

Licensing Committee

Thursday 20 September 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,
Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten,
Vickie Priestley, Mick Rooney 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.

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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 John Turner on 0114 273 4122 or email john.turner@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
20 SEPTEMBER 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. Minutes of Previous Meetings**
To approve the minutes of the meetings held on 19th, 21st and 28th June, 10th, 12th, 19th, 26th and 31st July and 7th, 9th, 14th, 16th and 28th August, 2018
- 6. Licence Fees Review (Determination of Fees) - 2018/19 Financial Year**
Report of the Chief Licensing Officer

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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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Licensing Sub-Committee

Meeting held 19 June 2018

PRESENT: Councillors David Barker (Chair), Josie Paszek and Vickie Priestley

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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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT (AS AMENDED) 1982 - SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD S1 2BS

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Sexual Entertainment Venue Licence made under Schedule 3, Section 10, of the Local Government (Miscellaneous Provisions) Act 1982, as amended, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS.

4.2 Present at the meeting were Philip Kolvin QC (Counsel for the Applicants); Robert Sutherland (Solicitor for the Applicants); John Specht (Director), Andy Foster (Regional Manager); Peter Mercer (General Manager); Mick Goodwin (Manager) and a Dancer (Spearmint Rhino, Applicants); Natasha Harcroft (Barrister for the Objectors), Shelley Roche-Jacques, Meera Kulkarni, Michelle Webster, Christine Rose, Sammy Woodhouse, Tom Boydell, Martine Taube, Charlotte Mead, Nikki Bond, Tony Maltby, Amanda Hughes, Councillor Douglas Johnson plus four others (Objectors); Claire Bower and Craig Harper (Licensing Strategy and Policy Officers); 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, as set out in Appendix "G" to the report.

4.4 Claire Bower presented the report to the Sub-Committee and it was noted that written representations objecting to the application had been received from 156 interested parties, 17 of whom were in attendance and would address the Sub-Committee, and details of all those representations were attached at Appendix "D" to the report.

4.5 **Representations from Objectors**

- 4.5.1 Amanda Hughes, Sheffield Hallam University, stated that the University had recently launched its ambitious and visionary Campus Masterplan, to which Sheffield City Council had had significant involvement in its development and was very supportive of the proposals. She added that Phase 1 of the Plan, due to be implemented over the next five years, would intensify development in the Cultural Industries Quarter (CIQ) and focused on the development of a new gateway to the University and the City. She said that the Plan would create a "University Green" on Arundel Lane, immediately adjacent to the Spearmint Rhino building and she was very concerned that the presence of a sexual entertainment venue in the area would have a negative impact on what would be a positive and substantial investment by Hallam University. Ms. Hughes referred to the location of the venue, stating that it was only a short distance away from the University Technical College (UTC) which was attended by 14 to 19 year olds, who walked past the club. Also, there were a number of residential premises and a place of worship nearby and that a venue of this nature was totally inappropriate. Ms. Hughes further stated that Hallam University had worked with stakeholders across the CIQ and the City, including the City Council, in the development of the new Campus and that there were too many compelling reasons for the Council not to renew the application and believed that the Council would be placing itself into conflict regarding its own plans for the development of the City Centre and would be jeopardising the impact of the planned Knowledge Gateway investment and also the proposal for a number of key stakeholders to obtain external funding to continue to develop this part of the City.
- 4.5.2 Councillor Douglas Johnson stated that he was lodging a formal objection to the renewal of the licence on behalf of local residents and businesses in the City Ward, which he represents, and were adversely affected by the location of the lap-dancing club within the developing CIQ. He added that since the venue first opened, there had been significant changes within the area with substantial residential and business development, non-profit organisations and teaching establishments situated close-by and was adjacent to land earmarked for the proposed expansion of Hallam University. Councillor Johnson further stated that the nature of a lap-dancing club meant that there was a significant difference in the treatment of men and women employed at the club. It was his understanding that regular staff, mostly men were employees but the dancers, all women, were hired on a self-employed basis, which, in his opinion, left them open to be exploited and that this contravened the Equality Act. He was concerned by the difference in employment status and stated that, should the application be granted, a condition should be added requiring all workers to be engaged under the same terms and conditions of employment.
- 4.5.3 Nikki Bond, on behalf of Louise Haigh MP and herself stated that their objection represented the views of a number of objectors and she drew attention to three main areas, being the locality of the club, the levels of crime in the area and the public sector equality duty. Ms. Bond added that the City Centre Masterplan had been updated and that Paternoster Row had recently been identified as a key area. She also made reference to the Sheffield Hallam University Masterplan and

its location within the CIQ, that the area was part of the Knowledge Gateway, and that the Sheffield Hallam University Students Union building, the Site Gallery, the Rape Crisis Centre, the Christ Church and the train station, were all in close proximity to the venue. She further stated that although South Yorkshire Police had declined to comment, there seemed to be an increase in violence in the area, i.e. fighting, dealing and the taking of drugs, which she attributed to customers of Spearmint Rhino and stated that she could provide evidence of this. She felt that no socialist should aspire to supporting this type of venue and the City Council, being run by a Labour Administration, should not support this application.

4.5.4 An objector, who requested that she was not filmed by the television camera crew present, gave a presentation. She spoke on behalf of "Not Buying It", a Sheffield based grass roots activist organisation, part of a national pressure group. She referred to Sheffield's proud history that the Sheffield Female Political Association was the first women's suffrage organisation in the United Kingdom. The group was founded in 1851 by several Sheffield women who were also active in the Chartist movement. She also mentioned the "Women of Steel" bronze sculpture, which was erected in 2016, that commemorates the women of Sheffield who worked in the City's steel industry during World War I and World War II. The objector then referred to the location of the premises sited within a residential area, an area which was increasingly becoming more residential for students and non-students. She added that there was some recreational space, between Hallam University and the premises, which was not achieving its full potential as she felt it could be developed similar to that at Devonshire Green. She felt that the University building could be put to better use, in that it could be used during the day as well as part of the night time economy. The objector stated that the condition placed on the licence that no external advertising of the premises should be visible during the day did not look very good. She also stated that the proximity of the premises was close to Arundel Gate which had an increasingly high level of crime. Referring to the presentation, she outlined several twitter accounts which advertised what happened inside sexual entertainment venues and the re-tweets which flaunted the rules, and that such club rules were not visible on these accounts. The objector then referred to the Equality Impact Assessment (EIA) which referred to the venue as a "gentleman's club", but felt that no gentleman would frequent such a club. She added that the EIA had not fully been addressed and that it did not focus on the wider public and only referred to staff and customers. She made reference to several witness statements and how, having worked in such venues, they now stated that they hated men and were repulsed by them. She asked that the City Council use its discretion following objections year after year about the club's impact on this area and reject the application and that there be no more costly judicial reviews.

4.5.5 Lisa Markham stated that she was connected to the Zero Option Campaign and was a Fairness Champion. She said that it was important that the City Council allowed people to come to the meeting and speak and that the information she gave was based on facts and her personal reflection on life experiences and felt that the Committee should base its decision on facts. Ms. Markham stated that her objection was not based on the location of the club as she didn't want Spearmint Rhino to be moved to another area of the city, she would prefer that there wasn't a club of this nature in the city at all. She further stated that she had

worked with criminals and victims of those who worked in the sex industry and had seen first-hand the consequences and impact on women who were used in this way. Ms. Markham referred to the “Chocolate Men” that had been engaged to perform at the club and felt that the name in itself was racist, and she had read racist remarks about black men being dangerous. Ms. Markham stated that she had visited the Central Library and had tried to access information about the dancers and lap-dancing clubs but the screen had frozen, enabling anyone who passed by to see the images displayed and felt that these sorts of images should not be easily publicly displayed. Ms. Markham then referred to students attending the Universities and stated that, at Sheffield Hallam University, 96% of students were from state schools and, as such, would seize the opportunity to earn extra money working at the venue, and she added that a study at Swansea University had shown that, 5% of students there had worked in the sex industry. Ms. Markham then expressed huge sympathy for women living in poverty, those unable to meet their needs and felt that the only option open to them was to turn to the sex industry. She had worked amongst women who had suffered sexual violence and who faced trauma because of it everyday.

- 4.5.6 An anonymous speaker expressed her concerns as a parent and grandparent and stated that venues of this nature discriminate against women by normalising the sexualisation and objectification of women, and that women should be valued and respected. She said that a venue of this type had no place in the 21st century. She reiterated many of the points already made with regard to the close proximity to religious buildings, schools, student accommodation and the Hallam University Adsetts Centre which was open to students 24/7. She felt that the venue was a detriment to the area and the licence application should be refused.
- 4.5.7 Shelley Roach-Jaques stated that she regularly attends events at the HUB which is in the vicinity of the premises and felt that it was totally inappropriate for a strip club to be located within the Hallam University Campus and the Cultural Industries Quarter. She said that she had accompanied a group of students from the train station to the Rutland public house, which is situated on Brown Street and had to pass the venue. Several of the students had said that they felt unhappy and angry at having to walk past such a venue on a regular basis. Ms. Roach-Jaques further stated that the normalisation and mainstream promotion of such venue was very harmful to women, that they promote a dehumanised view of women, sending out a message that women’s bodies were for male consumption. She felt that in the context of a society where there was widespread violence against women and in the light of the “Me Too Campaign”, the City Council should refuse the application. Ms. Roach-Jaques also stated that, in her opinion, were there to be zero tolerance to Sexual Entertainment Venues (SEVs) in the city, there would not be a negative impact and nor would it force such activities underground.
- 4.5.8 Michelle Webster stated that she had lived in Sheffield for the past 33 years and that a club of this nature eroded the pride she felt for the city. She further stated that she had worked at the Sheffield Rape and Abuse Centre and felt that what happens inside the premises transfers into the everyday treatment of women and that there were issues of inequality against the women who worked at the club and that women should be treated as sexual equals.

- 4.5.9 Meera Kulkarni stated that she also worked at the Sheffield Rape and Sexual Abuse Centre and in that capacity came into contact with women who had been victims of those who frequented SEV's. She added that the community deserved better than to have a club of this nature in the area.
- 4.5.10 Christine Rose spoke on behalf of "Know the Line", a group of volunteers supported by multi- agencies such as local MPs, South Yorkshire Police and Members of the City Council, as well as frontline services, which help women who have been affected by violence and sexual harassment. She added that sexual violence started at a young age and asked the question how could a scantily clad woman stand up for herself against a man. She asked how could the City Council allow unlimited numbers of SEVs in the city, sending out the message to women and girls, that their safety and dignity were not considered important, and added that many women felt unsafe walking around the area due to the attitudes of men, towards women, who attended the venue. She felt that the location of the club, within Hallam University's plans for the City Campus, meant that the University would be the only one in the country with its own on-site strip club and that it would not help young women to make a positive choice when considering which University to attend.
- 4.5.11 Tom Boydell, who worked at Hallam University, asked the question "what does demean actually mean". He said that as a male he wanted to live and work in an equal relationship with females and felt that Spearmint Rhino did not allow this to happen.
- 4.5.12 Charlotte Mead, a Member of the Sheffield Women's Equality Party, stated that it was the fourth time that she had objected to the licence renewal of Spearmint Rhino. She said that strip clubs form part of the sex industry and that the area surrounding the venue would be changing due to the proposed Hallam University Campus. She further stated that the City Council had a duty to protect the people of Sheffield and keep everyone safe. Ms. Mead said that the Sheffield Labour Party stood for fairness and equality but the Council's Labour Administration, by allowing a club of this nature, and by allowing SEVs, did not promote this.
- 4.5.13 Martine Taube expressed her concerns about this high-risk industry which forced women to work in a grey area. She stated that she wasn't aware if the women paid tax, national insurance or pension contributions etc., and being self-employed placed them in a vulnerable position. She felt that the industry was not transparent enough and that the Council could impose many conditions onto the licence, but the employment rights of women were very unclear. Ms. Taube stated that there should be more scrutiny with regard to the industry and that the women who work within it should have more choice with regard to their contracts. She felt that the club in no way contributes to society.
- 4.5.14 An objector spoke on behalf of the Development Education Centre and stated that the Sub-Committee should be strong enough not to grant the application. She felt that there should be a new approach to lap dancing clubs and that legislation should be changed to reflect this. Since a loophole was discovered in the legislation which stated that premises no longer needed nudity licences, there had

been a massive increase in these types of clubs. She referred to licences in other parts of the country that had been applied for and refused, to the failed judicial review in Oxford and requested that the Council should follow this lead and refuse not only this application but eliminate SEVs in the City. She then referred to maps of the area, to the different uses of the buildings surrounding the club and the impact and its inappropriateness on the area. She emphasised the changes in the number and type of educational facilities in the area, stating that Sheffield College was not far away, that it had sites on Eyre Street and Matilda Street, the UTC was close by and the College also ran robotics clubs for seven year olds. She then made reference to the lack of signage and stated that this made no difference as people knew what the club was and what it stood for. She then referred to an objection contained within the report from a 16 year old girl, born and bred in Sheffield who was currently thinking about her choices of where to study at University but would never choose a University that had a strip club in the middle of several of the main University buildings and next door to the Student Union building.

- 4.5.15 An objector stated that, although being male he was also a feminist due to life experiences. He had worked in the social security sector, had also worked with abused women and had done a doctorate about feminism. He said that although a substantial number of women had been elected to Parliament, the country was still by and large governed by men. In the 1980s, there had been a rise in the number of “gentlemen’s club” but no true gentleman would visit one. He asked that Members be bold in their decision-making and ensure that time is up for this kind of venue.
- 4.5.16 A testimony was read out from a lap dancer which stated that she was forced to start dancing at Spearmint Rhino by her husband and it made her physically sick and she was introduced to cocaine to block out the reality of what was happening. The more she worked, the more drugs she took and the owners of the clubs were aware of the drug taking and drug dealing that goes on inside the premises. The testimony added that these kind of establishments ruin lives.
- 4.5.17 Sammy Woodhouse stated that she had worked in the lap dancing industry for 10 years, starting at the age of 18, but had been a victim of child abuse since the age of nine. She had started as a vulnerable, impressionable single mother who had discovered a way of earning extra money to support herself and her child. Her traumatic childhood had already left her vulnerable and she had little self-confidence and low self-esteem, and working within the industry had the opposite effect of building her confidence and sense of empowerment. She had experienced first-hand the overwhelming aspect of inequality as a dancer, had been sexually assaulted, verbally abused, suffered harassment and intimidation by the public and members of staff. As time went by she grew to hate men and gave instances of how she exploited them. She stated that the dancing industry was horrific and that all SEVs should be closed down. She now focuses on travelling around the country, working to change the policies and legislation governing the industry and speaking up about the exploitation of women at these venues. She finished by saying that although it was her personal choice to get into the industry in the first place, it didn’t make it right.

- 4.5.18 Natasha Harcroft, Barrister on behalf of the objectors, stated that the Sub-Committee had discretion to change its policy on SEVs, that they should refuse to grant if they think the club was inappropriate and the fact that the club had been previously licenced should not make any difference. She said they had a duty under the Equality Act to refuse to grant, that it was not a matter of ticking boxes and because it was lawful to grant the licence, it didn't make it right to do so. She felt that the presence of the club diminished equality between the sexes and freedom of movement within the city, especially amongst those with a protected characteristic. With regard to the locality, prospective students, arriving from the railway station, would see the building as part of the Cultural Industries Quarter, amongst student accommodation and close to the student union building. She stated that the concerns of the objectors were not moral objections, but showed the depth of feeling amongst them.
- 4.6 Philip Kolvin, Q.C., on behalf of Spearmint Rhino, stated that this was the 7th application made by Spearmint Rhino under the present legislation. He further stated that last year's decision took account of the Equality Impact Assessment (EIA) and the conditions placed on the licence and mandatory grounds for refusal did not arise. He referred to the management of the premises, the locality and the vicinity and the premises themselves. Regarding the suitability of the management, he said the manager had been employed there for the past 13 years, and together with the door staff, they had been there for a total of 50 years between them. Mr. Kolvin stated that there was no record of public nuisance, crime and disorder, no risk to children or public safety, and no non-compliance with the licensing objectives. He further stated that the rules of the club were clearly published, understood by everyone, and effectively enforced in a highly regulated environment. Mr. Kolvin then commented that much had been said by the objectors about the mis-treatment of the dancers at the club, but there was no evidence to back up these arguments. 75% of the staff were female and indeed, the President of Spearmint Rhino was a woman. With regard to questions raised about the reliability of the answers given in the questionnaire to the dancers last year, (which were submitted as part of the consultation for the Council's Sex Establishment Policy), the dancers themselves had stated that they were not mistreated, that they felt valued and protected and were not exploited in any way. A Condition imposed last year was that the venue be inspected four times during the year and on each of these occasions, the club had passed with flying colours. Mr. Kolvin then introduced one of the dancers at the club who wanted to speak in favour of the application.
- 4.7 A dancer at the club and mother of two, gave positive views and experiences of her work at the venue. She said that club had transformed her life and had given her the opportunity to improve her lifestyle. She spoke with regard to the proposed Campus Masterplan and felt that it was unfair to be forced out of the city centre, or maybe even closed down altogether, thereby losing her income. The dancer felt that the objectors based their views on assumptions. The dancers don't offer "extras", the staff keep them safe, she had never witnessed any fights or mass brawls, there is a strict customer "no touching" rule which was followed, and the girls are trained how to dance so that touching wouldn't happen. The dancer said that the female body was beautiful, not something to be ashamed of and hidden away and she also worked to help people gain confidence about

themselves and their bodies. With regard to the online trolls that had been mentioned, she referred to the fact that only the negative comments had been mentioned, none of the positive feedback had been spoken about. She finished by stating that her experience at Sheffield's Spearmint Rhino was brilliant, that she had never been forced into doing something she didn't want to do and had never been degraded by anyone.

- 4.8 Mr. Kolvin then referred to the allegations made by Sammy Woodhouse and asked members of staff of Spearmint Rhino if they could recall any of the incidents referred to. The Manager, Assistant Manager and SIA doorman all stated that they didn't recall her ever working at the club. Mr. Kolvin then referred to the appropriateness of the venue within the locality and stated that little had changed since the previous year, and that Brown Street generally at night was very quiet, and was a low crime area. Again, as reported in previous applications, no drinks are allowed outside, there is never a mass exodus of those leaving the premises, and customers arrive and depart in small groups. He added that when the Council consider granting licences, it relies on input from the responsible authorities, and, as in all the club's previous applications, no objections have been received. Mr. Kolvin said that, after 16 years, the adverse impact of the venue within the area had been nil.
- 4.9 Mr. Kolvin referred to the reasons given for last year's decision, which in his opinion was a balanced decision, and there had been no legal challenge to it. He referred to the Sheffield Hallam University Masterplan and stated that it would take 20 years to come into fruition, the CIQ had grown around the premises and that in regard to those who were horrified by the presence of the venue, he suggested this was not a statutory reason to refuse the application. Mr. Kolvin stated that the premises were visited by women as well as men, and no children were in the area during the hours of operation. He acknowledged that lap dancing was not something everyone agreed with, but Spearmint Rhino was a well-run, well-regulated establishment and asked that the application be granted. In addition, Mr. Kolvin referred to minutes from a Women's Hub meeting, where they decided not to oppose the SEV licence renewal application.
- 4.10 In response to questions from Members of the Sub-Committee, Mr. Kolvin stated that the door staff and bar staff are paid as employees, but the dancers are self-employed. He said that the applicant is a registered company and therefore could be scrutinised, and the dancers themselves chose to be self-employed. Mr. Kolvin added that Spearmint Rhino Sheffield had 40 registered dancers and 20 other staff employed there and everything was legal and above board. Regarding allegations made regarding customers touching the dancers and existence of private rooms inside the premises, Mr. Kolvin stated that there were no private rooms and the rules of the club are posted all over the premises and if customers attempted to touch any of the dancers, they would be immediately ejected from the club. He said that during the week, there were between five and 10 dancers working each day, rising to 20 dancers at weekends, on a rota basis, which was done the week before, but there were no hard and fast rules and dancers could check on the same day to ask if there were any vacancies to dance that evening. Customers buy chips to pay for dances and if a customer was found to be purchasing an excessive amount of chips, he would be investigated. Mr. Kolvin

stated that the club was covered by CCTV and kept up to date incident logs and these were available for inspection at any time. At the licensing hearing last year, it was reported that the area was run-down, in a poor state of repair and litter strewn everywhere and the owner contacted those in the area with the aim of cleaning up the area, but received no response.

- 4.11 Martine Taube summed up the case for the objectors, stating that she believed the questionnaires filled in by dancers were filtered and could have been changed to suit the applicant. She said that the premises were clearly visible from the Showroom, that the Site Gallery, after undergoing extensive refurbishment, was due to re-open in September and to ask young people to sit side by side with Spearmint Rhino was unacceptable. Ms. Taube stated that 62-64 Brown Street remained undeveloped and had been for some time. It was felt that the venue, by being located in the area, would jeopardise the £220m planned development by Sheffield Hallam University and that major investors would think hard before investing in the project. She felt that the former dancer, Sammy Woodhouse should be given the opportunity to respond, whereupon Ms. Woodhouse stated that she had nothing to gain by telling lies, that she had travelled all over the country dancing, sometimes under a different name, and if required to do so, she could produce times and dates of her time dancing in Sheffield and she had nothing to gain financially by speaking out at the hearing.
- 4.12 Philip Kolvin summed up on behalf of the applicants, stating that in a large city like Sheffield, there were bound to be a wide range of differing views, but there were only a small minority who were opposed to Spearmint Rhino. This venue formed part of the night-time economy, and there had been no changes from last year. The applicants contribute to the city, provide employment to 60 staff and the dancers do not wish to be self-employed, enjoying the flexibility that their current situation accords. Further, 62 and 64 Brown Street are occupied for storage and economic use, and the premises have communicated with their neighbours in order to continue working alongside them without issues, and to engage with the local businesses. Many are in support of the club however do not wish to speak out due to fear of reprisals.
- 4.13 Craig Harper outlined the options open to the Sub-Committee in relation to the application.
- 4.14 RESOLVED: That, in accordance with the agreed hearing procedure, 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 It had been determined that the decision would be communicated to all concerned at the same time, as soon as reasonably practicable, and in any event, within 5 working days.

- 4.17 RESOLVED: That the Sub-Committee agrees to grant the application for the renewal, for a period of 12 months, of the Sexual Entertainment Venue Licence, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS, in the terms requested.

(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 21 June 2018

PRESENT: Councillors Josie Paszek (Chair), Neale Gibson and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - OHM, UNIT 14, WEST ONE PLAZA, FITZWILLIAM STREET, SHEFFIELD, S1 4JB

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary the Premises Licence in respect of the premises known as OHM, Unit 14, West One Plaza, Fitzwilliam Street, Sheffield, S1 4JB (Ref No. 67/18).

4.2 Present at the meeting were Chris Grunert (John Gaunt and Partners, Solicitor for the Applicants), Matthew Ray (Operations Director, OHM, Applicants), Efe Omu (Director, SO Commercial, Applicants), Jonathan Round (Environmental Protection Service, Objector), 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 Environmental Protection Service, and were attached at Appendix 'C' to the report. Mr Stephenson also referred to the additional information received from the applicant's Solicitor, and which had been circulated to Members of the Sub-Committee at the hearing.

4.5 Jonathan Round made representations on behalf of the Environmental Protection Service (EPS), indicating that he was objecting to the increase in the opening hours and the plans to install speakers in the external area on the basis that both proposals would create a public nuisance in terms of increasing noise levels in the area. Mr Round stated that, when West One Plaza was developed, in 2010, there

was a 30% split in terms of retail, leisure and commercial development. However, over the years, the split had become more varied, and now comprised a higher percentage of leisure facilities, including restaurants and bars, which had caused a certain level of concern for residents living in the flats above. He stated that, over the last seven years, the Council had received five applications to increase the terminal hour of pubs in the development, with two having been granted and two refused. Mr Round indicated that he had particular concerns regarding the proposed use of external speakers which he believed, if not managed properly by the venues, or monitored adequately by the Council, could result in the surrounding licensed premises, which already had such speakers, playing their music louder in order to attract, and retain, customers. OHM had used Temporary Event Notices (TENs) (two in 2017 and three, to date, in 2018), which had resulted in a complaint of noise nuisance being received in respect of an event at the premises on 27th May 2018. Officers from the Night Time Enforcement Team had visited the premises following the complaint, and had witnessed a larger-scale event at Revolution which neighboured the premises, and which comprised external music and people dancing outside. As well as the potential for other licensed premises trying to compete with each other by playing music louder, Mr Round had concerns that the music being played through the external speakers, regardless of its volume, could be on 12 hours a day, seven days a week.

- 4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, it was confirmed that legislation requires applicants to serve notice of such applications on the responsible authorities, as well as advertising the application on the premises, for a period of 28 days, and advertising the application in the local press. Mr Round stated that a high proportion of the residents in the flats above the premises were transient, and therefore tended not to formally object to such applications. Although the EPS had not taken any action with regard to complaints of noise nuisance at the premises, or taken any readings in respect of noise limits, there had been problems of noise nuisance when the premises operated as The Hop, which hosted several live music events a week, and the licensee of that premises had been requested to install additional sound insulation. The Service had also responded to complaints from local residents regarding noise caused by customers sitting outside Revolution. In addition, the Service had instructed the licensees of all premises at West One Plaza to monitor the external areas, requiring customers to keep noise levels down. Mr Round confirmed that the majority of complaints from local residents referred to noise nuisance in respect of the licensed premises and, following complaints received regarding The Hop, a condition had been added to the Premises Licence requiring that recorded/live music should stop at 22:30 hours. Since 2010, the Service had received 25 complaints of noise nuisance (external music and noise breakout) regarding licensed premises at West One Plaza. It was accepted, to a certain extent, that residents living in the City Centre tended not to complain of noise nuisance due to their acceptance that noise levels were likely to be higher than in other areas of the City. Whilst the Service had received a number of queries/complaints from residents living in the City Centre, very few were actually followed up as they did not want the inconvenience of officers attending their properties, and installing the required equipment, often late at night. The Service had particular concerns about the external speakers on the basis that noise sources were being introduced to an area where there was currently no noise, and that such an introduction was likely to

result in customers sitting in the area speaking louder. This was likely to result in a persistent inconvenience for those residents living within the immediate vicinity of the external area. Whilst the Council had not looked at the cumulative impact of such applications in respect of licensed premises at West One Plaza, the Service had suggested that the licensees be requested to adopt a more co-ordinated approach in terms of their respective operations, with the aim of minimising any adverse effects on local residents. The Sheffield City Centre Residents' Action Group (SCCRAG) had made representations in the past regarding noise nuisance at West One Plaza, particularly relating to incidents at an event during Tramlines one year. Apart from the complaint received regarding the event on 27th May, 2018, there had been no complaints received with regard to noise nuisance at any of the events held at the premises using TENs. In terms of a breakdown, by year, of the 22 complaints of noise nuisance received in respect of West One Plaza since 2010, three had been received in 2018, two in 2017, two in 2016, three in 2015, four in 2014, two in 2013, two in 2012 and four in 2010. The three complaints received this year related to the event held, using a TEN, on 27th May, 2018, and not to any of the other three events held at the venue, using TENs.

- 4.7 In response to questions from Chris Grunert, Mr Round confirmed that, apart from the incident on 27th May, 2018, all the interventions by the EPS with regard to the premises pre-dated Mr Ray's involvement. There was the possibility that, as the former premises (The Hop) had live entertainment, this was more difficult to manage in terms of noise breakout. With regard to events held at the premises and Revolution on 27th May 2018, and further to the photographs referred to by Mr Grunert, specifically the event at Revolution, Mr Round stated that, following a complaint received by the EPS, the Night Time Enforcement Team called at West One Plaza at around 21:30 hours, and the officers witnessed excessive noise within the courtyard of OHM. In terms of the external speakers, Mr Round stated that it would be very difficult to set the volume to a suitable level, particularly given a likely variation in the number of customers visiting the premises on different days of the week. Whilst accepting that the external area faced on to Fitzwilliam Street, resulting in there being a certain level of background noise, mainly from traffic, it was the aim of the EPS to minimise any noise levels that could be controlled, such as the music system in a licensed premises. Mr Round confirmed that the Council could take action if there was any breach of conditions relating to noise levels, and indicated that, following a complaint regarding noise nuisance relating to the use of external speakers at Los Iguanas, in West One Plaza, in 2017, the EPS took action and the volume limit was reduced. Mr Round confirmed that the Council had not taken any such action against OHM within the last 12 months.
- 4.8 Chris Grunert put forward the case on behalf of the applicants, indicating that there were three main elements of the proposed variation, namely the extension of the opening hours, the provision of late night refreshments and the use of external speakers. He stated that, since the premises opened as OHM, in May 2017, there had been no reported issues regarding noise breakout, and that there were no plans to change the arrangements with regard to live music, which was permitted up to 23:00 hours. With regard to the external speakers, Mr Grunert stated that it was proposed that the volume level would be set in consultation with the EPS, and could only be subsequently altered by an expert. He stressed that the applicant wanted the external speakers to play background music, for the benefit of those

customers who wished to sit in the external area. He referred to the incident on 27th May 2018, indicating that, in his opinion, the applicant had acted responsibly in terms of the noise levels used during the event, and that the main source of the noise had been the large speakers directly outside Revolution. Mr Grunert stated that, under the legislation, there was always the option of one of the responsible authorities requesting a review of the Premises Licence if there were issues regarding noise nuisance at the premises. In terms of representations, Mr Grunert pointed out that there had been no objections to the application from members of the public, as well as any from any representative bodies, such as SCCRAG.

- 4.9 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee and Clive Stephenson, it was confirmed that the premises had opened in May 2017, and that all other complaints of noise nuisance regarding the premises related to when it was The Hop. In terms of noise attenuation measures, the applicants had been requested, as part of their application for a Premises Licence, to install further insulation material. The reason for the external speakers was simply to attract more customers to the premises, and to create a pleasant and welcoming atmosphere. It was accepted that as people drank more alcohol, they tended to talk louder but, with the volume level having been set, there was no way, other than a further application to vary the Premises Licence, that the applicants could increase the volume. Whilst the applicants were happy to liaise with the EPS in terms of the volume of the music playing through the external speakers, they considered that the level should be relative to the background noise in the area. The applicant has attempted to have constructive discussions with the EPS throughout the application process. However, the EPS has not fully engaged as its view is that any additional noise in the area would lead to a public nuisance and, as such, does not feel there is an 'acceptable level' that could be reached. The applicant stated that the license trade was a very competitive market, and some customers like to sit outside, either to smoke or simply to talk, particularly during the summer months, and that having music played externally would simply make it a better experience for the customer. The applicants had chosen to apply to the Licensing Authority first, as opposed to the Planning Authority, as there were benefits to the application which could be achieved immediately. It was believed that additional noise insulation material and secondary glazing had already been installed in the premises by the previous occupiers, and that the applicants had installed further insulation material, as part of the application, prior to opening in May 2017. There was very little, if any, noise breakout from the premises when all the doors and windows were closed. It was proposed that the music to be played through the external speakers would reflect the music being played inside the premises. In terms of the request to extend the opening hours, as part of the application, the applicants simply wanted the flexibility to take advantage of the extended times if and when required. Whilst there were no immediate plans to have any forms of agreement with the licensees of the other licensed premises within West One Plaza, the applicants intended on applying for further TENs if they wanted different or bigger events at the premises. The style of music played at the premises was commercial R&B and chart music, with a DJ playing on Friday and Saturday nights. The licensee did talk to other licensees of the other premises in West One Plaza, and was a member of UNITE which comprised a number of licensees in the City Centre. The applicants pointed out the location of the premises' kitchens on the maps circulated, and indicated that the kitchens would

close at 21:00 hours, with the extractor fans shutting off at approximately 22:00 hours.

- 4.10 In response to questions from Jonathan Round, it was stated that the applicants had spoken to their landlords (City Estates) in connection with the proposal to increase the opening hours. The applicants, however, had not spoken to the other licensees of premises in West One Plaza regarding the proposal for external speakers, or the proposed increase in the opening hours, mainly as they were considered only minor changes, and were not expected to have an adverse impact on them. The applicants had not really given consideration to the volume of the music to be played through the external speakers, and would deal with this, including liaising with the EPS, when the application for planning permission was to be submitted. It was hoped that the volume level would be set in recognition of current background noise levels, and at a level which would not cause any public nuisance. The applicants were more than happy to accept guidance from the EPS in connection with setting an appropriate volume level. The applicants were fully aware of the extent of the TENs, indicating that they were entitled to have 15 such events, covering a period of 21 days in a period of one year.
- 4.11 Jonathan Round summarised the case on behalf of the EPS.
- 4.12 Chris Grunert summarised the case on behalf of the applicants.
- 4.13 Clive Stephenson reported on the options open 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 the Sub-Committee agrees to vary the Premises Licence in respect of the premises known as OHM, Unit 14, West One Plaza, Fitzwilliam Street, Sheffield, S1 4JB (Ref No. 67/18), in the terms requested, subject to the approval of the Planning Authority and subject to the addition of the following conditions:-
- (a) the volume of the external speakers to be set at a level agreed between the Environmental Protection Service and the applicants; and
 - (b) the insulation measures at the premises be at such a level as not to result in any noise breakout which causes issues for residents living above the premises.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 June 2018

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

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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 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. 68/18 attended the hearing, and addressed the Sub-Committee.

4.3 The licence holder in Case No. 69/18 was not able to attend the hearing on the basis that he had a hospital appointment, of which he provided proof.

4.4 The applicant in Case No. 70/18 attended the hearing, and 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 meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
68/18	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 Safety Act 2006, on the grounds that, in the light of the incident now

		reported, and his previous licence record, the Sub-Committee considers that the licence holder is no longer a fit and proper person to hold a licence.
69/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the review to a further hearing to enable the licence holder to attend, and present his case.
70/18	Application to be exempted from certain conditions of a Private Hire Vehicle Licence	In light of the information now reported, the Sub-Committee agreed that the exemptions now requested be allowed, subject to the applicant adhering to the conditions set out in Appendix 'B' to the report, on the basis that such exemptions were required and relevant to the nature of his work.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 July 2018

PRESENT: Councillors Josie Paszek (Chair), Neale Gibson and George Lindars-Hammond and Joe Otten

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SINATRAS, 213 GLOSSOP ROAD, SHEFFIELD, S10 2GW

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a Premises Licence in respect of premises known as Sinatras, 213 Glossop Road, Sheffield, S10 2GW (Ref. No. 71/18).

4.2 Clive Stephenson (Licensing Strategy and Policy Officer) reported that the applicants had indicated that they were no longer able to attend the hearing on this date, and had therefore requested that consideration of the application be deferred to another date. Mr Stephenson also stated that a number of the objectors to the application had also indicated that they were unable to attend the hearing on this date.

4.3 **RESOLVED:** That in the light of the information now reported, consideration of the application be deferred to a future date, no later than 30th September, 2018.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 July 2018

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

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - DALBURY AND PALMER, 40 WOSTENHOLME ROAD, SHEFFIELD S7 1LJ

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, to grant a premises licence in respect of the premises known as Dalbury & Palmer, 40 Wostenholme Road, Sheffield, S7 1LJ (Ref No. 72/18).

4.2 Present at the meeting was Chris Grunert (John Gaunt and Partners, Solicitor for the Applicants), Lauren Seigies (Applicant), Dominic Seigies (Applicant), Sarah Johnson (Objector to the Application), Chris Johnson (Objector to the Application), Julia Triandafillithis (Licensing Enforcement and Technical Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and Sarah Cottam (Principal Committee Secretary).

4.3 The Chair of the Sub-Committee welcomed everyone to the meeting and introductions were given. Samantha Bond then outlined the procedure which would be followed during the hearing.

4.4 Julia Triandafillithis presented the report to the Sub-Committee, and it was noted that representations had been received from seven members of the public and were attached at Appendix 'C' to the report. Additional information was also referred to which was received by the applicant's Solicitor. This had been circulated to Members of the Sub-Committee prior to the hearing.

4.5 Sarah and Chris Johnson made representations on behalf of the other local residents who had objected to the application, but primarily their representation was around 'prevention of public nuisance'. Mrs Johnson also alluded to anti-social behaviour (ASB) and litter in the area.

- 4.6 Mrs Johnson advised that being located in a residential area, the serving of alcohol until midnight, seven days a week seemed inappropriate in terms of noise and the potential for rowdy behaviour, which was already an issue in the neighbourhood. There were concerns over people arriving and leaving the premises, car doors banging, especially late at night and the proposed beer garden would also cause noise through the day. Mrs Johnson also raised concerns that the rear fire exit door of the building was being used to gain access to the beer garden and stated that the premises were advertising the use of the beer garden on social media.
- 4.7 Mrs Johnson commented that there had been constant building work carried out on the premises for the last four years and felt the premise owners have shown little regard for its neighbours. In relation to the problem of litter, in 2016 the industrial waste bins at the premises were left overflowing for a long period of time, which eventually caused a fire.
- 4.8 Mrs Johnson advised that there was a residential care home approximately fifty yards away from the hotel; this raised a concern that the vulnerable people living there would be disturbed at a late hour with customers leaving the premises.
- 4.9 Mrs Johnson spoke of the long history of issues at the location which continued to make the neighbours anxious. Through a recent mediation meeting between the owners of the premises and the neighbours, residents were asked to put trust in them that they would prevent public nuisance from occurring, however Mrs Johnson finds it difficult to believe and trust the owners of the premises due to the long history of issues with previous owners of the site. However, Mrs Johnson did add that due to the opening of the restaurant Casa Mia, the premises had improved and she did wish both the owners of Casa Mia and the hotel well and wanted to be reasonable about the concerns being raised.
- 4.10 In response to questions from Members of, and the Legal Advisor to, the Sub-Committee, it was advised that the building work had been continuous since 2013 and it was felt that the work being carried out was undisciplined. Debris from the forecourt gravel would wash down into the road near a bus stop when it rained. Mrs Johnson advised that on one occasion she could not access her garage, due to the owners of the site unsafely cutting down a large Sycamore tree, which made the driveway impassable. Mrs Johnson would have liked to have been informed that this was happening beforehand.
- 4.11 Mr Johnson advised the Sub-Committee that he and Mrs Johnson had not themselves experienced any direct noise nuisance from the premises, but could see it getting out of hand if the licence was granted.
- 4.12 Apart from the mediation meeting, there had been no other communication with the owners of the premises; however, Mrs Johnson felt that her concerns could comfortably be raised with the owners and had in fact been raised through the mediation meeting. Mrs Seigies had supplied a direct telephone number to Mr and Mrs Johnson and any nearby residents who request it, to call if they had any further concerns.

- 4.13 In terms of anti-social behaviour, Mrs Johnson advised that this was just a general overview of the crime statistics which showed that particular area was a hotspot for drug dealing and gangs culture, however, Mr and Mrs Johnson had not experienced this first hand.
- 4.14 Chris Grunert put forward the case on behalf of the applicants, indicating that he had submitted an extra plan which had been made available to the Sub Committee and the other parties. The development was much larger than first anticipated and a lot of progress had been made on site in the last four years. Mr Grunert also confirmed that there were no ongoing issues or breaches concerning Building Standards or Planning consent.
- 4.15 The site currently had a licence covering the Casa Mia restaurant, which was operated by a Mr and Mrs Santos. The aim of this application was to create a second shadow licence covering the Casa Mia area and also the new lounge/bar area in the hotel. The hours and activities for non-residents were unchanged by this application for Casa Mia, but was extended to the new area. The restaurant was currently licensed to serve resident and non-resident customers until midnight.
- 4.16 The initial plan for the additional trading was to create a breakfast room serving continental breakfast to residents, this then extended to include a breakfast service to non-resident customers, although it was anticipated that this would be a small market. After breakfast through to early evening it was intended that the area be operated principally as a coffee shop with light bite food, although alcohol would be available from 11am for non-resident customers and again it was anticipated that there wouldn't be significant demand until later in the day. At night time the area would be used as a lounge bar.
- 4.17 Mr Grunert advised that the profiled clientele in the evenings would be people for after work drinks, diners visiting Casa Mia and the hotel residents. The internal seating capacity for the venue was estimated at twenty four or less persons with a small standing area. The proposed licence mirrored the current permission including provision for the consumption of alcohol in the external areas provided for that purpose. Mr Grunert advised that, as part of the application a, 'residential exemption' to allow the sale of alcohol to residents would be added to the licence, as this was not currently available on the licence and was very common on hotel licences generally. It was advised that no issues had arisen from the Casa Mia Restaurant.
- 4.18 With regards to the mediation meeting that took place between the owners of the premises and local residents, it was felt that this had mixed success, but was good to air and discuss the issues raised. It was hoped that this meeting would help in gaining trust from the local residents and he accepted that the trust would need to be earned, due to the long history of issues at the site. Mr and Mrs Seigies wanted the hotel to become a community hub in the area and to make it a nice place for residents. Mrs Seigies advised that she would be happy to hold weekly or monthly meetings with local residents regarding any issues they may have and as she also has an interest in Brewer and Hop, she could also raise any

issues direct with them.

- 4.19 In response to questions from Members of, and the Legal Advisor to the Sub-Committee and Mrs Johnson, it was confirmed that there was ample car parking to the front of the building which could accommodate up to ten cars, however the car park did not get full to capacity very often, so was adequate at the moment. There was also off street parking available on the main street at the front of the building. There was also an area where taxis could pull into the car park and drop off customers.
- 4.20 With regards to the toilet facilities at the premises, specifically disabled access it was advised that Mr Pitts from the Environment Protection Service had no issues with current toilet facilities in the building.
- 4.21 Mrs Seigies advised the Sub-Committee that comments made via social media in respect of the use of the outside area was a comment made from Casa Mia Restaurant's social media account and not the hotel. The hotel was only proposing to use the outside area for drinks on nice days. The issue over Casa Mia using the fire exit door to gain access to the outside area would be raised directly with the owners. Mr Grunert did clarify that there was currently no restrictions over the use of the outside area at the present time.
- 4.22 Mr Grunert confirmed that there was disabled access to the building and this had been clarified with the Health and Safety Officer. There was a track leading to the rear of the building which allowed disabled access.
- 4.23 Mr and Mrs Seigies confirmed that they would not be offering private functions. The Casa Mia restaurant only offered meal functions with background music and no complains had ever been received regarding this.
- 4.24 Mrs Seigies advised the Sub-Committee that she managed the bookings for the hotel and would always try to keep noise levels at a reasonable level in the hotel and this would be managed through her duty under the licensing objectives. It was hoped that the further conditions proposed to the licence would help mitigate this. Mrs Seigies informed the Sub-Committee that she had been involved with the business since September 2017 and was unaware of previous issues at the site. Mr and Mrs Seigies have held previous hospitality roles working in hotels and bars, so have experience in this field of work.
- 4.25 Sarah Johnson summarised the objections to the application.
- 4.26 Chris Grunert summarised the case on behalf of the applicants.
- 4.27 Julia Triandafillithis reported on the options open to the Sub-Committee.
- 4.28 **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.

- 4.29 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.30 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.31 RESOLVED: That the Sub Committee agrees to grant the premises licence in respect of the premises known as Dalbury and Palmer, 40 Wostenholme Road, Sheffield, S7 1LJ (Ref No.72/18), in the terms requested, subject to the following conditions:-
- (a) The consumption of alcohol in external areas shall not take place after 22:30hrs daily;
 - (b) Polite notices asking patrons to have consideration for neighbouring residential properties when in external areas, shall be posted at the exit to the beer garden and within the 'coach house' accommodation block;
 - (c) Doors and windows in the licensed areas shall remain closed, save for access or egress, after 23:00hrs whenever regulated entertainment is provided; and
 - (d) The Designated Premises Supervisor (DPS) will provide a direct contact telephone number to any local resident upon request.

(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 19 July 2018

PRESENT: Councillors Josie Paszek (Chair), Jack Clarkson and Mick Rooney

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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 applicant in Case No. 61/18 attended the hearing with his sister, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No.74/18 did not attend the hearing and the case was considered in his absence.

4.4 The licence holder in Case No.69/18 attended the hearing and 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>
61/18	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term of 12 months, as requested, subject to the applicant successfully passing all tests normally required of a new applicant; (b) in the light of the offences and convictions now reported, a warning be placed on the

licence for its duration and (c) if there is any cause for concern in that 12 month period, the licence be referred back to the Sub-Committee.

74/10 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 2006, as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer deemed a fit and proper person to hold a licence.

69/18 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 Safety Act 2006, as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer deemed a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 26 July 2018

PRESENT: Councillors David Barker (Chair), Jack Clarkson, Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten, Josie Paszek and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Andy Bainbridge, Lisa Banes, Neale Gibson, Adam Hurst 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. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of (a) the Licensing Committee held on 10th and 16th May and (b) the Licensing Sub-Committee held on 6th July, 2017, 10th, 24th and 26th April, 1st, 8th, 10th, 15th and 22nd May, and 5th and 12th June, 2018, were approved as correct records.

5. PRIVATE HIRE VEHICLE POLICY

5.1 The Chief Licensing Officer submitted a report on a review of that part of the current Private Hire Vehicle Specification as relates to windows, as detailed in the Private Hire Operator and Vehicle Policy.

5.2 Clive Stephenson (Licensing Strategy and Policy Officer) introduced the report, stating that the current policy had been effective since November, 2016 and the matter had been widely debated with the licensed trade associations, independent drivers, the Police and other Licensing Authorities and the review had been long awaited by everyone concerned. He said that he had carried out extensive investigations with car manufacturers to ascertain window tint specifications but not all manufacturers were able to specify the tint specification, but of those that could, the majority indicated it was 65%. Clive Stephenson said that vehicles were being updated by manufacturers all the time, that personal choice came into play with regard to window tints and these sometimes fell outside the policy criteria. He added that if a driver purchased a car that didn't comply with the policy, it was very expensive to replace the glass and people were not always aware of what the light criteria was. He then directed Members to paragraph 5.2.5

of the report, and asked them to consider that where heavier tinted glass was fitted, CCTV in licensed vehicles should also be fitted.

- 5.3 In response to questions from Members of the Committee, Brendan Twomey (Legal Adviser to the Committee), advised that there was a conflict between the Regulations governing the use of tinted glass and the Government's guidance on the same. He clarified by stating that the Regulations set a standard at 70% light transmission for all windows apart from windscreens, but the Government advised Local Authorities to determine their own standard and should be mindful of the cost and inconvenience to drivers of changing the glass to comply with the regulations. Clive Stephenson stated that the Police were the Enforcing Authority, and would stop drivers who used self-administered tints to their windows, which were usually of poor quality, and did not have the kite mark on them. He added that the Licensing Service needed a standard to test against when vehicles were put through the MOT. He said it was unusual for quarter light glass to the rear of vehicles to be different from the rest, as the glass was very hard to smash, thereby very rarely needed to be replaced. Also, glass to the rear of estate cars was generally darker for the security of any luggage carried, in that people couldn't see what was inside. He further stated that the impetus for the review had arisen due to vehicles failing the MOT due to privacy glass being fitted to rear glassed windows as standard, and licensees finding it increasingly difficult to find vehicles which fitted the criteria. He added that manufacturers of high-end luxury vehicles were moving towards darker tinted glass and even "reactolight" windscreens, and stated that just 5% darker tint was hard to notice with the naked eye, adding that the Police and Licensing Enforcement Officers had a machine they could place against the windows to establish the level of the tint. Following questions and comments regarding the installation of CCTV, Clive Stephenson stated that he believed that it would be in the interests of both drivers and the public for CCTV to be fitted if heavier tinted factory glass was permitted.
- 5.4 With regard to out-of-town drivers, Clive Stephenson informed Members that it was impossible to check if those vehicles met the required specification and Enforcement Officers were unable to carry out checks on them. He said that the City Council awarded contracts to companies outside the city to do school runs and there was nothing to prevent Sheffield-based companies sub-contracting to companies not governed by Sheffield's policy. It was stated that mini-bus drivers were not checked in the same way as licensed vehicle drivers were, but it had been found that Sheffield's licensed drivers were the best in the country for adhering to taxi licensing requirements and should a person or vehicle fail to meet the policy criteria, they would be brought before the Committee.
- 5.5 Hafeas Rehman, Chairman of the Sheffield Taxi Trade Association, thanked the Committee for the opportunity to speak. He stated that he was in favour of allowing heavier tinted windows as drivers were having to spend thousands of pounds in changing the windows in their vehicles. He added that he supported the installation of CCTV which would overcome the issue of vast differences in manufacturers specifications and personal choice. Mr. Rehman stated that the majority of out-of-town vehicles and minibuses had heavily tinted windows, and they were not governed by the same policy as Sheffield's licensed drivers.

- 5.6 Lee Ward, Chairman of ALPHA (a Local Private Hire Association), also thanked the Committee for the opportunity to speak. He read from a prepared statement and added that a darker level tint had no impact, that it was easier to see out of the windows, rather than see in and due to the recent hot weather, journeys were more comfortable with tinted windows. He added that all licensed drivers were passed as fit and proper to carry passengers. He supported factory fitted glass specification as long as it carried the approved kite mark.
- 5.7 Tariq Nazir, GMB Union Representative, stated that very few taxi drivers owned brand new cars and it would be difficult to ascertain the specification of the glass by both the buyer and seller of second hand cars. He felt that changing windows, although expensive, was a one-off payment, but was unaware of the cost implication of installing and maintaining CCTV and would like to see this investigated further.
5. The Chair then referred to the options available to the Committee.

RESOLVED: That the Committee amends the Private Hire Vehicle Specification with regard to windows, under the Private Hire Vehicle Policy, as follows:-

- (a) the policy be amended by the replacement of the words “remaining glass - minimum 70% light ingress transmission”, by the words “replacement glass - minimum 60% light ingress transmission”; and
- (b) immediately after the above, the following paragraph be inserted - “Anything falling outside this criteria be brought before the Committee for its consideration”.

(NOTE: Prior to the passing of the above, an alternative motion moved by Councillor Douglas Johnson and seconded by Councillor Jack Clarkson, that the decision on the Policy be deferred, so that the Licensing Service could carry out further investigations into manufacturer specifications, and to determine how reliable the results were, was put to the vote and negated).

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 31 July 2018

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. 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 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. 78/18 attended the hearing, and addressed the Sub-Committee.

4.3 The applicant in Case No. 79/18 attended the hearing, and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
78/18	Review of a Hackney Carriage and Private Hire Driver's Licence	In light of the information now reported, the licence holder be given a written warning as to his future conduct, to remain live for the term of the licence.
79/18	Application for a Hackney Carriage and Private Hire	Grant a licence for the term requested on the grounds that the Sub-

Driver's Licence

Committee considers the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 August 2018

PRESENT: Councillors Josie Paszek (Chair), Lisa Banes and Jack Clarkson

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Dawn Dale 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 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 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. 75/18).

4.2 Present at the meeting were John Maher and Neil Bates (Trading Standards, Applicants), Sarah Hepworth (Public Health), 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 had been noted that representations had been received from Public Health and the Sheffield Safeguarding Children Board, and were attached at Appendix 'D' to the report. The Premises Licence holders had been invited to the hearing, but did not attend, and the Sub-Committee agreed to consider the application in their absence.

4.5 John Maher reported on the grounds as to why the application had been made by Trading Standards, referring to proof obtained regarding the sale of illicit cigarettes and alcohol at the premises.

- 4.6 John Maher and Neil Bates responded to questions raised by Members of, and the Legal Adviser to, the Sub-Committee.
- 4.7 Sarah Hepworth made representations on behalf of Public Health, and responded to questions from Members of the Sub-Committee.
- 4.8 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board, and responded to questions raised by Members of the Sub-Committee.
- 4.9 John Maher summarised the case on behalf of the applicants.
- 4.10 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.11 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.
- 4.12 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 representations now made, the Sub-Committee agrees to revoke the Premises Licence in respect of the premises now mentioned (Ref No. 75/18).

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

5. LICENSING ACT 2003 - APPLICATION TO REVIEW A PREMISES LICENCE

- 5.1 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. 76/18).
- 5.2 Present at the meeting were John Maher and Neil Bates (Trading Standards, Applicants), Sarah Hepworth (Public Health), 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).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report to the Sub-Committee, and it had been noted that representations had been received from Public Health and the Sheffield

Safeguarding Children Board, and were attached at Appendix 'D' to the report. The Premises Licence Holder had been invited to the hearing, but no-one from the company attended, and the Sub-Committee agreed to consider the application in their absence.

- 5.5 John Maher reported on the grounds as to why the application had been made by Trading Standards, referring to the proof obtained with regard to the sale of illicit cigarettes.
- 5.6 John Maher and Neil Bates responded to a number of questions raised by Members of, and the Legal Adviser to, the Sub-Committee.
- 5.7 Sarah Hepworth made representations on behalf of Public Health.
- 5.8 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board, and responded to a question from the applicants.
- 5.9 John Maher summarised the case on behalf of the applicants.
- 5.10 Clive Stephenson reported on the options available to the Sub-Committee.
- 5.11 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.
- 5.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 5.14 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. 76/18).

(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 9 August 2018

PRESENT: Councillors David Barker (Chair), Douglas Johnson, George Lindars-Hammond and Mike Lavery

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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 Councillor George Lindars-Hammond declared an interest in item 4 on the agenda – Licensing Act 2003: 185 Middlewood Road, S6 4HD, as he was a Local Ward Councillor for the area. He stated that he would not participate in the consideration of the application and left the meeting.

4. LICENSING ACT 2003 - 185 MIDDLEWOOD ROAD, SHEFFIELD S6 4HD

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as 185 Middlewood Road, Sheffield S6 4HD.

4.2 Present at the meeting were Stacy Reed and Martin McGrail (Applicants), Karen Wilkinson, Marie Frew, Ray Hollingsworth and Julie Pullen (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Advisor 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 three members of the public and were attached at Appendix “B” to the report.

4.5 Marie Frew stated that she had lived at her address for the past 17 years and that her grounds of objection were in respect of noise, public nuisance and the potential hazard to health. She further stated that the premises had always been a retail outlet, with normal opening hours of 9 a.m. to 5 p.m. and occasionally at weekends. She added that, although on route to Sheffield Wednesday’s football ground, the area was generally a quiet, residential area except on match days when the level of noise, anti-social behaviour and littering increased and she felt

that another bar on the way to the ground would greatly exacerbate the problem. Marie Frew went on to say that she was a nurse who worked 12 hour shifts and felt that the smell of cigarette smoke, noise from patrons either inside or outside the premises and deliveries would disturb her sleep and was unacceptable. She felt that there would be an increase in litter and that children wishing to use the park opposite might feel intimidated by those attending the pub.

- 4.6 Ray Hollingsworth stated that he and his wife lived in the first floor flat of the adjacent property and that their lounge window was in close proximity to the opening windows of the proposed micro-pub. He felt that noise would easily be heard from both inside and outside the premises. He said that it would be inevitable that people would gather outside to smoke and drink and that he had seen a plan in the press stating that tables would be outside the premises. Mr. Hollingsworth enquired whether the applicants had taken account of footfall in the area and stated that after 5.30 p.m. there was very little activity, but felt that the pub would encourage people to attend in what was a very quiet residential area. He too made reference to the problems caused on match days due to the intensity of the noise and public disorder, and also to problems of parking in the area.
- 4.7 Julie Pullen stated that she had traded on this row of shops since 1991 and it was the first time a licensed premise had been proposed. She added that, apart from match days, the area was very quiet, where the residents enjoyed their own space and a drinking establishment would be totally inappropriate. Her worries were around security in the area and also the proposed bi-fold windows at the premises which would allow more noise to escape to the flats above. Ms. Pullen stated that when she first went to work and live at her premises, there were restrictive covenants as to the type of business use and she thought that a licensed premises was not one of them. She said that previous businesses at the premises had been a sweet shop and a children's clothes shop.
- 4.8 In response to questions asked by the Objectors, they were informed by Samantha Bond that any issues regarding public safety were the responsibility of the Designated Premises Supervisor and that all new applications were presented to the Responsible Authorities to comment on the application and operating schedule. There were no outstanding objections from any Responsible Authorities, with conditions having been agreed with Environmental Protection Services during the consultation period.
- 4.9 Martin McGrail stated that the premises would maintain a zero tolerance policy at all times with regard to on-street drinking, smoking and noise pollution. He said that the hours of opening in the application stated 12 noon and 11.00 a.m., however it was not intended to start serving alcohol until 3.00 p.m. Mr. McGrail said that he and his partner occupied premises within Kelham Island and were in the process of brewing their own ale and was looking for outlets in and around the city to sell it when it was ready in the new year. He further stated that the premises would be fully sound-proofed, were CCTV compliant and that there would never be any music played or food served. As with other micro-pubs, it was intended to create an old "tap room" sort of environment, where people could go to chat, have a quiet drink and try different local beers.

- 4.10 In response to questions from Members of the Sub-Committee, Martin McGrail stated that the pub would open at 12 noon to enable staff to ready the bar for serving from 3.00 p.m. onwards. This would be to clean, take deliveries, set up for any promotional events etc. Mr. McGrail added that the majority of the expected clientele would be 30 years of age and above and the staff would be able to manage the small numbers anticipated to attend, and any large groups, stag nights, etc., would be turned away. The frontage to the premises would be kept clear at all times and there would be security staff employed to manage anyone trying to gain access following a football match. Mr. McGrail stated that sealed glass bottles of beers would be sold as “off-sales” only, not available to be drunk on the premises. With regard to sound attenuation works, it was stated that works would be carried out to line the walls and that the ceiling would be “rubber hung” to reduce the noise level to 65 decibels. After the works were completed, testing would be carried out in neighbouring premises to ensure that 65 decibels was not exceeded. Fire safety checks had been carried out and passed and waste would be put in the cellar and removed on a daily basis. As regards the bi-fold windows which were to be installed to allow light and fresh air into the premises, the meeting was informed that the Environmental Protection Service had stipulated that these be closed at 10.00 p.m. each night. Mr. McGrail stated that it was intended to operate under CAMRA principles which were “keep it small, keep it simple” and become part of the CAMRA trail. He added that staff would be fully trained and crowds either from football matches or during events such as tramlines would be risk-assessed and dealt with. Mr. McGrail said that the applicants wished to work with neighbours to deal with any problems that might arise.
- 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, 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 premises licence at 185 Middlewood Road, Sheffield S6 4HD (Ref. No 77/18) be granted, in the terms requested and subject to the conditions agreed by the applicants and the Environmental Protection Service prior to the hearing, and also subject to the following conditions:-
- (a) prior to the commencement of any licensable activities on the premises, a scheme of attenuation works (as approved by Environmental Protection Service (EPS)) designed to insulate adjoining noise sensitive areas in the

building from trading noise, shall have been installed and shall be thereafter retained. Before the scheme of works is installed, full details shall first have been submitted to and approved in writing by the EPS;

- (b) the Designated Premises Supervisor or other delegated member of staff, shall take a pro-active approach to noise control, checking to ensure that any patrons outside and in the immediate vicinity of the premises do not cause a nuisance to occupiers of nearby residential properties;
- (c) the Premises Licence Holder shall prominently display notices on all exits reminding patrons to leave the premises in a quiet and orderly fashion and to respect the local neighbours' needs;
- (d) except for access, egress, and in case of emergency, all doors and windows shall remain closed from 22:00 hours on all days;
- (e) no live or recorded music shall be played at the premises at any time;
- (f) no drinking within the immediate vicinity outside the premises shall be permitted;
- (g) no smoking be permitted within 20 metres of the premises;
- (h) the use of SIA registered door supervisors will be risk assessed, with records kept and available for inspection by the Responsible Authorities and Sheffield City Council officers. A minimum of one SIA registered door supervisor will be used on Sheffield Wednesday FC home match days;
- (i) there will be no off sales of alcohol three hours before Sheffield Wednesday FC home match kick-off and two hours after match end; and
- (j) the premises will not open three hours prior to Sheffield Wednesday FC home match kick-off and no new entry to patrons will be permitted until two hours after match end.

(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 14 August 2018

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Joe Otten

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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 applicant in Case No.79/18 attended the hearing with his representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 80/18 attended the hearing, and addressed the Sub-Committee.

4.4 The applicant in Case No.81/18 attended the hearing with his 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 meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
79/18	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offence now reported and (b) 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.
80/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of 12 months, as requested, subject to the applicant successfully passing all tests normally required of a new applicant.
81/18	Application for a new Private Hire Vehicle Licence	Grant a licence for up to 12 months, as applied for, subject to (a) all work being carried out to a professional standard by a competent body shop; (b) the carrying out, if requested by the tester or the Licensing Service, of a Chassis Alignment Check providing evidence that the vehicle is within the manufacturer's tolerances; and (c) the tester being satisfied that the general vehicle structure has not been compromised, and that in the event of another accident, the crumple zone and vehicle structure would perform as the manufacturer intended.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 August 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Lisa Banes 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 - ABBEYDALE SPORTS CLUB, ABBEYDALE ROAD SOUTH, SHEFFIELD, S17 3LJ

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 (Ref No. 78/18).

4.2 Present at the meeting were Tim Shield (John Gaunt and Partners, Solicitors, for the Applicants), Richard Ibbotson (Chairman, Abbeydale Sports Club), Jamie Christian (Designated Premises Supervisor), David Reeves, Roger and Marguerite Kent, Roger and Marilyn Wilson and David Pickard (Objectors), 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 in respect of the application had been received from eight members of the public and the Environmental Protection Service, and were attached at Appendix 'B' to the report. Mr Stephenson stated that the representation from the Environmental Protection Service had subsequently been withdrawn, subject to the agreement of two conditions with the applicants. All eight members of the public who had submitted representations were invited to the meeting, and four (six individuals) attended the hearing and addressed the Sub-Committee.

4.5 Mr Stephenson circulated the two conditions which had been agreed between the

Environmental Protection Service and the applicants.

- 4.6 David Reeves stated that he objected to the application due to the potential for noise nuisance, including the slamming of car doors, vehicle engines running and people's voices, often made worse due to them being drunk, which he considered totally unacceptable for a residential area. Mr Reeves stated that, despite him being a member of the Club for 25 years, he was not aware of the application, and therefore wondered how other local residents could have been aware of it.
- 4.7 Roger Kent made reference to the rear exit road, off Ashfurlong Road (known as the track), at the top end of the site, indicating that he had been in contact with, and provided with information by, his local Ward Councillors on restrictions, imposed under planning consent, on the use of the track. Mr Kent believed that, without restrictions being imposed and enforced, extending the opening hours at the Club would exacerbate the existing problems of noise nuisance and increase the noise suffered by residents living within the immediate vicinity of the track. His understanding was that the Club was only permitted by the Council to use the track for access purposes 24 times a year, to cater for major sporting events, but he believed this was not happening as the gate to the track was often left open, and people were able to access the track. Mr Kent made reference to safety concerns he had in terms of the use of the track, indicating that at a recent schools sports event, a number of coaches had parked on Ashfurlong Road, and dropped off the pupils in the road, where they were directed down the track. He considered that this, and the fact that a number of the coaches had parked on the pavement, represented a major safety hazard, and requested that access down the track should be restricted, and the gate kept locked. In terms of potential noise nuisance, Mr Kent referred to an event held at the Club on 27th July 2018, where residents were affected by music, apparently being played outside the premises, up until 23:00 hours.
- 4.8 Marilyn Wilson raised concerns with regard to the advertisement of the application, indicating that one of the adverts had been exhibited inside the Club premises, meaning that people had to actually go inside to see it, and the other had been fixed to the gate to the track, but had fallen off. As a result of this, many residents living within the immediate vicinity of the premises were not aware of the plans. She added that there was also no reference on the advert to the plans to extend the time for live or recorded music to 02:00 hours. She stated that even with the agreed condition limiting the playing of live or recorded music externally after 23:00 hours, would still mean that residents sat out in their gardens in the evening would still be adversely affected by the music. Mrs Wilson made reference to the fact that the Club was situated in a highly residential area, comprising several family houses, many of which were in very close proximity to, and overlooked, the Club. Mrs Wilson was very concerned that the application to extend the opening hours, and the associated plans to change part of the club house into a restaurant/banqueting venue, would increase the potential for noise nuisance. Mrs Wilson also made reference to problems of traffic congestion on Ashfurlong Road, caused by people parking their vehicles and accessing the site via the track, and which also resulted in problems for residents in terms of getting their vehicles off their driveways.

- 4.9 Roger Wilson stated that he concurred with the representations put forward by Mrs Wilson, his wife. He submitted a petition he had organised, containing 139 signatures, and stated that when he was calling on local residents to sign the petition, very few were aware of the application, which he believed was due to it not being advertised properly. He stated that Dore was an area known for its excellent quality of life, and believed that this application would increase the potential for anti-social behaviour and noise nuisance.
- 4.10 With regard to the petition, Samantha Bond stated that the Sub-Committee would not be able to take it into consideration on the basis that it had not been submitted within the required deadline, under the Licensing Act Regulations.
- 4.11 David Pickard also referred to the access road off Ashfurlong Road, indicating that it was his belief that the Club was only permitted by the Council, under planning consent, to use the track 24 times a year, but the gate was often left unlocked, resulting in vehicles being able to use the track almost on a permanent basis, creating health and safety risks, particularly for young people. Mr Pickard believed that the extension of the opening hours would result in people using the track later at night, creating further problems of anti-social behaviour and noise nuisance for local residents. He made specific reference to young people smoking drugs on the track, and believed it would be safer to have the one entrance, for ingress and egress, off Abbeydale Road South.
- 4.12 Marguerite Kent stated that she agreed with all the comments made by the objectors.
- 4.13 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, and by Tim Shield, Roger Kent stated that he had complained to the Club about the condition of the gate to the track, which had been damaged by vehicles running into it, and which had resulted in a new, more substantial gate being installed. Mr Pickard confirmed that he had not made a formal complaint to the police with regard to his allegations of young people smoking drugs on the track, and none of the objectors had made formal complaints to the police or the Council with regard to noise nuisance, only speaking to the Club's management. Those objectors who had approached the Club to complain about noise nuisance indicated that they did not consider that their comments had been taken seriously enough. Roger Kent stated that, when he had raised the issue of the damaged gate with the Club, he had received a positive response from the General Manager (Andrew Watson), who had been very helpful in arranging for a new gate to be installed. The objectors confirmed that on some occasions, mainly when there were school sports events held on the premises, due to the number of vehicles parked on Ashfurlong Road, a number of residents had not been able to get their cars off their drives. Mr Pickard circulated a number of photographs of Ashfurlong Road and the Club's main entrance on Abbeydale Road South, which he believed highlighted that the entrance on Abbeydale Road South, being safer and more practical, should be the only entrance to the premises.
- 4.14 Tim Shield reported briefly on the history of the Club, referring to the range of sports on offer, and stressing that all such sports would continue when the new plans had been implemented. He stated that the Club had operated using a Club

Premises Certificate for a long time, without any significant problems. It was the intention to continue operating using this Certificate, and that the premises licence would provide greater flexibility with the operation going forward. The proposed plans represented a major investment, with the applicants wanting to expand the current entertainment/dining operation. Mr Shield referred to the steps the applicants intended to take in order to promote the four licensing objectives, which were detailed in the application. He stated that if the application was successful, it would enable the Club to continue as it had done for a number of years, but have the added flexibility, specifically with regard to the extended opening hours, to offer more in terms of entertainment. He stressed that it was unlikely that there would be a significant increase in the number of events held at the Club, with the pattern remaining where the majority of events would be held at weekends, but that the extended hours would provide the flexibility to hold more events at certain times of the year, such as Christmas. In response to the representations made by the objectors, Mr Shield confirmed that the application had been advertised correctly, in accordance with the Licensing Act Regulations, and that the workers were having to use the track off Ashfurlong Road to access the site only due to the fact that their vehicles could not gain access via the entrance off Abbeydale Road South. He stated that there had never been any issues in terms of noise breakout from music being played in the premises, and that there was nothing to suggest that this would change as part of the new operation. It was envisaged that music would be played externally, on the terrace area, occasionally. It was also not envisaged that the track would be used, as pedestrian access, to any great extent, by people attending events at the club. Mr Shield emphasised the fact that there had been no representations made by the police, Environmental Health or the Sheffield Safeguarding Children Board, and that although the Environmental Protection Service had originally submitted representations, these had now been withdrawn following the agreement of two conditions with the applicants. He made reference to an email he had received from an Environmental Health Officer, informing that the Service had not received any complaints with regard to the use of the gate to the track off Ashfurlong Road, and did not have any concerns with regard to the use of the external area in terms of noise nuisance, stating that the area was small and relatively far away from residents, so shouldn't be too big an issue. Mr Shield referred to the steps which the applicants intended to take to promote the four licensing objectives, as set out in Section M to the application, and added that they would be happy to offer a further condition requiring them to advertise a dedicated phone number which local residents could use when wishing to complain or discuss any concerns they had in connection with licensable activities at the Club. Mr Shield concluded by referring to the difference between the Club Premises Certificate and the new premises licence, indicating that the new licence would provide for stricter monitoring and enforcement, and therefore would be beneficial to all parties.

- 4.15 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, and by Clive Stephenson, it was stated that the Club produced a regular newsletter, which was circulated to all members, and which had included details of the new plans. The Club also liaised, and had a good relationship with, the local Neighbourhood Watch Group. Specific reference was made to the General Manager, who was on a phased return to work after suffering a serious illness, and who would be responsible for liaising with local residents in connection

with any complaints or concerns they had. In terms of the allegations regarding young people smoking drugs on the track, there was no evidence to show that these were people using the Club. The provision of live music, both inside and outside the Club, was not expected to form a large part of the plans going forward, but would offer an added level of flexibility. Similarly, with regard to performances of dance, which had been included on the application, it was not envisaged that this activity would happen much at all. In terms of late night refreshment, the applicants wanted the flexibility to enable them to serve food which had been prepared inside the premises, to external areas on certain occasions. The applicants would prefer to continue using Challenge 21, particularly as there had been no issues with regard to under-age sales in the past, and on the basis that the Sheffield Safeguarding Children Board had not made any representations. The Designated Premises Supervisor (DPS) would be spending a considerable amount of time on the premises, particularly during the refurbishment works and the period when the new operation was being introduced. After this period, one of the two General Managers would be on-site permanently, on a rota basis. Whilst it was not envisaged that there would be any problems in terms of noise breakout from the premises as part of events held during the day, there were plans to ensure that the General Managers regularly monitored noise levels, particularly during events held in the evening and night-times. The Club Premises Certificate made it easier for the Club to manage attendance at events on the basis that it made provision for any member of the public to attend events, even if they were not members, provided they were signed in as associates of the Club. The current membership of the Club comprised approximately 1,500 adults and 1500 juniors. It was not expected, under the new operation, that attendances at events would exceed the current levels of between 150 and 200.

- 4.16 In response to further questions from the objectors, it was stated that the planning condition required the gate to be normally kept locked, but not at all times. It was not easy to explain how the applicants would ensure the safety of children using the track on the basis that they were not aware of any concerns of this nature. As part of the application, it was hoped that the gate would be locked on those occasions when access and egress from the track was not required, with appropriate signage being in place and staff monitoring the situation. The only area externally that was licensed was the terrace, therefore use of this area could be strictly monitored under the terms of the premises licence. However, if it was found that people were causing problems in other external areas, such as on the pitches, appropriate action would be taken, which would include calling the police if necessary. It was pointed out that there was no history of such problems, and that the police, in not making any representations, obviously had no concerns. Whilst the application requests the supply of alcohol until 02:00 hours, seven days a week, events would not be held every day of the year, nor was it envisaged that there would be any problems with regard to people attending events in the evenings drinking up and dispersing quietly. It was not expected that there would be any disturbance to neighbours in terms of recorded music, with the Club's management continuing its good practice in checking noise levels at the perimeter of the premises. The applicants accepted their responsibility in terms of minimising levels of noise nuisance caused to local residents, and if it was found that they were failing in their duties, relevant action could be taken in respect of the Licence. The applicants accepted that the track off Ashfurlong Road was their responsibility

during such times when licensable activities were taking place, and would therefore manage its use at such times. The applicants acknowledged the comments with regard to litter being left on the sports pitches, and would take necessary action in this regard.

- 4.17 Tim Shield summarised the case on behalf of the applicants.
- 4.18 Clive Stephenson presented the options available to the Sub-Committee.
- 4.19 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.
- 4.20 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.21 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.22 RESOLVED: That the Sub-Committee (a) agrees to grant a premises licence in respect of the premises known as Abbeydale Sports Club, Abbeydale Road South, Sheffield, S17 3LJ (Ref No. 78/18) subject to the following two conditions agreed between the Environmental Protection Service and the applicants, and a further three conditions, as follows:-
- (i) No live or recorded music shall take place externally after 23:00 hours;
 - (ii) The rear exit road onto Ashfurlong Road shall not be used for ingress and egress by vehicles after 00:00 hours (midnight) whilst licensable activities are taking place at the premises, save and except emergency ingress or egress to/from the premises site;
 - (iii) An incident log should be kept at the premises, and made available, on request, to an authorised officer of the Council or Responsible Authorities, and will record any complaints received concerning crime and disorder and/or public nuisance;
 - (iv) A direct telephone number for the manager, or other such person in charge at the premises, shall be made available at all times the premises are open; this telephone number is to be made available to residents within the vicinity; and
 - (v) The premises shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises. Periodic checks of the rear track to the premises shall also be made for litter and waste, and cleared where appropriate; and

- (b) reiterated its preference for a Challenge 25 scheme, as opposed to Challenge 21, to be in operation, and reminded the applicants of their obligations under the planning regime.

(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 28 August 2018

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

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Douglas Johnson attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 82/18 attended the hearing, and addressed the Sub-Committee.

4.3 The licence holder in Case No. 83/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 84/18 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 meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
82/18	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of the licence.
83/18	Review of a Hackney	Take no action.

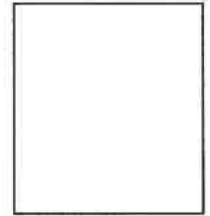
Carriage and Private
Hire Driver's Licence

84/18

Review of a Hackney Carriage and Private
Hire Driver's Licence Take no action.



SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer and Head of Licensing

Date: 20th September 2018

Subject: Determination of Licence Fees

Author of Report: Steve Lonnia

Summary: To determine the Hackney Carriage & Private Hire licence fees for the 2018/19 financial year

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

Background Papers: None

Category of Report: OPEN

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

No: 90/18

**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:

- Private Hire Vehicles;
- Hackney Carriage Vehicles;
- Hackney Carriage & Private Hire Drivers; and
- Private Hire Operators

1.2 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 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.

3.6 The overarching principle and starting point for the setting of fees is that the Local Authority must only recover its reasonable costs of administering that individual system and enforcing the terms and conditions of those licences where applicable and that no irrelevant factors are taken in to account when setting such fees.

4.0 PROVISION OF SERVICES REGULATIONS 2009

4.1 These regulations came into force on 28 December 2009; Para 18(4) states any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of these procedures and formalities.

4.2 The regulations suggest that all fees within the scope of the directive be separable in to two parts. Firstly the pre application costs, mainly the administrative costs incurred when dealing with the application from when it is first received up until it being determined (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 PRIVATE HIRE & HACKNEY CARRIAGE DRIVERS, VEHICLES AND OPERATORS – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 and the TOWN POLICE CLAUSES ACT 1847

5.1 Section 53, Sub-section (2) Notwithstanding the provisions of the Act of 1847, a district council may demand and recover for the grant to any person of a licence to drive a hackney carriage, or a private hire vehicle, as the case may be, such fee as they consider reasonable with a view to recovering the costs of issue and administration

5.2 Section 70, Sub-section (1) Subject to the provisions of sub-section (2) of this section, a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them from time to time and as sufficient in the aggregate to recover in whole or in part-

- (a) the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose determining whether any such licence should be granted or renewed;
- (b) the reasonable cost of providing hackney carriage stands; and
- (c) any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles.

6.0 ADOPTION OF LEGISLATION

- 6.1 The legislation administered and enforced by the council's licensing service is either imposed by statute or adopted individually by the Council.
- 6.2 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
- 6.3 The following pieces of legislation are adopted by the council;
- Local Government (Miscellaneous Provisions) Act 1976 – Part II, Private Hire and Hackney Carriage Licensing
 - Local Government (Miscellaneous Provisions) Act 1982 – Street Trading
 - Local Government (Miscellaneous Provisions) Act 1982 – Sex Establishments / Sexual Entertainment Venues
 - Local Government (Miscellaneous Provisions) Act 1982 as inserted in the Highways Act 1982 Scrap Metal Dealers Act 2013 – Pavement Café Licences
 - Local Government (Miscellaneous Provisions) Act 1982 – Acupuncture, Ear Piercing, Tattooists, Electrolysis and Semi Permanent Skin Colouring
- 6.4 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

- 6.5 The City Councils Director of Legal & Governance 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.).

7.0 FEES STRUCTURE

7.1 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

7.2 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.

7.3 The service has calculated the fees and income based on the potential of receiving both paper and electronic applications. The Chief Licensing Officer & Head of Licensing will manage the income generated in each area on a monthly basis.

7.4 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.

7.5 If a surplus is achieved at the end of the year then this may be carried forward in to next year's budget, or the relevant fees reduced accordingly and / or the money re-invested within the service if it is necessary.

8.0 PROPOSED CHANGES

8.1 Further to careful consideration of the allocation of time, costs and the resulting calculations it is proposed to increase fees in the following areas;

- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators
- Hackney Carriage & Private Hire Drivers

8.2 The fees outlined in paragraph 8.1 above require us to allocate more staff time than in the previous year. It is clear that the service is allocating much more time to administering and enforcing taxi legislation than in the previous years.

9.0 ADVERTISING / CONSULTATION

9.1 Should there be any proposed variation to the fees for licensed vehicles and operators this must be advertised and objections received within 28 days of the advertisement considered. There is no requirement for drivers or other fees to be advertised or for objections to be considered.

9.2 A consultation letter was sent to the trade associations on the 16th April 2018, however, due to the amount of time that has passed since this date we will have circulated an amended letter on the 31st August 2018. We received one response to the initial consultation from the trades. Any responses to the second letter will be brought to the meeting. (see Appendix A)

9.3 A "Public Notice" was placed in the Sheffield Telegraph on the 19th April 2018, however, due to the amount of time that has passed since this date we will be placing a further notice in the Star on Thursday 6th September. The closing date for objections will be Thursday 4th October 2018. A copy of the first public notice is attached (see Appendix B).

9.4 Should objections be received from the trades / licensees etc. following the public consultation (that are not withdrawn) then those objections must be considered by the licensing committee. An emergency full committee meeting will be set up to consider the objections in October 2018. Once the Council has considered any objections the new scale of fees, whether modified or not, will come in to effect on a new date that is within two months of the original date.

9.5 Following the advertisement where no objections are received the new scale of fees comes in to effect on a specified date no less than 28 days after the advertisement appeared, it is proposed that if there are no objections the new fees will come in to force 1st November 2018.

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

10.0 THE LICENSING SERVICE

10.1 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.

10.2 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.

10.3 The Service is keen to streamline processes, improve performance, and provide an efficient and effective customer service alongside a proportionate enforcement regime.

11.0 FINANCIAL INFORMATION (COSTS)

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

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

11.2 Employee Costs will remain the single largest cost for the Service at around £947K (62%).

11.3 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.

11.4 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.

12.0 FINANCIAL INFORMATION (REVENUE)

- 12.1 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.
- 12.2 Each year the services costs are budgeted for based on the delivery of the service and an hourly rate is calculated. This hourly rate is then used to inform the licence fee proposed based upon the amount of activity the licence is expected to receive by the service for the forthcoming year.
- 12.3 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	527	43	860
(b) Post determination	135	519	24	678
Total Exp	425	1,046	67	1,538
Income	(468)	(1,046)	(24)	1,538
Net Exp	(43)	nil	43	nil

- 12.4 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.
- 12.5 Hackney Carriage Vehicles - allocated approximately 3,854 hours for the administration and enforcement of this system during the 18/19 financial year this will cost approximately £150K. This time is broken down as follows;

Pre licence administration – 1797 hours
Post licence administration – 594 hours
Daytime enforcement – 878 hours
Night time / weekend enforcement – 585 hours

This is projected to bring in approximately £149K income if the increases in fees are approved by members.

12.6 Private Hire Vehicles - allocated approximately 8,603 hours for the administration and enforcement of this system during the 18/19 financial year this will cost approximately £334K. This time is broken down as follows;

Pre licence administration – 4170 hours
Post licence administration – 1343 hours
Daytime enforcement – 1854 hours
Night time / weekend enforcement – 1236 hours

This is projected to bring in approximately £334K income if the increases in fees are approved by members.

12.7 Hackney Carriage & Private Hire Drivers – allocated approximately 8,947 hours for the administration and enforcement of this system during the 18/19 financial year this will cost approximately £349K. This time is broken down as follows;

Pre licence administration – 6052 hours
Post licence administration – 2895 hours – this allocation is split over 1, 2 or 3 years dependent upon length of licence

This is projected to bring in approximately £200K income if the fees for 18/19 are approved by members. £149K will be carried forward in to 19/20 and 20/21.

12.8 Private Hire Operators - allocated approximately 130 hours for the administration and enforcement of this system during the 18/19 financial year this will cost approximately £5K. This time is broken down as follows;

Pre licence administration – 32 hours
Post licence administration – 17 hours
Daytime enforcement – 46 hours
Night time / weekend enforcement – 35 hours

This is projected to bring in approximately £5K income if the increase in fees is approved by members.

These figures are based on receiving six new/renewal operator licence applications in 18/19.

12.9 In total we are allocating 17,734 hours of officer time in 18/19 to the administration of these systems. A further 2,031 hours is pre-allocated to 19/20 and 1,765 hours to 20/21 from the driver licence fees.

12.10 17,734 hours equates to approximately 11.6 fte's. An estimate of how this is shared out within the service would be 0.3 x Head of Licensing, 2 x Licensing Strategy & Policy Officers, 4 x Licensing Enforcement / Technical Officers, 3.3 x Licensing Analyst & Processing Officers, and 2 x Licensing Business Support Officers.

13.0 LICENCE FEE CALCULATION

- 13.1 I must first of all state that the Licensing Service, Finance and Legal Services are fully aware of the need for the Council to set fees in accordance with the statutory requirements and limitations. I can confirm the local authority only recovers its reasonable costs of administrating and where allowed enforcement of that particular licensing system.
- 13.2 Each system is dealt with individually and the Licensing Service, along with colleagues from Finance undertakes a cost / time analysis process each year.
- 13.3 I start by allocating time to each individual stage of the licensing application process. This includes printing and sending out the application form, receiving, checking and paying in, database management, completing the licensing register, general enquiries, issuing the licence, enforcement, policy work, reception and training.
- 13.4 At the end of this process, I establish the total number of hours/minutes spent on that individual application process/system. Separately the finance officer calculates the service's hourly rate. This is based on the cost of the service (expenditure) and the total number of chargeable hours (staff). Then once we have both those figures a simple calculation is done (hourly rate x hours/minutes), and we arrive at the total cost of that process.
- 13.5 With regards to the calculation of the fees it is very simple. We first of all calculate the cost of dealing with the application (pre costs), this includes;
- Fee Setting / Budgeting
 - Receipts / Daily Accounting
 - Printing Off / Sending out Application Forms
 - Receiving Application / Checking Details
 - Database Maintenance / Data Inputting
 - DVLA / HPI checks
 - Licensing Committee
 - Issuing / Checking / Sending out licence
 - Insurance Checks / General Enquiries
 - Senior Management (Head of Service)
 - Reception
 - Policy
 - Staff Training etc.
- 13.6 Then in addition to the pre cost there is an amount for the work we do post granting of the licence, such as database maintenance, general enquiries, senior management, reception, and enforcement.

14.0 FINANCIAL IMPLICATIONS

- 14.1 There are no financial implications for the Council arising from this report if members agree the fees proposed.
- 14.2 Should Members agree to determine the licence fees as detailed in Appendix D and associated attachments, the Council will recover its reasonable costs of the Licensing Service in relation to administering and enforcing the above licensing systems.
- 14.3 If members do not agree to increase the fees as proposed then the Chief Licensing Officer and Head of licensing may have to reduce the number of staff currently employed by the Service.
- 14.4 The report has been signed off financially on the 7th September 2018.

15.0 LEGAL IMPLICATIONS

- 15.1 There are no legal implications for the Council arising from this report.
- 15.2 Members should always be aware that the setting of fees can be legally challenged by way of Judicial Review.
- 15.3 The report has been signed off by Legal Services on the 6th September 2018.

15.0 LICENSING RESPONSE

- 15.1 Members will be aware that they were asked several questions by the Licensed Taxi Trade (GMB Union) at the November Fees Meeting and it was resolved at that meeting that the Chief Licensing Officer & Head of Licensing respond to those questions in writing at this meeting.
- 15.2 Firstly the service apologises that the fees report has not been presented until September instead of March as instructed, this is in the main due to sickness and high workloads.
- 15.3 The audited accounts of the Council are published in September each year for public scrutiny and I would suggest the trade look at these. However, I can confirm that the information attached to and included in this report provides much more detail than the actual unaudited accounts.

- 15.4 The Chief Licensing Officer & Head of Licensing has considered the fees structure (bands) imposed by Doncaster Council and Transport for London. After a lot of deliberation and discussions with Finance Officers it was agreed to adopt the fee structure proposed in Appendix D of this report for the coming 18/19 financial year. We are satisfied that this will recover the reasonable costs of the Council. As Chief Licensing Officer and Head of Licensing I will continue to look into different methods available for operator fees.
- 15.5 The service currently employs 8 dedicated Licensing Enforcement & Technical Officers, these staff work 4 days and 1 night (weekend) as part of their 37 hours a week. This has seen a significant improvement in enforcement activities over the last few years. The average cost of one enforcement officer is approximately £38K including on costs.
- 15.6 If members were minded to instruct the Chief Licensing Officer & Head of Licensing to increase the number of enforcement officers, the licensing service would be required to further increase certain licence fees. As the increase in available hours would be dedicated to taxi licensing enforcement it would require private hire and hackney carriage vehicle fees and operator fees to be increased. Members should be aware that for each new member of staff we would be required to increase vehicle fees by approximately £14.
- 15.7 The Licensing Service apologises that we have not been able to complete the work as promised on the Hackney Carriage Vehicle Policy; this will be a priority following my return to work. A forward plan has been in place for a few years; however this is in need of review and consultation. I would like to propose that I present a draft forward plan to the Cabinet Member, Co-Chairs and Director in September ready for consultation with the trades in October.
- 15.8 The service has taken on board comments made by the trade with regards to better consulting stakeholders / users of the licensing service. I can confirm that we will involve relevant parties at the beginning of any policy / strategy process to ascertain their views up front, ongoing throughout the drafting and consulting of the document and at the end when finalising / publishing such documents. There will be management decisions taken regarding the service operation (staffing etc.) without consultation this is inevitable and at times unavoidable, however, we will endeavour to keep these to a minimum.
- 15.9 As an employee of the City Council I cannot respond to the GMB comments with regards to the service becoming autonomous with an advisory board. I would propose that the Cabinet Member and Co-Chairs of Licensing meet with the GMB taxi representatives to discuss this individually.

16.0 RECOMMENDATIONS

- 16.1 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.
- 16.2 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.
- 16.3 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.

17.0 OPTIONS OPEN TO THE BOARD

- 17.1 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
- 17.2 To determine the fees at an higher or lower level and instruct the Chief Licensing Officer and Head of Licensing to act accordingly.
- 17.3 To defer the decision to determine the fees for further consideration and work to be undertaken before being presented back to the Licensing Committee.
- 17.4 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
September 2018

Appendix A

Licensing Service
 Sheffield City Council
 Block C Staniforth Road Depot
 Staniforth Road
 Sheffield, S9 3HD
 Tel: 0114 2734264
 E-mail: licensing@sheffield.gov.uk
 Website: www.sheffield.gov.uk/licensing



Date: 16th April 2018

Dear Trade Representative,

Proposed Increase to Hackney Carriage and Private Hire Fees

I write to you in your capacity as a hackney carriage and/or private hire trade representative in Sheffield.

This is a quick note to let you know that we are proposing an increase to the following fees, and as a trade representative, you may wish to consult with your members:

- Hackney Carriage and Private Hire Drivers Licence
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operator Licence
- Miscellaneous Fees

The table below shows the planned increase in fees for the financial year 2018-2019.

Vehicles		PAPER		ELECTRONIC	
Type	Current Fee	Proposed Fee	Current Fee	Proposed Fee	
New	218	228	178	218	
Renewal	163	173	123	163	
Replacement Plate	25	27	23	25	
Replacement Badge	20	22	18	20	
Transfer (Misc)	31	33	29	31	
Replacement Paper Licence	15	17	15	17	
Drivers					
New 1 Year	209	215	178	184	
New 2 Year	269	275	238	244	
New 3 Year	329	335	298	304	
Renewal 1 Year	141	147	110	116	
Renewal 2 Year	201	207	170	176	
Renewal 3 Year	261	267	230	236	
Knowledge Tests	75	80	N/A	N/A	
Driving Tests	72	77	N/A	N/A	
Certificate in PH&HC Licensing	35	40	N/A	N/A	
Operators					
New & Renewal 1 Year 0-50	N/A	386	N/A	370	
New & Renewal 1 Year 51-100	N/A	720	N/A	704	
New & Renewal 1 Year 101+	N/A	1,050	N/A	1,034	
New & Renewal 2 Year 0-50	N/A	550	N/A	534	
New & Renewal 2 Year 51-100	N/A	1,210	N/A	1,194	
New & Renewal 2 Year 101+	N/A	1,870	N/A	1,854	
New & Renewal 3 Year 0-50	N/A	714	N/A	698	
New & Renewal 3 Year 51-100	N/A	1,700	N/A	1,684	
New & Renewal 3 Year 101+	N/A	2,690	N/A	2,674	
New & Renewal 4 Year 0-50	N/A	878	N/A	862	
New & Renewal 4 Year 51-100	N/A	2,190	N/A	2,174	
New & Renewal 4 Year 101+	N/A	3,510	N/A	3,494	
New & Renewal 5 Year 0-50	N/A	1,042	N/A	1,026	
New & Renewal 5 Year 51-100	N/A	2,680	N/A	2,664	
New & Renewal 5 Year 101+	N/A	4,330	N/A	4,314	

As is usual practice, the fees will be advertised in the Sheffield Telegraph on 19th April 2018 and a copy made available in our reception, but we thought we would share these with you beforehand to give you an opportunity to inform and consult with your members.

All representations must be received within 28 days of the advertisement (17th May 2018), either in writing or by email.

If you would like to meet with myself to discuss the fees in more detail then please contact the licensing service (see details above).

The fees will be presented to the Licensing Committee on 31st May at 2pm and you are welcome to attend, should you wish. We would ask though that you let us know beforehand if you'd like to attend so we can ensure we have enough seating.

If you have any questions, please do not hesitate to contact us.

Yours Sincerely,



Steve Lonnia
Chief Licensing Officer and Head of Licensing

Licensing Service
 Sheffield City Council
 Block C Staniforth Road Depot
 Staniforth Road
 Sheffield, S9 3HD
 Tel: 0114 2734264
 E-mail: licensing@sheffield.gov.uk
 Website: www.sheffield.gov.uk/licensing



Date: 31st August 2018

Dear Trade Representative,

Proposed Increase to Hackney Carriage and Private Hire Fees

I write to you in your capacity as a hackney carriage and/or private hire trade representative in Sheffield.

This is a quick note to let you know that we are proposing an increase to the following fees, and, as a trade representative, you may wish to consult with your members:

- Hackney Carriage and Private Hire Drivers Licence
- Hackney Carriage Vehicle Licence
- Private Hire Vehicle Licence
- Private Hire Operator Licence
- Miscellaneous Fees

The table below shows the planned increase in fees for the financial year 2018-2019.

Vehicles		PAPER		ELECTRONIC	
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New 1 Year	209	215	178	184	
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New 3 Year	329	335	298	304	
Renewal 1 Year	141	147	110	116	
Renewal 2 Year	201	207	170	176	
Renewal 3 Year	261	267	230	236	
Knowledge Tests	75	80	N/A	N/A	
Driving Tests	72	77	N/A	N/A	
Certificate in PH&HC Licensing	35	40	N/A	N/A	
Operators					
New & Renewal 1 Year 0-50	N/A	386	N/A	370	
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New & Renewal 5 Year 51-100	N/A	2,680	N/A	2,664	
New & Renewal 5 Year 101+	N/A	4,330	N/A	4,314	


As is usual practice, the fees will be advertised in the Sheffield Telegraph on 6th September 2018 and a copy made available in our reception, but we thought we would share these with you beforehand to give you an opportunity to inform and consult with your members.

All representations must be received within 28 days of the advertisement (4th October 2018), either in writing or by email.

The fees will be presented to the Licensing Committee on 20th September at 2pm and you are welcome to attend, should you wish. We would ask though that you let us know beforehand if you'd like to attend so we can ensure we have enough seating.

If you have any questions, please do not hesitate to contact us.

Yours Sincerely,

A handwritten signature in black ink that reads "Steve Lonnia". The signature is written in a cursive style.

Steve Lonnia
Chief Licensing Officer and Head of Licensing

Lonnia Stephen (CEX)

From: Ibrar Hussain
Sent: 16 April 2018 16:22
To: Harper Craig; Lonnia Stephen (CEX); Stephenson Clive (CEX)
Cc: Aftab Ahmed GMB Rep; Lee Ward; Abdi Malik Cab SetA
Subject: Re: Proposed Licence Fee Increase
Attachments: image001.png

I would like to see the proposals in much more details, and breakdown of costs for year 2017/18 and proposed 2018/19. income and expenditure in detail.

when are these proposals going before licensing board, I suppose after 3rd may.

Please don't forget to respond to my list of questions as of December 2017.

Page 77
Ibrar

On Mon, 16 Apr 2018, 16:17 Harper Craig, < > wrote:

Dear Trade Representative,

Please see attached letter that outlines a proposed fee increase to hackney carriage and private hire licences.

As stated in the letter, if you wish to meet with Steve to discuss these in more detail then please do not hesitate in contacting the licensing service.

Appendix B

PUBLIC NOTICES

Sheffield City Council

Licensing Proposed Increase to Fees Local Government (Miscellaneous Provisions) Act 1976 – Sections 53, 55 & 70.

Sheffield City Council is proposing an increase in fees to licences under the above Act:

- Hackney Carriage and Private Hire Driver's
- Private Hire Vehicles
- Hackney Carriage Vehicles
- Private Hire Operators

If you have any objections to an increase in fees you must make them in writing by 17 May 2018, to Licensing Service, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD Email: licensing@sheffield.gov.uk

Vehicles		PAPER		ELECTRONIC	
Type	Current Fee	Proposed Fee	Current Fee	Proposed Fee	
New	218	228	178	218	
Renewal	163	173	123	163	
Replacement Plate	25	27	23	25	
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Transfer (Misc)	31	33	29	31	
Replacement Paper Licence	15	17	15	17	
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Renewal 1 Year	141	147	110	116	
Renewal 2 Year	201	207	170	176	
Renewal 3 Year	261	267	230	236	
Knowledge Tests	75	80	N/A	N/A	
Driving Tests	72	77	N/A	N/A	
Certificate in PH&HC Licensing	35	40	N/A	N/A	
Operators					
New & Renewal 1 Year 0-50	N/A	386	N/A	370	
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New & Renewal 1 Year 101+	N/A	1,050	N/A	1,034	
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New & Renewal 2 Year 101+	N/A	1,870	N/A	1,854	
New & Renewal 3 Year 0-50	N/A	714	N/A	698	
New & Renewal 3 Year 51-100	N/A	1,700	N/A	1,684	
New & Renewal 3 Year 101+	N/A	2,690	N/A	2,674	
New & Renewal 4 Year 0-50	N/A	878	N/A	862	
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New & Renewal 4 Year 101+	N/A	3,510	N/A	3,494	
New & Renewal 5 Year 0-50	N/A	1,042	N/A	1,026	
New & Renewal 5 Year 51-100	N/A	2,680	N/A	2,664	
New & Renewal 5 Year 101+	N/A	4,330	N/A	4,314	

Dated 19 April 2018



APPENDIX "C"

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	82,925	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 D

		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
Private Hire Vehicles		PAPER			ELECTRONIC			
Type	2017/ 18 Fee	PRE	POST	TOTAL	2017 /18 Fee	PRE	POST	TOTAL
New	218	126	102	228	178	119	99	218
Renewal	163	82	91	173	123	76	87	163
Replacement Plate	25	27	-	27	23	25	-	25
Replacement Badge	20	22	-	22	18	20	-	20
Transfer (Misc)	31	33	-	33	29	31	-	31
Replacement Paper Licence	15	17	-	17	15	17	-	17

		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
Hackney Carriage Vehicles		PAPER			ELECTRONIC			
Type	2017/ 18 Fee	PRE	POST	TOTAL	2017 /18 Fee	PRE	POST	TOTAL
New	218	126	102	228	178	119	99	218
Renewal	163	82	91	173	123	76	87	163
Replacement Plate	25	27	-	27	23	25	-	25
Replacement Badge	20	22	-	22	18	20	-	20
Transfer (Misc)	25	33	-	33	25	31	-	31
Replacement Paper Licence	15	17	-	17	15	17	-	17

		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
PH / HC Drivers		PAPER			ELECTRONIC			
Type	2017/ 18 Fee	PRE	POST	TOTAL	2017 /18 Fee	PRE	POST	TOTAL
New 1 Year	209	163	52	215	178	144	40	184
New 2 Year	269	163	112	275	238	144	100	244
New 3 Year	329	163	172	335	298	144	160	304
Renewal 1 Year	141	95	52	147	110	76	40	116
Renewal 2 Year	201	95	112	207	170	76	100	176
Renewal 3 Year	261	95	172	267	230	76	160	236

Proposed 2018/19 Fee					Proposed 2018/19 Fee			
Knowledge Tests	75	80	N/A	80	N/A	N/A	N/A	N/A
Driving Tests	72	77	N/A	77	N/A	N/A	N/A	N/A
Certificate in PH&HC Licensing	35	40	N/A	40	N/A	N/A	N/A	N/A

Operators		Proposed 2018/19 Fee			Proposed 2018/19 Fee			
Type	2017/18 Fee	PAPER			ELECTRONIC			
		PRE	POST	TOTAL	2017/18 Fee	PRE	POST	TOTAL
New & Renewal 1 Year 0-50	N/A	213	173	386	N/A	197	173	370
New & Renewal 1 Year 51-100	N/A	213	507	720	N/A	197	507	704
New & Renewal 1 Year 101+	N/A	213	837	1,050	N/A	197	837	1,034
New & Renewal 2 Year 0-50	N/A	213	337	550	N/A	197	337	534
New & Renewal 2 Year 51-100	N/A	213	997	1,210	N/A	197	997	1,194
New & Renewal 2 Year 101+	N/A	213	1,657	1,870	N/A	197	1,657	1,854
New & Renewal 3 Year 0-50	N/A	213	501	714	N/A	197	501	698
New & Renewal 3 Year 51-100	N/A	213	1,487	1,700	N/A	197	1,487	1,684
New & Renewal 3 Year 101+	N/A	213	2,477	2,690	N/A	197	2,477	2,674
New & Renewal 4 Year 0-50	N/A	213	665	878	N/A	197	665	862
New & Renewal 4 Year 51-100	N/A	213	1,977	2,190	N/A	197	1,977	2,174
New & Renewal 4 Year 101+	N/A	213	3,297	3,510	N/A	197	3,297	3,494
New & Renewal 5 Year 0-50	N/A	213	829	1,042	N/A	197	829	1,026
New & Renewal 5 Year 51-100	N/A	213	2,467	2,680	N/A	197	2,467	2,664
New & Renewal 5 Year 101+	N/A	213	4,117	4,330	N/A	197	4,117	4,314

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