibbons in an advisory capacity. She had concerns that at present there were no conditions to prevent children from accessing the premises, and that the licence holder had failed to recognise the age verification scheme and was in breach of the licence conditions requiring the Challenge 21 scheme to be in operation at all times. She added that a range of information had been handed to the management of the premises, including the guidance which had been produced by the Responsible Authorities which set out what standards were expected to properly operate a locally recognised scheme. Ms. Hague stated that during one of her visits, the premises licence holder (PLH) informed her that he operated a “No Under 18’s” policy but there was no evidence of this, there were no staff training records and what the PLH purported to be a refusals log was totally unacceptable. Also during such visit, she observed a number of customers smoking lit shisha pipes in the indoor lounge area.
- 4.7 Cheryl Topham stated that a call had been made to the Police from a revenue protection officer on behalf of British Gas. The officer said that he had visited the

premises to disconnect the electricity supply due to the fact that from 1st March, 2012 to 9th February, 2016, none of the bills had been paid despite numerous reminder letters being sent. Ms. Topham further stated that when officers from British Gas had visited the premises, they had met with hostility which led them to believe that the owners had been tampering with the electricity supply. The unpaid electricity bill amounted to between £57,000 and £59,000 but the meter showed usage to be zero. The electricity supply was then cut to the premises. On 19th October, 2017, Ms. Topham received a call from British Gas stating that although the electricity supply had been cut in 2016, there was evidence that the supply had been reconnected illegally and that over £12,000 of electricity had been used. On investigation, it was found that a large generator had been installed to the rear of the premises and that a cable was leading from the premises to the business next door. The owner stated that he was only running a fridge from this supply to store ice cream. When the cable was disconnected, Dubai Café was plunged into complete darkness and members of the public were asked to leave. Cheryl Topham concluded by stating that British Gas had started civil proceedings, but as yet they were unable to establish exactly who was responsible for the premises.

- 4.8 Georgina Hollis stated that the Licensing Authority was supporting the review due to there being an alcohol licence in place although it was not used to its full potential. She added that she had, on occasion, visited the premises to see if there was hot food and drink being served after 11.00 p.m. She stated that during such visits, she had never seen any children on the premises. Ms. Hollis felt that the owners had blatantly flouted the law with regard to shisha pipes being smoked indoors and that they had hardly ever complied with relevant legislation.
- 4.9 Clive Stephenson informed Members that the owners of Candytown Restaurant, situated above Dubai Café, were also the owners of Dubai Café and that there were four licenced premises in that block. He added that the owners of Candytown were fully aware of the fire risk but had taken no action to reduce it.
- 4.10 Sean Gibbons summed-up by stating that the owners were not fit and proper as they had blatant disregard for the relevant legislation.
- 4.11 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.12 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.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now

submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to revoke the licence in respect of Dubai Café, 25 London Road, Sheffield S2 4LA (Case No.144/17) and strongly encourages a joint visit to the landlords by the Responsible Authorities.

(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 5 December 2017

PRESENT: Councillors David Barker (Chair), Lisa Banes and Jack Clarkson

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 140/17 attended the hearing, and addressed the Sub-Committee.

4.3 The licence holder in Case No. 151/17 did not attend the hearing, and the Sub-Committee agreed to consider the case 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>
140/17	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
151/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as

amended by Section 52 of the Road Safety Act, as the Sub-Committee felt that, in the light of the offences and convictions now reported, the licence holder was not a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 December 2017

PRESENT: Councillors David Barker (Chair), Dawn Dale and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Gail 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. LICENSING ACT 2003 - THE BAKERY, LITTLE KELHAM, GREEN LANE, SHEFFIELD S3 8SJ

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 The Bakery, Little Kelham, Green Lane, Sheffield S3 8SJ (Ref No.153/17).

4.2 Present at the meeting were Phil James (Objector), Darren Hughes and Matthew Leather (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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 two public objections had been received and were attached at Appendix "B" to the report.

4.5 Phil James stated that, initially, he had three main objections to the application, but he was now aware that two issues had now been resolved. His main objection was that the upstairs of the premises, which was intended to be used as a bistro, overlooks his property, specifically his children's bedroom and as such, he felt this would be intrusive.

4.6 In response to questions from Members of the Sub-Committee, Phil James stated that when he purchased his property, which is situated within a courtyard, he did

so knowing that the building formed part of a working bakery, to which he had no objection. He added that whilst he was happy to live opposite a bakery, a bistro with live music and outside seating, possibly open until 11.00 p.m., was unacceptable. He purchased the property under phase 2 of the development, with the knowledge that during phase 1, a number of businesses had already been established. Mr. James said that the area of Little Kelham was a family community, suitable for children, pets, and differing age groups.

- 4.7 Darren Hughes outlined the proposed business model which was to open a continental style coffee bar. He stated that the aim was to run a well-managed premise which would add vibrancy to the Kelham Island area. He further stated that the sale of alcohol was supplementary to the main business of selling continental-style coffee and food, holding themed bistro evenings possibly once a month and ad hoc live acoustic music events. He added that amendments and conditions which had now been agreed with the Environmental Protection Service was to ensure that the Designated Premises Supervisor or a delegated member of staff would take a proactive approach, at all times, to noise control by checking the outside areas to ensure that noise breakout from inside the premises and patrons outside was controlled and that customer use of the outside seating area shall cease at 7.00 p.m., with all furniture being cleared and stacked away to prevent further use. Mr. Hughes commented that he was arranging for a noise survey to be carried out with the aim of ensuring that noise levels would not exceed three decibels and that a noise attenuation system would be put in place. He further stated that the Kelham Island area was mixed use and that the premises were situated next door to the Fat Cat public house and believed that there had never been any reported noise nuisance or anti-social behaviour from there. The reason for applying for the licence was to alleviate the need to apply for TENs when wishing to arrange ad hoc events.
- 4.8 In response to questions from Members of the Sub-Committee, Darren Hughes stated that he had run a similar type of business in Rotherham and had never encountered any problems. He commented that the premises were situated within a very attractive building, being a former gatehouse, were tastefully decorated and had four large open fires on the ground floor. He added that the premise would be neither a bar nor real ale pub and that the business would attract a certain type of clientele by holding wine and gin tasting sessions, art activities/displays and religious based activities, the type of event that would not attract rowdiness. He further added that, although the premises was known as "The Bakery", it was never his intention to open as a bakery with a possible 4.00 a.m. start, and that he was more than willing to work and communicate with local residents so that if problems did arise, they could be dealt with straight away.
- 4.9 The Chair then clarified the licensing objectives for the benefit of the objectors, assuring them that, if any problems arose, they would be able to apply to the Chief Licensing Officer for a review of the premises licence and this would be considered by this Sub-Committee.
- 4.10 Darren Hughes summarised his case, indicating that it was his intention to meet the licensing objectives and he reiterated his business model.

- 4.11 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the application for the grant of a Premises Licence in respect of the premises known as The Bakery, Little Kelham, Green Lane, Sheffield S3 8SJ, (Ref No. 153/17) be granted in the terms requested, subject to the amendments and conditions agreed with the Environmental Protection Service.

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

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SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 14 December 2017

PRESENT: Councillors David Barker (Chair), Adam Hurst, Andy Nash and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Andy Bainbridge, Lisa Banes, Jack Clarkson, Neale Gibson, George Lindars-Hammond, Josie Paszek, Vickie Priestley, Mick Rooney and Gail 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 meetings of the Licensing Sub-Committee held on 9th, 14th and 21st November 2017 were approved as correct records.

5. DETERMINATION OF LICENCE FEES

5.1 The Chief Licensing Officer submitted a report on the Licensing Fees Review (Determination of Fees) for the 2017/18 financial year and attaching, as appendices, a breakdown of the Licensing Service's budget for 2017/18, proposed fees for the different licensing services and functions, details of the statutory fees and a schedule of fees relating to the Safety of Sports Grounds.

5.2 Ibrar Hussain made representations on behalf of GMB, referring to a list of issues he wished to raise, which had been circulated to Members of the Committee before the meeting. He raised initial concerns with regard to the delay in the report being submitted to the Committee, and the fact that the GMB had not been consulted on the licence fees prior to this meeting. Mr Hussain stated that it would be helpful for the taxi trades if there was more detail in the report, explaining how the fees had been determined, and how the funds raised through licence fees were used for the purposes intended. He raised concerns at the standard of service being provided in respect of the taxi trade, referring specifically to a recent increase in errors in correspondence and/or taxi licences being sent to drivers. Although he was aware of staffing issues within the Licensing Service and of continuing problems with regard to the IT system, Mr Hussain considered that action was required urgently to remedy this position. He also made reference to the problems caused by a

reduction in enforcement work carried out by Licensing staff, which he presumed had been as a result of current staffing issues being experienced. Mr Hussain stated that he believed that a number of these problems would be resolved by the Council having a dedicated Taxi Licensing Service. He requested that the Chief Licensing Officer should investigate, and address the following issues:-

- Audited details of accounts to be made available to the taxi trade, together with an explanation of how all fees were set, and details of the expenditure incurred throughout the year, including any surplus;
- Look at Private Hire Operator Fees, with increase in the bands, such as the Transport for London type band structure, or Doncaster, as the current structure of charges was not suitable;
- Explore, in detail, enforcement staffing level structure, and how best it was funded;
- Annual Fees Report must be presented to the Committee by February/March every year, to come into effect in April;
- More detailed work was needed in terms of exploring the Licensing Service, how best it could become autonomous with an Advisory Board, whilst under the Council umbrella, with the Licensing Committee setting policy and determining individual cases;
- Licensing Service Forward Plan agreed for policy reviews; and
- An explanation as to how stakeholders/users of the Licensing Service were better consulted on service provision from the very outset, and not at the end of the process.

5.3 Clive Stephenson, Licensing Strategy and Policy Officer, stressed that he was attending this meeting on behalf of the Chief Licensing Officer, and was not fully aware of all the details connected to the issues/concerns now raised. He reported that there was a restructuring programme planned in respect of the Place Portfolio, known as 'Place Change Programme', and that Business Strategy and Regulation, which included the Licensing Service, was one of the three Services to be reviewed. In terms of staffing issues, Mr Stephenson stated that there were presently four full-time posts that were vacant, which had resulted in a number of problems for existing staff, in terms of workload, and which had particularly affected the levels of enforcement work. It was hoped that, following interviews which were to be held shortly, a number of the administrative posts would be filled. Mr Stephenson stated that the Service had looked at the banding in respect of Private Hire Operator Fees, and had determined that it would be difficult to make any amendments to the current structure of charges.

5.4 In response to further questions raised by Ibrar Hussain, and Members of the Committee, Mr Stephenson stated that the Service had experienced major problems with regard to the IT system, which had resulted in specific problems with regard to the administration of Licensing Act business, but which had also affected

the administration of the taxi licensing business. In terms of staffing issues, he stated that the Service had been able to recruit two additional administrative staff and that there were now only four officers in the Enforcement Team, which had resulted in the decrease in levels of enforcement work.

- 5.5 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.6 Samantha Bond reported orally, giving legal advice on various aspects of the report.
- 5.7 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.8 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, together with the representations made by Ibrar Hussain, on behalf of the GMB, and the responses to the questions raised; and
 - (b) requests:-
 - (i) the Chief Licensing Officer to:-
 - (A) submit a report on the Determination of Licence Fees for 2018/19, to a meeting of this Committee in February or March 2018; and
 - (B) provide Ibrar Hussain with a detailed written response to the questions/issues raised at the meeting; and
 - (ii) the Director of Legal and Governance to include an item on those future Committee agendas, giving the taxi trade representatives the opportunity to raise any general concerns/issues they have, as and when there is an item of relevance to the trades on that agenda.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 December 2017

PRESENT: Councillors David Barker (Chair), Kieran Harpham and Andy Nash

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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 three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 156/17 did not attend the hearing.

4.3 The licence holder in Case No. 157/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 158/17 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>
156/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately suspend the licence for a period of one month under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, in the light of the seriousness of the incident now reported, pending consideration of the review on a date to be arranged.

157/17	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
158/17	Application to renew a Private Hire Vehicle Licence	Extend the licence until 31 st March, 2018.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 January 2018

PRESENT: Councillors Josie Paszek (Chair), Adam Hurst and Andy Nash

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Andy Nash attended the meeting, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on 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, and 7, respectively, 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. 01/18 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
01/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences and convictions now reported, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

5. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

5.1 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 now mentioned (Ref. No.154/17).

- 5.2 Present at the meeting were Anthony Coyle (Barrister, for South Yorkshire Police, Applicants) and Ian Armitage and John O'Malley (South Yorkshire Police, Applicants), Paul Henocq (John Gaunt and Partners, Solicitors, for the Premises), Julie Hague (Sheffield Safeguarding Children Board), David Palmer (Trading Standards), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 The Chair referred to a letter which had been sent by Paul Henocq to the Licensing Service and the Responsible Authorities on 3rd January 2018, on behalf of the prospective Designated Premises Supervisor (DPS), requesting that the hearing be adjourned on the basis that the prospective DPS was not able to attend due to a personal private medical issue to which she would be receiving treatment for a number of scheduled days. Mr Hanock stated that the DPS had not been able to attend the original hearing, on 19th December 2017, which had not gone ahead due to the Sub-Committee being inquorate, as well as not being able to attend this hearing on the basis that he was on a family holiday which had been planned for some time. He stated that, whilst apologising for the inconvenience caused to all parties involved, he considered that, in the interest of natural justice, both the DPS and prospective DPS should be afforded the opportunity to attend a hearing.
- 5.4 Anthony Coyle stated that, whilst he appreciated the position with regard to natural justice, the police's primary reason for the application for the review related mainly to the conduct of the existing DPS who had been responsible for a complete lack of engagement with the Responsible Authorities in terms of the operation of the premises, over a significant period of time.
- 5.5 Julie Hague expressed her concerns with regard to adjourning the meeting for a second time, specifically with regard to safeguarding issues relating to the operation of the premises in the intervening period. She also stated that it was important that the existing DPS was present at any re-arranged meeting.
- 5.6 David Palmer expressed similar concerns with regard to the existing DPS's lack of engagement with the Responsible Authorities, and also indicated that it was imperative that he was in attendance at the re-arranged meeting.
- 5.7 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.
- 5.8 Samantha Bond reported orally, giving legal advice on various aspects of the application and request for an adjournment.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 5.10 RESOLVED: That (a) in the light of the request now made, and the representations of the Responsible Authorities, approval be given for the hearing to be adjourned to provide an opportunity for the existing Designated Premises Supervisor and

prospective Designated Premises Supervisor to attend to make representations;
and

(b) the Chief Licensing Officer be requested to arrange a date for the hearing at the earliest possible opportunity, and on a date convenient for all parties.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 January 2018

PRESENT: Councillors Josie Paszek (Chair), Lisa Banes and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 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 - REVIEW OF A 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.159/17).

4.2 Present at the meeting were Cheryl Topham (South Yorkshire Police Licensing Officer), John O'Malley (South Yorkshire Licensing Manager), the Designated Premises Supervisor, joint owners of the business, an Interpreter acting on behalf of the owners, Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, referring specifically to the application made by South Yorkshire Police for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee, at a meeting held on 13th December, 2017.

4.4 Cheryl Topham, on behalf of South Yorkshire Police, referred to the incident which had taken place on 11th December, 2017, indicating that the police had been called to the premises by door staff reporting that a man had entered the premises with a large knife and had attacked someone. The police were very quickly on the scene and the offender, who had been detained by staff, was arrested but the

police were unable to locate the victim. The police thought that with the large amount of blood present at the crime scene, the victim must have been seriously injured, but he was nowhere to be found and the police assumed he must have attended the hospital for treatment. The staff at the premises knew the victim as he had been there before and was able to give the police the victim's name and mobile telephone number. The police contacted the City Council's CCTV Team who widened the sweep of their cameras to search for the victim. Cheryl Topham stated that the CCTV equipment at the premises was of a decent quality but the management and staff were unable to download the images and an officer had to be sent to recover the footage. Ms. Topham further stated that since 2016, there had been three or four minor incidents at the premises, but the incident on 11th December was so serious as to trigger the review of the licence. Ms. Topham commented that knife crime was increasing and the police were working hard with owners of all licensed premises to take the matter seriously and to put in place preventative measures.

- 4.5 In response to questions from Members of the Sub-Committee, Cheryl Topham stated that a number of conditions on the licence already existed and the purpose of the review was to ensure that these conditions were adhered to and tightened up. It was reported that a metal detector had been installed on the premises and it was felt that this needed to be promoted so that potential customers were aware of it. The staff were aware that if a weapon was found on someone trying to enter the premises, they should safely try and confiscate it and call the Police. Cheryl Topham also stated that the victim, suspect and several witnesses appeared to be illegal immigrants, although this could not be attributed to the owners of the premises. It was reiterated that the CCTV equipment installed on the premises was of a good standard, but there was a need to re-assess it and ensure that all members of staff were fully trained on its use. Due to the fact that during a previous incident at the club, someone had tried to escape through the rear door, only the front entrance should be the main entrance/exit at all times. Cheryl Topham added that the premises were isolated in a developing student area which was not very well lit, although the CCTV cameras from the football ground opposite were excellent and were directed towards the corner of the street. John O'Malley suggested that the owners engage in the "Best Bar None" scheme where full training was given to owners and staff.
- 4.6 James Horne, on behalf of the owners of the premises, stated that the incident had been dealt with effectively and the offender detained by staff straight away. The staff had contacted the police and images had been captured by CCTV and made available which had enabled the police to prosecute the offender. The owners were shocked when the licence was suspended and agreed that more could be done to ensure the licensing objectives were fully adhered to, and had been proactive in working with the police to agree any further conditions which may be added. Mr. Horne referred to four additional conditions which had been agreed by both parties and were circulated at this meeting for approval.
- 4.7 The interpreter produced a plan showing the floor layout of the premises. He pointed out a reception area, bar and eight areas which had been divided into karaoke booths which customers could hire for up to two hours for private parties. He stated that CCTV was installed along the corridors and in every room and was

checked by SIA staff and any incidents would be reported to reception.

- 4.8 In response to questions from Members of the Sub-Committee and the police, it was stated that there was a medium turnover in bar staff who tended to be students and who were given a certain amount of training but the owners were willing to participate in the Best Bar None scheme where full training would be given to all staff. It was noted that the smoking area was at the front of the premises and to the rear there was a shared courtyard with a locked gate. Members and the police were concerned that the Designated Premises Supervisor was only at the premises twice a month and the owner for just a few days per week. The interpreter stated that generally, due to the premises not being in the city centre, customers rang up and pre-booked an area to hold a party.
- 4.9 Cheryl Topham and James Horne summarised their cases.
- 4.10 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.11 RESOLVED: That the 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 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.14 RESOLVED: That, in the light of the information contained in the report now submitted and the information now circulated, and the representations now made, the Sub-Committee agrees to modify the conditions of the licence as follows:-
- (a) at least two SIA registered security staff to be employed at the premises whenever it is open to the public. The entrance/exit is to be covered at all times ensuring that only guests or prospective guests who are booked in or are enquiring about booking in, are allowed entry;
 - (b) a booking form is to be used when taking a booking for the premises. A full name and contact number is to be taken at the time of booking and they will be advised that all guests will be subject to an ID check upon entry to the premises, in relation to being able to prove their age and identity if required. No one aged under 18 is allowed to make a booking. Records are to be retained for six months and made available for inspection if required;
 - (c) increased security checks on entry of both guests and prospective guests. Metal detector wands/knife arch to be used whenever the premises are open. Every person entering is to be searched by SIA staff. A “no search, no entry” policy to be put in place. Signage advising customers of this is to be on display;

- (d) a colour CCTV system to the specification of South Yorkshire Police to be fitted, maintained and in use at all times when the premises are open. The CCTV images are to be retained for 30 days and Police and Authorised Officers of the Council to be given access to images for purposes in connection with the prevention and detection of crime and disorder. There shall always be a member of staff at the premises, when open, who can access and download images from the system. A facial recognition camera will be utilised on the entrance;
- (e) as soon as practicably possible, a fully trained Personal Licence Holder must be present on the premises at all times the premises are open to the public;
- (f) the rear door to the premises to be alarmed and covered by CCTV; and
- (g) a recommendation that the premises participate in the “Best Bar None” scheme.

(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 11 January 2018

PRESENT: Councillors David Barker (Chair), Adam Hurst and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Andy Bainbridge.

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 paragraph 7 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 - REVIEW OF A PREMISES LICENCE FOLLOWING A CLOSURE ORDER GRANTED BY THE MAGISTRATES' COURT

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 167 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises now mentioned, following a Closure Order granted by the Magistrates' Court, under Section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 (Ref No. 150/17).

4.2 Present at the meeting were Ian Armitage (South Yorkshire Police Licensing Officer, Applicant), Chris Grunert (John Gaunt and Partners, Solicitors, for the Premises), Premises Licence Holder, Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Samantha Bond outlined the procedure which would be followed during the hearing.

4.4 Ian Armitage stated that since the re-opening of the premises, following the meeting of this Sub-Committee held on 24th November 2017, the police had monitored the premises very closely and, apart from one reported incident, which had not involved any staff of the premises, there had been no issues of concern. Mr Armitage, on behalf of the police, expressed his thanks to the Premises Licence Holder for the way he had conducted himself, and how he had managed his staff, following the re-opening of the premises. He referred to the proposed conditions which had been circulated by Mr Grunert, indicating that the police were happy with

them, and concluded by commending the effective co-operation between the premises management and the police and other responsible authorities in this case.

- 4.5 Mr Armitage responded to a question raised by a Member of the Sub-Committee.
- 4.6 Chris Grunert, on behalf of the premises, referred to the proposed conditions, which had been circulated prior to the meeting, indicating that it was proposed that Condition 1, relating to the premises' CCTV system, would replace the existing Condition 2 in Annexe 2 – Conditions consistent with the operating schedule, on the Premises Licence, and that he believed that the conditions would address the issues/concerns raised. Mr Grunert stated that the Premises Licence Holder (PLH) had not had any direct involvement in terms of the problems at the premises, and since being appointed as the PLH, had fully co-operated with the police and other responsible authorities. He stressed that all the staff involved in the serious incident on 10th November, 2017 were no longer employed at the premises. He stated that, whilst it was a very challenging environment for the premises staff, given its location and number of licensed premises in the surrounding area, the PLH had taken a very professional approach with regard to his role, which had included the successful completion of an e-learning course in conflict management, the certificate of which was circulated at the meeting, and which would assist him in dealing with problem customers.
- 4.7 Mr Grunert responded to a number of questions raised by a Member of the Sub-Committee.
- 4.8 Ian Armitage and Chris Grunert summarised their cases.
- 4.9 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.
- 4.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.12 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, together with the schedule of proposed conditions now circulated, the Sub-Committee agrees to modify the conditions on the Premises Licence in respect of the premises now mentioned (Ref No. 150/17), as follows:-
- (a) To replace existing Condition 2 in Annexe 2 (Conditions consistent with the operating schedule) with the following condition - The Premises Licence Holder shall ensure the premises' CCTV system cameras shall continually record whilst the premises are open to the public, and records shall be kept for a minimum of 28 days, with time and date stamping; data recordings

shall be made immediately available to an authorised officer of South Yorkshire Police or Sheffield City Council, together with facilities for viewing upon request, subject to the provisions of the Data Protection Act; recorded images shall be of such quality as to be able to identify the recorded person; at least one member of staff on the premises, at any time during operating hours, shall be trained to access and download material from the CCTV system;

- (b) A minimum of one SIA registered door supervisor shall be employed at the venue from 23:59 hours on Friday and Saturday evenings until close, and on Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day, Bank Holidays and any day prior to a Bank Holiday if the premises are trading;
- (c) The premises shall subscribe and participate in accordance with the terms of the Sheffield CRAC radio network;
- (d) The individuals named in the schedule of proposed conditions shall not be employed or involved in the supervision of the premises; and
- (e) The management shall undertake training in the subject of conflict management; such training will be cascaded to all staff members and will be documented, and records retained for inspection for a period of three months after the date of termination of employment.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 January 2018

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor George Lindars-Hammond.

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. 156/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 03/18 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 04/18 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 05/18 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>
156/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act, as the Sub-Committee felt

		that, in the light of the evidence shown regarding the complaint, the licence holder was not a fit and proper person to hold a licence.
03/18	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of one year as applied for, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct.
04/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licensee be issued with a written warning with regard to his future conduct, such warning to remain active for the life of his current licence.
05/18	Application for a new Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence in light of the circumstances now reported and the representations now made, the Sub-Committee did not consider the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 January 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Andy Nash 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 paragraph 7 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 - REVIEW OF A PREMISES LICENCE

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 the review of a Premises Licence in respect of the premises now mentioned (Ref No. 154/17).

4.2 Present at the meeting were Anthony Coyle (Barrister for South Yorkshire Police, Applicants), Cheryl Topham (South Yorkshire Police Licensing Service, Applicants), Paul Henocq (John Gaunt and Co. Partners, Solicitors, for the premises), Prospective Staff Members, Julie Hague (Sheffield Safeguarding Children Board), David Palmer (Sheffield Trading Standards), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Samantha Bond 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, Sheffield Safeguarding Children Board and Sheffield Trading Standards, and were attached at Appendix 'C' to the report.

4.5 Anthony Coyle referred to the application for the review made by South Yorkshire Police, specifically to the grounds for the review as detailed therein. He referred to the representations made by Sheffield Trading Standards, regarding alcohol found

on the premises on which duty had not been paid, and to the Sheffield Safeguarding Children Board, regarding the underage sales of cigarettes and alcohol, and the lack of engagement by the premises management following numerous offers of help in terms of advice and training in connection with safeguarding issues. Mr Coyle concluded by making specific reference to the absence of the Designated Premises Supervisor (DPS), who had now failed to attend any of the three meetings which had been scheduled to consider the application for a review, without giving any adequate notice.

- 4.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board (SSCB), referring to various issues of concern regarding the underage sales of cigarettes and alcohol. Ms Hague also expressed her concerns at the lack of engagement by the DPS, despite all the offers of assistance, and also expressed her dismay at the fact that he had not taken the trouble to attend any of the three scheduled meetings arranged to consider the review. She stated that, despite all the interventions of the SSCB, including the offer of advice and free training, she believed there had been an escalation in terms of safeguarding risk linked to the premises.
- 4.7 David Palmer made representations on behalf of Sheffield Trading Standards, referring to the sale of alcohol which had been found to have counterfeit labels, falsely indicating that the required duty had been paid. He also referred to the lack of engagement by the DPS, referring to a specific incident where, following an unannounced investigative visit by Trading Standards officers, the shop manager was encouraged to sign up to the Responsible Retailer scheme, but subsequently failed to do this.
- 4.8 The representatives of the Responsible Authorities responded to questions raised by Samantha Bond and Paul Henocq.
- 4.9 Paul Henocq addressed the Sub-Committee, on behalf of the premises, indicating that, whilst the DPS was not present at the meeting, he had been advised of the Sub-Committee's powers in terms of taking action in respect of the Premises Licence moving forward. Mr Henocq accepted that there had been significant difficulties with regard to the management of the premises over the last few years, but suggested that, with the new prospective management team in place, two of whom were present at the hearing, together with the additional conditions, which had been suggested by the existing DPS, and circulated at the hearing, the situation could be improved. He referred specifically to the Sub-Committee's power to remove the existing DPS, and to the intention of the prospective DPS, who had the relevant experience, having been a Premises Licence Holder (PLH), and more recently a DPS at another licensed premises in the City. Mr Henocq referred to the other prospective member of staff present at the hearing, indicating that he had made a successful application for a Personal Licence, and was currently awaiting confirmation of his Disclosure and Barring Service (DBS) check. He stated that he had explained the conditions, in terms of their responsibilities, to the two prospective members of staff, and they were fully aware of what was required of them, and that it was the intention to get a new responsible management structure in place at the earliest possible opportunity.

- 4.10 Mr Henocq responded to a question raised by Councillor Andy Bainbridge.
- 4.11 The prospective members of staff reported on their experience in terms of working in licensed premises, and how they intended to manage the premises, referring specifically to safeguarding issues.
- 4.12 Paul Henocq and the prospective members of staff responded to questions from Members of the Sub-Committee, Samantha Bond and the representatives of the Responsible Authorities.

(At this stage in the proceedings, the hearing was adjourned for a short period to allow the applicants and the representatives of the Responsible Authorities an opportunity to discuss the suggested conditions circulated by Mr Henocq.)

- 4.13 Paul Henocq and the prospective members of staff responded to further questions from Anthony Coyle and the representatives from the Responsible Authorities.
- 4.14 Anthony Coyle and Paul Henocq summarised their respective cases.
- 4.15 Clive Stephenson presented the options available to the Sub-Committee.
- 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 Samantha Bond 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, the list of suggested conditions now circulated, the representations now made and the responses to the questions raised, the Sub-Committee agrees that the Premises Licence in respect of the premises now reported be revoked (Ref. No. 154/17).

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 January 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Mick Rooney.

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 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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

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

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 Tudor Square, Sheffield City Centre (Case No. 08/18).

4.2 Present at the meeting were Edward Bishop (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Samantha Bond 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 the application had been circulated to all the Responsible Authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and whilst no objections had been received, comments had been raised by City Centre Management regarding the exact location of the vehicle and trading days.

4.5 Edward Bishop stated that he had been trading as "Coffika" at Meadowhall since November, 2016 and now wanted to build on that brand and extend the business. He circulated copies of photographs showing the 1972 Citroen van which had been converted and was well kitted out for the purpose of travelling around selling

coffee and cakes. Mr. Bishop added that all the products used and sold were locally sourced in the Sheffield area.

- 4.6 In response to questions from Members of the Sub-Committee, Edward Bishop stated that, since consent was granted to him to trade on Devonshire Green in August, 2017, he had decided to apply to trade at Tudor Square, giving him the option of trading at a “summer” site and a “winter” site.
- 4.7 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 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 Samantha Bond 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, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent on Tudor Square (Ref No. 08/18) be granted subject to the applicant agreeing with the Events Manager, the dates on which he would not be allowed to trade e.g. Sheffield Marathon, World Snooker Championships etc.

5. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

- 5.1 The Chief Licensing Officer submitted a report to consider the review of a premises licence due to a Closure Order, made under Section 167 of the Licensing Act 2003, in respect of Niche, 9-11 Walker Street, Sheffield S3 8GZ (Ref No. 159/17).
- 5.2 Present at the meeting were Kate Baxendale (Fortuna Events), Chris Grunert (John Gaunt and Partners, Solicitors, for the Premises), Leo Charalambides (Barrister for the Premises), Richard Dyson (Designated Premises Supervisor, Niche Nightclub), Aaron Moss (Counsel for South Yorkshire Police), John Whittaker (Solicitor for South Yorkshire Police), Ian Armitage (Licensing Officer, South Yorkshire Police), John O’Mally (Licensing Officer, South Yorkshire Police), Superintendent Paul McCurry, Detective Constable Katie Clogan, Sergeant Matt Burdett, (South Yorkshire Police) and Magdalena Boo (Principal Health Improvement Officer, Sheffield City Council).
- 5.3 It was noted that although notice of the hearing had been published indicating that the hearing may not be open to the public and press, a large number of members

of the public had attended the meeting due to the significant level of interest the case had attracted, and the Sub-Committee therefore decided to open the meeting to the public and press. Unfortunately, due to health and safety limitations relating to the capacity of the venue, not all members of the public were able to access the room.

- 5.4 The Chair, Councillor David Barker, referred to the fact that both sides in the case had presented a substantial amount of new evidence directly before the meeting commenced.
- 5.5 Leo Charalambides referred to points of law as to why, in his opinion, South Yorkshire Police should not be in attendance at the meeting. He stated that as far as he was concerned he was representing clients for a summary review of the premises and South Yorkshire Police should not be involved, as they have submitted an application for a review using an incorrect and incomplete form, and have not made 'relevant representations'. He referred to Appendix 1 attached to the report contained in the agenda and stated that South Yorkshire Police had signed off the application under the wrong Section of the Licensing Act. Mr. Charalambides further stated that his clients did not give consent to CCTV images being shown or witness statements being produced at the meeting and he added that any further information submitted today by the Police was inadmissible. He further added that since December, the owners of the premises had tried to work with the police to resolve matters, but the police had been unresponsive, despite previously meeting with the premises frequently. He made reference to the Licensing Authority's review application policy which states that a review application should be accompanied by up to date evidence which would be able to withstand scrutiny, but in this case, the police have provided no such evidence against the premises. He then referred to the volume of additional information that had been submitted 'blind' but stressed that he was able to take Members through it swiftly and would only refer to certain pages from it. Mr. Charalambides summarised by stating that the review was not about whether or not a crime had been committed and felt that the police did not understand the policy set by the Licensing Authority, but added that the owners were keen to prove that they do operate within the licensing objectives.
- 5.6 Aaron Moss responded on behalf of South Yorkshire Police and apologised that apparently the case had been submitted on the wrong form but the fact remained that, following a closure order made by the Magistrates Court, a review of the premises had to be undertaken. He stated that he and the number of police officers in attendance at the meeting were there to assist Members when coming to a decision to prevent further crime and disorder at the premises, due to their specific and technical knowledge in respect of the events which have led to the review being applied for.
- 5.7 **RESOLVED:** That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That the Sub-Committee (a) agrees to adjourn the meeting to 8th February 2018, in accordance with the legislation, on the basis that there was to be a full review of the premises licence at a later date and that they were keen to hear from all relevant parties and would encourage them to meet and share information prior to the hearing;
- (b) were satisfied that the police had made relevant representations, and determines that arguments will be heard on 8th February as to the admissibility of any evidence which is still in dispute;
- (c) determines that the hearing will be advertised as a public one, however it may be that certain parts may need to be held in private; again, this will be a matter for the Sub-Committee to determine on the day, having heard submissions from the parties present; and
- (d) states that, although the legal representatives were able to summarise the additional information, they would prefer sufficient time to read through it themselves and asked that both parties provided any other additional evidence in advance of the full review hearing.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 January 2018

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

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Neale Gibson attended the meeting as a 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 - SHEFFIELD CONVENIENCE STORE, 111 WEST STREET, SHEFFIELD, S1 4EQ

- 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 the review of the Premises Licence in respect of the premises known as Sheffield Convenience Store, 111 West Street, Sheffield, S1 4EQ (Ref No. 07/18).
- 4.2 Present at the meeting were James Ketteringham (Solicitor, South Yorkshire Police, for the Applicants), Ian Armitage (South Yorkshire Police Licensing, Applicants), Patrick Robson (John Gaunt and Partners, Solicitors, for the Premises), Senthil Periyasamy (Premises Licence Holder), Julie Hague (Sheffield Safeguarding Children Board), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Samantha Bond 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 the Sheffield Safeguarding Children Board, and were attached at Appendix 'D' to the report.
- 4.5 James Ketteringham stated that there had been three failed test purchases at the premises, on 14th June, 17th July and 28th November 2017, which had all involved underage police volunteers entering the premises and purchasing alcohol without being challenged. He raised specific concerns with regard to the third test failure, which had occurred following additional staff training being undertaken after the two previous failures. Mr Ketteringham stated that the three failed test purchases,

together with issues in terms of the agreed Action Plan not being followed and problems with regard to the CCTV system, had amounted to poor management of the premises. Mr Ketteringham referred to the suggested conditions, included in the bundle circulated by Patrick Robson in advance of the meeting, indicating that, with an amendment to the final condition, relating to the presence of the Premises Licence Holder on the premises, the conditions would help improve the operation of the premises. He believed that the requirement for a Personal Licence Holder to be on the premises, during the times indicated, should refer to the premises in general, and not just if Mr Periyasamy was the Premises Licence Holder (PLH) or Designated Premises Supervisor (DPS). The police had requested this amendment on the basis that they were aware that Mr Periyasamy was looking to sell the premises, and were concerned that he could still have some involvement in the operation of the premises following the sale. The police had concerns that the premises could gain a reputation as the place for underage children to purchase alcohol and other age restricted products, therefore considered that such a condition should relate to the premises, and not just if Mr Periyasamy was the PLH or DPS. Mr Ketteringham stressed that there was always the possibility that, if a new PLH took on the premises, and there were no further problems in terms of its management, this condition could always be removed, or amended, in the future.

- 4.6 In response to questions from Members of the Sub-Committee, Samantha Bond and Patrick Robson, Ian Armitage stated that he was not aware of any passed test purchases at the premises since he started his current job in June 2017. It was not usual for there to be three failed test purchases at a premises such as this. A similar premises had recently had its Premises Licence revoked for having a similar number of failed test purchases, although there had been other contributing circumstances regarding those premises. Whilst the police did not consider the number of failures unusual, on the basis of the number of test purchases undertaken, it was rare for premises to fail three in a row and more so, in this case, as steps had been taken in terms of additional training for staff at the premises, following the first two failures. As a result of the failed test purchases, together with the issues with regard to the CCTV, the police and Julie Hague attended the premises in September 2017, offering assistance to the Manager, and suggesting that an Action Plan be put in place to address their concerns. The Manager was also reminded about the free training which was available to him and his staff. A further meeting was held in October 2017, at which Patrick Robson and Mr Periyasamy attended, with the intention of Mr Periyasamy signing up to the proposed Action Plan. Despite this level of intervention, the premises still failed the test purchase on 28th November 2017. The police would have expected the Manager to listen to, and to take notice of, the help and advice provided. It was accepted the occasions when the Premises Licence Holder was not in attendance at the premises, in October and November 2017, referred only to those occasions when Ian Armitage had visited the premises.
- 4.7 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board (SSCB), indicating that she concurred with the views of the police in terms of amending the suggested condition relating to the presence of a Personal Licence Holder at the premises, to the extent that the condition should refer to the premises, and not the management or staff. She stated that this would make sense on the basis of the premises' location, in that it was very accessible to young people, and

in the light of the history of the failed test purchases.

- 4.8 Patrick Robson referred to the application for the review, indicating that two of the four licensing objectives – the prevention of public nuisance and the prevention of crime and disorder – should be removed from the application as grounds for the review as they were not relevant in this case. He also indicated that the late night refreshment element of the business should not be affected by any decision made at this hearing. Mr Robson referred to the duties of the Sub-Committee, under the Licensing Act 2003, indicating that any decision needed to be proportionate, and the least onerous in terms of the level of intervention. He stated that Mr Periyasamy was looking to sell the premises, and had, very recently, received an offer, but which had now fallen through. In terms of the failed test purchases, the first failure had occurred three days after the member of staff involved had completed his training, and it was the first sale of an age-restricted product that the member of staff had undertaken on his own. The member of staff was asked to leave following the failure. With reference to reports of other people being in the shop at the time of the first failed test purchase, it was confirmed that such people were not staff members, and Mr Robson made specific reference to an email from Dr Felixallen, who had confirmed that he was merely visiting his friend's brother's shop, and had been asked to assist the police at the time, due to communication issues regarding the members of staff. The second failure involved a member of staff who, despite having previous experience of working in a Spar store for six months, and had received relevant training in connection with working in Sheffield Convenience Store, was only three hours into his shift when the test was made. Mr Periyasamy was very frustrated and upset at the failure, and immediately removed that member of staff.
- 4.9 Mr Robson referred to the allegations of an unknown person using a stolen bank card, on eleven occasions, to purchase goods from the store on 6th August 2017. In the light of these allegations, the police visited the premises on 8th August, 2017, to request to see the CCTV images. They were told that they would be downloaded onto a memory stick, and asked to return. On their return, on 28th August, 2017, the police were informed that the memory stick had been misplaced. In an effort to assist the police, a member of staff tried to download the images, but ended up altering the settings, reverting the images into high definition, thus reducing the number of days' coverage from 30 to 7, thereby wiping out 23 days' worth of coverage, which included the period in question. Mr Robson stressed that such problems were common with CCTV systems, given their technical makeup, but this incident had been a one-off at the premises. Mr Robson referred to copies of receipts relating to the alleged purchases, which indicated that only three of the transactions involved the use of a contactless card, with only two involving the same card. He concluded therefore that such allegations could not be substantiated. Following further meetings and discussions between the Responsible Authorities and the premises, an Action Plan was drafted, and subsequently signed by Mr Periyasamy on 20th October 2017. Mr Robson stated that, following a visit to the premises by Mr Armitage on 25th October 2017, to check points on the Action Plan were being adhered to, there were a number of Challenge 25 signs in place, but it was accepted that there should have been more signs around the sale point. It was also accepted that there were some gaps in the Refusals Log, but this issue had now been resolved. In terms of Mr Periyasamy not being present on the premises

during the visit, it was stated that he had been stuck in traffic, and that this had been a one-off incident, and out of his control. It was highlighted that all the other issues on the Action Plan had been adhered to. Mr Robson considered that, whilst appreciating the serious nature of the three failed test purchases, Mr Periyasamy had listened to the advice provided by the Responsible Authorities, as well as ensuring that management and staff had received a sufficient level of training. He believed that Mr Periyasamy had gone over and above in terms of his responsibilities with regard to staff training, referring specifically to the underage sales quiz that staff members had been asked to take part in, and which, apart from one staff member, had resulted in a 100% pass rate. He stated that there was an adequate refusals system in place, with approximately 60 entries made in the Refusals Log since March 2017, with 12 of these being entered by the member of staff who failed the final test purchase in November 2017, and with seven of these entries being made before the failure. Mr Robson pointed out that there was now adequate signage relating to age restricted products in the premises, and highlighted the fact that staff had been asked to sign to confirm they had received the training. Mr Robson concluded by referring to the list of suggested conditions, indicating that with regard to refresher training, he would be happy to reduce the period in which staff were required to be trained in the prevention of underage sale of alcohol, from at least every six, to every three, months. He also circulated suggested amended wording in respect of the condition regarding the presence of a Personal Licence Holder on the premises.

- 4.10 In response to questions from Members of the Sub-Committee and the representatives of the Responsible Authorities, it was stated that it was accepted that there had been issues at the premises, some being the result of poor management, and if the Sub-Committee was minded to agree to the amendment to the suggested condition relating to the presence of a Personal Licence Holder on the premises, this would address the issues. It was, however, requested that the Sub-Committee be mindful of implementing such a condition on the grounds that it could have an adverse impact on Mr Periyasamy's efforts to sell the lease to the premises. Mr Periyasamy had always offered a comprehensive training package for his staff and, following the failed test purchases, and the subsequent intervention of the Responsible Authorities, he had looked to strengthen the level of training, as well as looking to employ more experienced staff. Mr Periyasamy undertook the majority of the staff training, assisted by his brother, who undertook the training when he was not around. In the light of the failed test purchases, it was planned that the number of days staff would be required to work prior to selling age restricted goods would be increased. The premises were generally busier on Friday and Saturday, and Mr Periyasamy or his brother would ensure that they were always on the premises at these times. There was no need to amend the conditions regarding CCTV on the basis that the staff did not have access to the system. Mr Periyasamy would recruit staff members by placing adverts in the Job Centre Plus building, which was very close to the premises. In terms of enforcing the suggested condition regarding the supervision of new members of staff, Mr Periyasamy planned to add such details to the premises' training record, and sign it off personally. There was a basic level of training available for staff when the premises first opened, which had now been strengthened considerably. It was accepted that there had been two errors by a staff member in connection with the CCTV, in that a memory stick had been lost and the staff member, in trying to assist

the police, had affected the system settings, thereby deleting some images covering a period of time. In terms of the receipts relating to the alleged purchase of goods by a customer using a stolen card, the receipts included in the bundle now circulated had not been offered to the police. The reference to the volunteer, who took part in the test purchase on 28th November 2017, having a beard, was made in the statement made by the member of staff involved in the failure, in a statement. It was believed that the member of staff involved in the failed test purchase on 17th July 2017, was not telling the truth, during an interview with the police following the incident, when he stated "I didn't know that wine was an age-restricted product", and was merely trying to avoid being punished.

- 4.11 James Ketteringham summarised his case on behalf of South Yorkshire Police.
- 4.12 Patrick Robson summarised his case on behalf of the premises.
- 4.13 Clive Stephenson presented the options available to the Sub-Committee.
- 4.14 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.
- 4.15 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as Sheffield Convenience Store, 111 West Street, Sheffield, S1 4EQ (Ref No. 07/18), as follows:-
- (a) A refusals book (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:
- The basis for the refusal
 - The person making the decision to refuse
 - The date and time of the refusal
- Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection by the police, or any other authorised person on request. The refusal log will be checked and signed off regularly by management.
- (b) The premises will operate a proof of age scheme, and will require photographic identification from any person who appears to be under the age of 25 years, and signage to this effect is to be prominently displayed within the premises, including the premises entrance and behind the service

counter.

- (c) New members of staff involved in selling alcohol will not be permitted to sell alcohol unsupervised for a period of five days from their commencement of employment. This will be recorded in the staff training records as detailed below.
- (d) New members of staff shall not be permitted to sell alcohol unsupervised until they have undertaken training on prevention of under-age sales. The training must include:
 - What age restricted products are sold at the store
 - The Challenge 25 policy and what this means
 - What forms of ID the business will accept as proof of age
 - How to complete the refusals book
- (e) The trainee must also sign a declaration confirming that they have undertaken and understood the training. The declaration document shall be made available for inspection by the police, or any other authorised person, on request, and shall be retained for at least 12 months.

Details of training will be recorded in an electronic or paper record, and this information shall be made available for inspection by the police or any other authorised person on request, with all such records being retained for at least 12 months. Training records must specify:

- The name of the trainee
 - The name of the trainer
 - The date the training was delivered
 - The nature of the training, i.e. induction/initial or refresher
 - Date of the first unsupervised shift
- (f) All members of staff involved in the retail sale of alcohol shall be trained in the prevention of under age sales of alcohol at least once every three months. Details of training will be recorded in an electronic or paper record, and this information shall be made available for inspection by the police, or any other authorised person on request, with all such records being retained for at least 12 months. Training records must specify:
 - The name of the trainee
 - The name of the trainer
 - The date the training was delivered
 - The nature of the training, i.e. induction/initial or refresher
 - (g) Other than a member of a Responsible Authority, no person shall be allowed behind the service counter unless they are a member of staff, member of management, someone with a proprietary interest in the premises, or their presence relates to the ordinary course of business, is due to exceptional circumstances, or because of an emergency.
 - (h) A record of employed staff will be kept on the premises to include their name, address, date of birth, nationality and work permit details (where relevant).

Management will review original documents relating to staff members' right to work in the UK and keep photocopies of that documentation, with follow-up checks made on an annual basis. No breach of this condition will occur if such purported breach is due to any limitations imposed under data protection laws relating to the checking, retention and production of the aforementioned documents or any other relevant law in force at the time.

- (i) Unless in the event of an emergency or an occasion as notified to the police (anticipated no more than once a month):
- A Personal Licence Holder will be on site (subject to the required/normal work breaks) from 20:00 until 04:00 the following mornings on Fridays and Saturdays; and
 - Either a Personal Licence Holder will be on site, or a minimum of two non-Personal Licence Holders with the appropriate internal underage sales prevention training, will be on shift (subject to the required/normal work breaks) between 18:00 and 23:00 Wednesdays and Thursdays.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 February 2018

PRESENT: Councillors David Barker (Chair), Dawn Dale and Gail Smith

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1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence. Councillor Jack Clarkson 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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. SUMMARY REVIEW OF A PREMISES LICENCE

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the summary review of a premises licence, made under Section 53A of the Licensing Act 2003, in respect of the premises now mentioned (Ref. No.11/18).
- 4.2 Present at the meeting were Chris Grunert (John Gaunt, Solicitors, for the Premises), the Operations Manager for the Premises, the General Manager of the Premises, James Ketteringham (Solicitor, South Yorkshire Police), Sergeant Matt Burdett (South Yorkshire Police), Ian Armitage (South Yorkshire Police Licensing Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Clive Stephenson presented the report to the Sub-Committee, and it was noted that the application for the review had been submitted by South Yorkshire Police on the grounds that the premises were associated with serious crime and/or disorder.
- 4.4 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.5 James Ketteringham stated that the summary review was to address concerns, reduce risk and identify potential weak spots at the premises following an incident that had occurred on 1st January, 2018 when the premises had subsequently

been closed. Following discussions held between the Police and the owners, the Closure Notice was cancelled on 15th January, 2018 when a number of conditions were agreed between both parties. However, an incident had been reported since the premises had re-opened and, in his opinion, customers might feel that search policies and the lack of searching for weapons might go undetected. Mr. Ketteringham also felt that there was a significant risk to customers in relation to glass drinking vessels/bottles being used as weapons and requested a total prohibition of glass being used at the premises.

- 4.6 Ian Armitage stated that he had become aware of the incident that had occurred the previous week which had basically been “handbags stuff”. When he had visited the premises to view the CCTV footage, the Manager was already viewing the incident which, he informed Members, was the correct procedure and requested that, in future, if any further incidents occurred, that he contact the Police.
- 4.7 In response to questions from Members of the Sub-Committee, Matt Burdett stated that it was “work in progress” to try and get all clubs in the City to use polycarbonate and/or shatterproof glass, however most venues do use such vessels on a risk assessment basis, dependent upon certain events e.g. Christmas, tramlines etc. Ian Armitage stated that every Monday morning, his team views footage of incidents that had happened over the weekend and if anything had occurred, always tries to ascertain both sides of the story and build up good working relationships with the owners of pubs and clubs in the City. For example, due to the premises being on the radar following the event on New Year’s Eve, he wanted to have a clear picture of what had happened over last weekend. He stated that the incident had been reported over the phone as a “gang fight” inside the premises, when in fact it had been an altercation between two young men.
- 4.8 Chris Grunert stated that the incident on New Year’s Eve had started on the dancefloor and continued on the stairwell and, whilst he did not wish to minimise the incident, it involved a few young men out of hundreds that were inside the premises and, in reality, such things do occur, but this was the first serious incident at the premises since it opened 12 years ago. He stated that his clients had fully co-operated with the police and upheld the licensing objectives. He added that the ambulance crew picked up on the fact that a member of staff had mentioned the use of a knife, although it was still not known whether a knife had been used. Mr. Grunert further stated that on NUS nights, no glassware was used as it was felt that there might be more spillage and smashed glasses caused by the younger clientele.
- 4.9 In response to questions from Members of the Sub-Committee, Chris Grunert stated that, although there was an I.D. scanner in place at the premises, it was patchy and the owners themselves were hopeful of something more advanced being developed. He added that on the night of the incident, the I.D. from the clients that was presented to the doorstaff, would not have indicated that they would have caused trouble and he did not feel that those involved came to the club looking for trouble. With regard to the use of glassware during the daytime, Chris Grunert felt that it was not necessary to use plastic glasses at lunchtime and

before midnight.

- 4.10 The owner of the premises stated that when the premises first opened, there had been a restaurant on the third floor but this had subsequently been altered to become the VIP area. He said that in 2015, the club had undergone a further refurbishment to rid of “vertical” drinking and more seating had been put in place. He added that the area had changed over the years and that there needed to be strong dialogue with the police, especially with senior officers becoming more involved. He further stated that members of Pubwatch share intelligence at their meetings and this could be shared with senior officers if they attended such meetings.
- 4.11 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.12 RESOLVED: That the 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.
- 4.13 Samantha Bond 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to remove the modified conditions imposed by the Sub-Committee on 15th January, 2018 and impose modified conditions of the premises licence (Ref. 11/18) as follows:-
- (a) a minimum of 1 in 5 customers, or such other frequency as agreed between South Yorkshire Police and the premises’ assessment of risk, to be searched upon entry by both wand and pat down. This will include and private functions, if general members of the public can gain access to the event staging area. Private functions will be exempt from this condition where movement between the private area and public parts of the premises is managed and monitored, and the venue has conducted its own risk assessment on that event and its clientele;
 - (b) all searches to be conducted in an area that is lighted and covered by CCTV prior to entering the main area of the venue, ideally the lobby;
 - (c) from 21:00 hours, or such earlier hour as informed by the premises’ assessment of risk, the venue will employ a minimum of 1 member of SIA staff from opening and thereafter 1 additional member of staff per 100 customers
 - (d) the venue will have 2 working wands on the main entrance and 1 on the

side entrance to assist with searching on entry and re-entry if required at the external smoking area backing onto an adjacent car park. The wands will be used in conjunction with the search policy; if activated, security will conduct a more detailed search on that person under the CCTV search area. Any person refusing a search shall be refused entry and CCTV to be notified by CCRAC radio;

- (e) when SIA door supervisors are on duty, the venue will have at least one body worn camera with 4G streaming capability which will be used by SIA security on the door whilst the venue is open. The camera will be used to record incidents and ejections at the venue, and the venue will be required to save the images for 28 days, and make them available to the police upon request;
- (f) ID scanner to be in place and in full working order. The scanner shall be used in accordance with 'Challenge 25' and the management's assessment of risk, save for events agreed with South Yorkshire Police. The device may be used for, but not limited to, capturing details of large groups or parties at the discretion of the venue. Should the ID scanner be inoperative, because of malfunction or breakdown whilst the venue is open, South Yorkshire Police shall be notified via email, telephone or CCRAC radio that the unit is in disrepair. The venue will seek assistance in its repair or replacement as soon as practicable;
- (g) when trading beyond midnight, all drinks to be provided in polycarbonate/shatterproof glass drinking vessels. Glass bottles are to be decanted into polycarbonate/shatterproof glass drinkware, unless supplied in plastic PET bottles. By midnight, all non-permitted glassware shall have been removed and cleared away, with the exception of the VIP/Private area where:
 - (i) each booth/VIP area will be allowed 1 glass bottle per 3 customers at any one time;
 - (ii) glass bottles and drinking vessels will be supplied by table service only;
- (h) when in use, SIA security staff will be assigned to the VIP area to ensure glass bottles are not removed from the booths/suite. Staff training will include the management of glass within the VIP area; and
- (i) decanting shall not be required during private pre-booked events, such as corporate events, in accordance with the management's assessment of risk, and where movement between the private area and public parts of the premises is managed and monitored.

(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 6 February 2018

PRESENT: Councillors Josie Paszek (Chair), Jack Clarkson and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 13/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 14/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 15/18 attended the hearing with his wife, 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>
13/18	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of three months in the light of the number, and serious nature of, the offences and convictions now reported and, after this time, subject to there being no further cause for concern, the Chief Licensing Officer be authorised to grant a licence for three further terms of three months and (b) the applicant

be given a written warning, to remain live for the period of his initial licence, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

14/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action in this case in the light of the representations now made.
15/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action in this case in the light of the representations now made.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 February 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence. Councillor Mick Rooney 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 - NICHE, 9-11 WALKER STREET, SHEFFIELD S3 8GZ - REVIEW OF A PREMISES LICENCE

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence due to a Closure Order made under Section 167 of the Licensing Act, 2003, in respect of the premises known as Niche, 9-11 Walker Street, Sheffield S3 8GZ (Ref. No. 10/18).

- 4.2 Present at the meeting were Tony Handley, Steve Baxendale and Kate Baxendale (on behalf of Niche), Richard Dyson (Designated Premises Supervisor), Leo Charalambides (Counsel acting on behalf of Niche), Chris Grunert (Solicitor acting on behalf of Niche), Aaron Moss (Counsel acting on behalf of South Yorkshire Police), Superintendent Paul McCurry, Detective Sergeant Katie Clogan, Sergeant Matt Burdett (South Yorkshire Police), Ian Armitage and John O'Malley (Licensing Officers, South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 4.3 Samantha Bond 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 the Council's Director of Public Health and were attached at Appendix "A" to the report, but these had now been resolved.

- 4.5 Aaron Moss stated that the application had been made following an incident that

had occurred at the premises on 23rd December, 2017 resulting in four persons with stab wounds and a fifth person with fractures. He said the main concern to the Police was the failure by staff to call them. He stated that there were three incidents in total, the first one involving a gang who assaulted someone inside the club. The security staff went inside and forcibly removed the victim from the premises, however the gang followed and continued to attack him and were allowed to re-enter as and when they wanted to. South Yorkshire Police maintain that if they had been called following the first incident, they could have intervened in the resulting melee and stabbings that had taken place in the vicinity of the premises. Aaron Moss stated that the ambulance service had been contacted by a passer-by and the police had then been called by the ambulance service. He suggested that Niche did nothing to prevent the incident and that the conditions already in place on the licence are not sufficient to prevent serious crime and disorder. He felt that due to the location of the premises, the police are unable to regularly patrol the area to reduce the risk of incidents occurring and if they were to do so, there would be an unsupported strain on their already stretched resources.

- 4.6 Superintendent Paul McCurry stated that he was on duty on the day of the incident and outlined the key points of the statement he made. He said that he had viewed the CCTV images which outlined the serious disorder that had taken place. Superintendent McCurry then referred to several licence conditions that had been breached, these being that no customers carrying open bottles shall be allowed onto the premises; no alcoholic drinks shall be removed from the premises in open containers; all customers to be age and security checked on entry and re-entry onto the premises; a suitable number of City Centre Retail Against Crime (CCRAC) radios to be in use at all times; an I.D. scanner to be operated in conjunction with the Challenge 25 scheme and a minimum of two SIA registered door staff to be fitted with an approved body-cam to be worn at all times. Superintendent McCurry stated that there was no evidence of any staff wearing a bodycam, and if they were, no footage was recorded. He felt that there had been a breakdown in security arrangements and was not confident that further licence conditions would address this fact.
- 4.7 In response to questions from members of the Sub-Committee, Superintendent McCurry stated that he had accepted the evidence on the CCTV images and that as soon as the victim was being dragged out of the premises, the police should have been called. He added that as soon as anyone was being ejected from any premises, the police should be contacted straight away. He further stated that due to the spread of licensed premises in and around the city centre, the area is not routinely covered by the police nor the city centre CCTV cameras and therefore the police rely on the venue or members of the public to notify them of any incidents occurring. He felt that sometimes having a police car parked up or patrolling an area acted as a deterrent to would-be troublemakers. Superintendent McCurry said that the owners of the premises had fully co-operated with the police since the incident and prior to the incident the police never had any issues with the premises.
- 4.8 At this stage in the proceedings, those parties deemed relevant to be present during the consideration of the sensitive information to be presented by South

Yorkshire Police, retired to a separate room to view and discuss that sensitive information.

- 4.9 On their return, the meeting was then re-opened to the public and press and other attendees.
- 4.10 Leo Charalambides stated that the owners of the premises operate a number of nightclubs and their common goal was to promote the licensing objectives in order to run successful businesses and encourage people to visit their premises time and again. He stated that the police had acknowledged that the incidents were random attacks and, as could be seen from the CCTV images, the perpetrators on the night had visited the club two hours earlier and had fully co-operated with the pat-down and I.D. scanner procedures. He added that due to the high quality of the CCTV equipment at the premises, it was possible to zoom in and move the directions of the cameras, in order to assist the police with their enquiries. Mr. Charalambides suggested that there was no middle ground in this case, given that the club are keen to capture images, but whose responsibility is it to contact the police and at what stage of an incident occurring does someone contact them? He agreed that things could be tightened up at the premises i.e. the security manual could be reviewed, and the “spotters”, the manager and other staff members could get more involved to prevent incidents happening. Mr. Charalambides said that once outside any premises, if a victim does not want assistance, other than the gathering of evidence, nothing more can be done. Mr. Charalambides also stated that his clients were keen to spend time and money in continuously improving security and were willing to work with the police in this regard and had positively responded to a horrific situation and had not shied away from responsibility. Mr. Charalambides referred to 45 letters of support that had been received from a wide range of persons from differing backgrounds and stated that the premises were of local interest due to the nature of the clientele who lived close by and felt that the premises were a cultural institution. He added that a number of clients had expressed the view that the club provided a safe space for patrons to attend and the owners had provided positive investment in helping to regenerate the area.
- 4.11 In response to questions from Members of the Sub-Committee, Richard Dyson stated that there had been no indication of anything untoward happening, the incident logs had shown nothing of concern on any other occasion. Mr. Charalambides stated that the staff did not know prior to the incident occurring who the perpetrators were and confirmed that they had now been barred from the premises. He further stated that the owners had a good working relationship with the police and when taking out the lease on the premises, had only signed up following agreement with them and only opened for modest hours in the beginning. He added that the CCTV evidence showed that the club had invested in high quality equipment which sent images at all times to a room on the upper floor of the premises, however these were not monitored at all times, but on this occasion, the staff did step in when required.
- 4.12 Aaron Moss and Leo Charalambides summed up their respective cases.
- 4.13 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.

- 4.14 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.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to modify the conditions of the premises licence in respect of the premises known as Niche, 9-11 Walker Street, Sheffield S3 8GZ, as follows:-
- (a) the following condition be amended in accordance with sub-sections 167 and 168 of the Licensing Act 2003 as follows:-
- (i) Condition 4 be amended to read: The premises shall have a minimum of 6 SIA registered door supervisors at any time that the premises are open to members of the public after 21:00 hours, until 30 minutes after the close of the premises to members of the public. The requirement for additional SIA registered door supervisors is to be kept under review and subject to an ongoing risk assessment, in accordance with the written security policy;
- (b) the following conditions are to be added to the premises licence in accordance with sub-sections 167 and 168 of the Licensing Act 2003:
- (i) at any time that the premises are open to members of the public, the deployment of the SIA registered door supervisors shall include at least 1 supervisor in the main room on the ground floor, and at least 1 supervisor in the VIP room on the first floor;
- (ii) the premises will undertake a review of its security procedures and policies ('The Operational Policy') by 24th February 2018; the Policy will be provided to the police and licensing authority for agreement within 14 days thereafter. If an agreement cannot be reached, the matter will be referred to the Licensing Sub-Committee for consideration. The Policy shall include but not be limited to an ejection procedure, in which circumstances the police should be contacted and by whom, and details regarding the roles of spotters and their training. The Policy will be subject to annual review by the premises, in conjunction with the police and licensing authority;
- (iii) the premises will maintain a copy of the Policy on the premises and it shall be made available for inspection on demand by the police, or any other authorised officer; and
- (iv) glass bottles of premium products of 50cl+ shall be sold and supplied

in the VIP areas on the first floor only. Patrons shall not be permitted to take any such bottles outside of the VIP area. A member of the SIA registered security team shall be tasked with monitoring the VIP area and prohibiting the removal of any glass bottle from this area by customers. Those wishing to take possession of a glass bottle (within the VIP area) must provide a cash and/or piece of identification as a deposit, to be refunded/returned following the return of the glass bottle.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 February 2018

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Andy Nash

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

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. 16/18 attended the hearing with Councillor Mohammad Maroof, as a family friend, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 17/18 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 18/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The licence holder in Case No. 19/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
16/18	Review of a Hackney	Take no action.

	Carriage and Private Hire Driver's Licence	
17/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, to remain on his licence for the remainder of its current term.
18/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, to remain on his licence for the remainder of its current term.
19/18	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 as, in the light of the offences and convictions now reported, the Sub-Committee no longer considers the licence holder to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 February 2018

PRESENT: Councillors Dawn Dale, Gail Smith and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor Josie Paszek).

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 20/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 21/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 22/18 did not attend the hearing, and the case was considered in his absence.

4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
20/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that the Sub-Committee does not consider the licence holder to be a fit and proper person until

such time the licence holder successfully completes the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver'.

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| 21/18 | Application for the grant of a Hackney Carriage and Private Hire Driver's Licence | Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence, with the licence being granted with effect from 4 th March 2018, being his next renewal date. |
| 22/18 | Review of a Hackney Carriage and Private Hire Driver's Licence | Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, for a period of 3 months. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 February 2018

PRESENT: Councillors David Barker (Chair), Andy Nash and Andy Bainbridge

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

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. 23/18 attended the hearing with a relative, and they both addressed the Sub-Committee

4.3 The licence holder in Case No. 24/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 25/18 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 26/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
23/18	Application to renew a Private Hire Vehicle Licence	Grant a licence for a period of 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-

		Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.
24/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Traffic Act, as the Sub-Committee felt that, in the light of the offence and conviction and complaints now reported, the licence holder was no longer a fit and proper person to hold a licence.
25/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for a period of 12 months, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
26/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action in this case in the light of the representations now made.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 February 2018

PRESENT: Councillors Andy Bainbridge (Chair), Gail Smith and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 28/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 29/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 30/18 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 31/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
28/18	Application for the renewal of a Hackney Carriage and Private Hire	(a) Grant a licence for the shorter term of 12 months in the light of the offences now reported, (b) the applicant be given a

	Driver's Licence	written warning, regarding his future conduct and (c) on renewal, authority be given to grant the applicant a licence for the remainder of the term requested, subject to there being no further cause for concern.
29/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
30/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
31/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 March 2018

PRESENT: Councillors David Barker (Chair), Gail Smith and Lisa Banes

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Vickie Priestley.

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 - KIN, KELHAM WORKS, 2 ALMA STREET, SHEFFIELD, S3 8SA

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 Kin, Kelham Works, 2 Alma Street, Sheffield S3 8SA (Ref. No. 27/18).

4.2 Present at the meeting were Michelle Hazelwood (John Gaunt and Partners, Solicitors, for the Applicants), Zoe Lawrence and Mark Wilson (Applicants), Dave Buttle (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser) and John Turner (Democratic Services).

4.3 Samantha Bond 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 five members of the public, and were attached at Appendix 'C' to the report. All five members of the public had been invited to attend the hearing, but only one attended to put forward his representations. It was also noted that a number of conditions had been agreed between the applicants and the responsible authorities prior to the hearing.

4.5 Dave Buttle stated that his main objections to the application related to public nuisance. He indicated that Kelham Island was predominantly a residential area, and having another licensed premises in the area, particularly given the proposed hours in terms of the sale of alcohol, and to allow live (amplified) music and dancing until 00:00 hours, would create problems of anti-social behaviour and noise nuisance for residents. He stressed that no other licensed premises in the

area served alcohol after 23:00 hours, and he was concerned at the potential for public nuisance if alcohol was available with effect from 07:00 hours, as planned in the application. Mr Buttle also expressed concerns at the potential for customers who smoked to be stood on the pavement outside the premises, creating a noise nuisance as well as there being problems of litter. Mr Buttle stated that he was aware of the additional conditions, relating to sound attenuation measures and CCTV, which he welcomed.

- 4.6 In response to questions raised by Members of the Sub-Committee, Mr Buttle stated that in addition to there being an increasing number of residents living in the Kelham Island area, there was also residential accommodation above the premises, the occupants of which could potentially be adversely affected by the application. He stated that he had lived in the area for a number of years, and had noticed considerable changes, mainly in terms of the increase in residential accommodation and more recently, the recent increase in the number of licensed premises. He stated that, whilst the changes had been mainly positive, they had resulted in an increase in noise nuisance, particularly during the summer months, and created problems of car parking.
- 4.7 Michelle Hazelwood stated that the applicants had been interested in establishing a bar and deli business, and had considered Kelham Island to be an ideal location. The business, which would occupy the ground floor of 2 Alma Street, would operate as a bar and deli, in an urban loft-type environment. The business would operate principally as a restaurant/deli, with a strong quality food offering and limited regulated entertainment. The proposed licensing hours, in terms of both on and off sales, would be Monday to Sunday, 07:00 to 00:00 hours. However, apart from special occasions, such as Mother's Day or when people wanted a special breakfast for a birthday, it was not expected that there would be much demand from 07:00 to 11:00 hours. The proposed licensing hours would also cater for those customers wishing to purchase some pre-cooked food, together with a bottle of wine, on their way to work, to have when they got home at the end of their working day. There were no plans to sell cheap alcohol, or attract customers wanting a drink of beer or lager in the early morning. Ms Hazelwood referred to the conditions agreed with the responsible authorities, which were set out in the report, and documented in the additional information circulated prior to the hearing, indicating that, given the size of the premises, and the fact that there was no stage or dance floor, there were no plans to have live music comprising large bands at the premises. It was likely that the only live music would be acoustic sessions, on special occasions, comprising one or two musicians. The premises management would take a proactive approach to noise control, checking the outside of the premises to ensure there was no noise breakout, as well as checking for noise created by customers leaving the premises. The management would also be liaising with South Yorkshire Police in connection with the proposed CCTV system to ensure that it complied with their requirements. Ms Hazelwood stated that she was confident these additional conditions would help to allay any fears or concerns of local residents living within the vicinity of the premises, and made the point that the concerns regarding a lack of car parking was a planning matter, and not one that the Sub-Committee could consider. Ms Hazelwood concluded by stating that she considered that the application would promote the four licensing objectives.

- 4.8 In response to questions from Members of the Sub-Committee, Samantha Bond, Clive Stephenson and Dave Buttle, Ms Lawrence stressed that they had only applied for the long hours to give them the flexibility to provide for those customers wishing to purchase a bottle of wine on their way to work, for their evening meal, or for those special occasions where customers wanted a drink of alcohol with a breakfast, for a special occasion. She stressed that she did not anticipate it being a regular occurrence. It would only be the deli that opened at 07:00 hours, and there would be no general sales of alcohol until 11:00 hours. Whilst it was envisaged that the vast majority of customers attending the venue from 07:00 hours would intend to purchase food, they simply wanted the flexibility to provide for those customers wishing to purchase a glass of prosecco or wine with their food. Ms Lawrence indicated that they would do everything they could in terms of linking in with the local community, and had planned to attend a recent meeting of the Kelham Island Community Association (KICA), but the meeting had been cancelled due to adverse weather conditions. She stated that she planned to work with local artists and develop other links with the local community where possible. As well as wishing to attract customers from all over the City and beyond, they wished to provide a new facility for local residents. Ms Lawrence stated that she had chosen this business on the basis of her love of food and home cooking, and wished to provide a business selling food she liked to cook and eat, with venues offering this kind of food being few and far between in the City. She believed that a high number of residents living in Kelham Island would like the food on offer. Ms Lawrence confirmed that there would be 95 covers in the premises and that any live music, which would not be a regular occurrence, would comprise jazz or acoustic-style sessions, comprising one or two musicians. In terms of the dining arrangements, consideration had been given to screening off the main dining area until 08:00 hours, but the management had decided against this in order to give customers the choice of where they sat. It was stressed that there was no intention for there to be any vertical-style drinking as they were not looking to target this market. Although the issue of car parking was not for consideration by the Sub-Committee as part of the application, Ms Lawrence confirmed that there were two parking spaces directly outside the premises, as well as there being a small public car park as part of a gym situated nearby. It would not be possible to reduce the licensing hours on specific periods or days as one of the target markets was people celebrating a special birthday, and wanting a birthday breakfast, which could obviously fall on any day of the year. As already stated, the premises management would take a proactive approach in terms of monitoring and, if necessary, dealing with any issues arising from customers standing outside on the pavement drinking and smoking. If there were any serious issues in this regard, members of the public or the responsible authorities had the option of requesting a review of the Premises Licence.
- 4.9 Michelle Hazelwood summarised the case on behalf of the applicants.
- 4.10 Clive Stephenson presented the options available to the Sub-Committee.
- 4.11 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in

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

4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.

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

4.14 RESOLVED: That, in the light of the information set out in the report now submitted, the additional information now circulated, and the representations now made, the Sub-Committee agrees to grant a Premises Licence in respect of Kin, Kelham Works, 2 Alma Street, Sheffield, S3 8SA (Ref. No. 27/18), in the terms now requested and subject to:-

(a) the conditions agreed by the applicants and the responsible authorities prior to the hearing, as follows:-

- (i) A permanent fixed residual current device (RCD) must protect the electrical power serving all amplified equipment used for the purposes of live music or similar entertainment.
- (ii) A reduction in the terminal hour for licensing activities to 23:00 hours daily, with the premises to close at 23:30 hours.
- (iii) New Year's Eve and Christmas Eve to permit trading until 01:00 hours.
- (iv) The removal of regulated entertainment.
- (v) Permission for late night refreshment between 23:00 and 23:30 hours.
- (vi) Windows and doors to remain closed during live and recorded music, safe for access and egress.
- (vii) All ventilation outlets which serve the licensed area to be acoustically baffled, and thereafter retained as such.
- (viii) The Designated Premises Supervisor or delegated member of staff shall take a proactive approach to noise control, checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas, and departing from the premises, is managed so as not to cause a nuisance to occupiers of nearby or adjoining residential properties.
- (ix) A CCTV system, to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2016). The CCTV images will be stored for 30 days and Police and authorised officers of the Local Authority will be given access to images for purposes in connection with the

prevention and detection of crime and disorder.

- (x) Members of the management team will be trained in the use of the CCTV system; and
- (b) the addition of a new condition in Annexe 2 (Conditions consistent with the operating schedule), as follows:-

On and off alcohol sales to be made only when customers purchase food with effect from 07:00 to 11:00 hours.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 March 2018

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Andy Bainbridge

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Private Hire Operators Licence, made under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (Case No.06/18).

4.2 Present at the meeting were Jay McGarrigle (Regional Lead Officer, Uber), Neil McGonigle (Head of Cities North of England, Uber), Philip Kolvin Q.C. (Barrister acting on behalf of Uber), Ryan Dolby-Stevens (Associate Counsel, Uber), 14 taxi drivers/taxi trade representatives, Steve Lonnia (Chief Licensing Officer and Head of Licensing), Craig Harper and Clive Stephenson (Licensing Strategy and Policy Officers), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Philip Kolvin stated that Uber currently hold a private hire operator's licence in the district of Sheffield under the name of Joanna Bertram, the current General Manager of Northern Europe, but she will be leaving the Company shortly. He added that legislation does not allow for a name transfer on such licence, therefore Uber made a fresh application in the name of Uber Britannia Limited. Mr. Kolvin said that Uber have been based in Sheffield since 2015, with more than 400 private hire drivers operating under the Uber app. Every driver was given a training pack to ensure they were fully compliant with the Council's private hire policy and that weekly meetings were held with the drivers to discuss any problems that had arisen. Mr. Kolvin further stated Uber were raising safety standards in the taxi and private hire industry in that it took around four minutes for passengers to obtain a taxi and the GPS tracking system enabled passengers to see a photograph of their driver before the car arrived and approximately how much the journey would cost. It also allowed passengers to share a real-time map

of the journey with family and friends, thereby making the journey easier, quicker and safer. Mr. Kolvin said that Uber operate in 83 areas in the UK and, when applied for, 35 operator licences have been granted/renewed in the past 12 months. He added that the Chief Executive of Uber, appointed in September, 2017, acknowledged that mistakes had been made on a global scale and there was a commitment to change the way the Company operated, especially in the UK. He outlined Uber's commitment to working beyond its normal remit and forging closer ties with local authorities, specifically Sheffield. He also addressed the wider issues concerning Uber, such as the relationships between driver and rider (the 'contract'), 'Greyball' and the data breach. Uber recognised that each local authority area has its own requirements and the Company reacted to this in order to continue having a good, transparent relationship with local authorities. Mr. Kolvin said that the main objection to the licence being granted was from one of the other main operators in the city and their primary concern was that Uber drivers would be licensed to operate throughout Yorkshire not just in Sheffield and there would be cross-border pick up and drop off, in addition to the threat of competition. It was suggested that the objections were in relation to Uber itself and not Uber's operation within Sheffield, where there have been no reported problems. He added that, from March, 2018, Uber are implementing restrictions on drivers who are licensed by local authorities outside Yorkshire ('Geofencing'). The Company realises this would impact on approximately 100 drivers, the majority of whom live in Sheffield but hold a licence elsewhere. It is intended to support these drivers to enable them to continue to use the Uber app in the city by offering a financial incentive to cover the cost of successful re-licensing with the City Council. Uber have also launched a clean air plan to tackle air pollution in the UK and as part of this plan, it is intended that every vehicle on the app will be a hybrid or fully electric model and are offering grants to drivers to assist them in the transition to low or zero emission vehicles in the not too distant future.

- 4.4 Mr. Kolvin stated that if a customer had a complaint, a 24/7 Incident Support Team would be able to respond to the issue as quickly as possible. Uber also have a Law Enforcement Response Team and an online portal through which the police could submit data requests and believe that these systems show commitment as a licensed operator on compliance and public safety. Mr. Kolvin referred to letters received from Uber drivers, one of whom, a lady, said that she felt safer driving for Uber due to the system capturing and managing digital versions of driver documentation and maintaining a digital record of all bookings and journey information. Mr Kolvin added that the Company attracted drivers who wanted flexibility, security and safety at work.
- 4.5 In response to questions from Members of the Sub-Committee, Neil McGonigle stated that the Company sends an email three times per week to the local authority regarding any complaints that have been received and will conduct their own investigations into the driver's conduct where it is considered appropriate. If a matter needed to be investigated further, the driver's app would be disabled preventing them from taking any more bookings until the matter is resolved. He added that Uber try to maintain a good working relationship with its drivers and appreciate that there are two sides to every story and use specially trained officers to determine the outcome of a complaint. Mr. McGonigle further stated that with regard to the rating and feedback available via the app, if a pattern of complaints

emerged, Uber would contact the driver and suggest improvements. Mr. Kolvin added that sometimes the complainant doesn't want to take the matter any further, but Uber will still report the complaint to the Licensing Authority. With regard to the number of hours that drivers are allowed to work, Mr. McGonigle said that the Company felt that up to 10 hours was a sensible limit, and after 10 hours, the app would be switched off for a period of six hours.

- 4.6 Members asked questions regarding illegal plying for hire, to which Mr Kolvin replied that prosecutions had been brought in other authorities but, as yet, there was still no case to answer. He added that the app can be configured locally to alleviate the concerns of the local authority, and that conditions could be added to the licence by the Licensing Authority. Mr. Kolvin stated that Uber had realised that it needed to develop good relationships globally, that it needed more licenses worldwide and the way forward was to establish good working relationships locally. Mr. Kolvin said that the entire ethos of Uber was to establish good working relationships as well as adhering to the law of the land. It was considered that it wouldn't be feasible to operate within boundaries, that the flexibility to provide a service to customers anywhere in the country wouldn't work if boundaries were set, in addition to the wasted driver time, an increase in emissions, and greater customer waiting time. The Company were looking into harmonising standards between licensing authorities, especially where Geofencing has been implemented. Clarity was given about the issue of plying for hire, in that Uber accepts bookings on behalf of drivers and then passes them on to drivers for them to respond.
- 4.7 Craig Harper outlined the options open to the Sub-Committee.
- 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 Samantha Bond 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, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the application for a Private Hire Operators Licence be granted for the term of five years, as applied for (Ref. No.06/18).

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 March 2018

PRESENT: Councillors Josie Paszek (Chair), Adam Hurst and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jack Clarkson.

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. 32/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 33/18 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.4 The licence holder in Case No. 34/18 did not attend the hearing.

4.5 The licence holder in Case No. 35/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
32/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and

		stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
33/18	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of two years as applied for, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct.
34/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the review to enable the applicant to attend a future hearing to be arranged as soon as possible.
35/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a final written warning with regard to his future conduct, with such warning to remain live for the term of his current licence, and stating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 March 2018

PRESENT: Councillors Josie Paszek (Chair), Neale Gibson and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 26/18 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 37/18 did not attend the hearing but a representative did attend on his behalf and addressed the Sub-Committee.

4.4 The licence holder in Case No. 38/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 39/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
26/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The suspension on the licence to remain in place pending the outcome of the licence holder's appeal to the Court

		regarding the criminal matter, at which point a full review of the licence is to be undertaken based upon the information available at that time.
37/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application on the grounds that the applicant did not attend the meeting, and grant him one further opportunity to attend.
38/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, to remain on his licence for the remainder of its current term.
39/18	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of one year as applied for, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 March 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 34/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 40/18 did not attend the hearing but the Sub-Committee decided to consider the review in his absence.

4.4 The applicant in Case No. 41/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers and, where relevant, any additional information submitted to, or reported at, the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
34/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, to remain on his licence for a period of three years.
40/18	Review of a Hackney	The licence holder be issued with a

	Carriage and Private Hire Driver's Licence	written warning with regard to his future conduct, to remain on his licence for a period of three years.
41/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of one year as applied for.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 April 2018

PRESENT: Councillors David Barker (Chair), Lisa Banes and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Dawn Dale.

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 paragraph 7 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 REVIEW A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence (Ref No. 43/18).

4.2 Present at the meeting were David Palmer and Neil Bates (Trading Standards, Applicants), the premises' Designated Premises Supervisor and her representative, Julie Hague (Sheffield Safeguarding Children Board), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond 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 the Sheffield Children's Safeguarding Board and South Yorkshire Police, and were attached at Appendix 'B' to the report. No-one from South Yorkshire Police was able to attend the hearing.

4.5 The premises' representative requested that the meeting be adjourned for approximately one hour to enable him to read the case papers, as he stated that he had only been handed them on this day.

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 Samantha Bond reported orally, giving legal advice in respect of the request now made.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 RESOLVED: That, further to the consideration of the request, the Sub-Committee decides that, as the papers had been served on the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH), within the correct timescales, and in accordance with the legislation, the hearing should proceed as scheduled.
- 4.10 David Palmer reported on the grounds as to why the application had been made by Trading Standards, referring to the receipt of information regarding the sale of illicit tobacco products at the premises. Mr Palmer also reported that, as part of their investigations, the DPS had provided false and misleading information to officers as to her identity.
- 4.11 David Palmer and Neil Bates responded to a number of questions raised by Members of the Sub-Committee, Clive Stephenson and the premises' representative.
- 4.12 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board.
- 4.13 Julie Hague responded to a number of questions raised by Members of the Sub-Committee.
- 4.14 The premises' representative put forward the case for the premises, and he and the DPS responded to a number of questions raised by Members of the Sub-Committee, Samantha Bond, Clive Stephenson, Julie Hague and David Palmer.
- 4.15 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.
- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.18 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to revoke the Premises Licence in respect of the premises now mentioned (Ref No. 43/18).

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

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