

Cabinet

Wednesday 18 November 2020 at 2.00 pm

To be held as an online video conference

The Press and Public are Welcome to Attend

Membership

Councillor Julie Dore	(Leader of the Council)
Councillor Jackie Drayton	(Cabinet Member for Children & Families)
Councillor Terry Fox	(Cabinet Member for Finance, Resources and Governance)
Councillor Mazher Iqbal	(Cabinet Member for Business and Investment)
Councillor Bob Johnson	(Cabinet Member for Transport and Development)
Councillor Mark Jones	(Cabinet Member for Environment, Streetscene and Climate Change)
Councillor Mary Lea	(Cabinet Member for Culture, Parks and Leisure)
Councillor George Lindars-Hammond	(Cabinet Member for Health and Social Care)
Councillor Abtislam Mohamed	(Cabinet Member for Education and Skills)
Councillor Paul Wood	(Cabinet Member for Neighbourhoods and Community Safety)

PUBLIC ACCESS TO THE MEETING

The Cabinet discusses and takes decisions on the most significant issues facing the City Council. These include issues about the direction of the Council, its policies and strategies, as well as city-wide decisions and those which affect more than one Council service. Meetings are chaired by the Leader of the Council, Councillor Julie Dore.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Members of the public have the right to ask questions or submit petitions to Cabinet meetings and recording is allowed under the direction of the Chair. Please see the [website](#) or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Cabinet meetings are normally open to the public but sometimes the Cabinet may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. Please see the Council's website for details of how to access the remote meeting.

Cabinet decisions are effective six working days after the meeting has taken place, unless called-in for scrutiny by the relevant Scrutiny Committee or referred to the City Council meeting, in which case the matter is normally resolved within the monthly cycle of meetings.

If you require any further information please contact Craig Rogerson on 0114 273 4014 or email craig.rogerson@sheffield.gov.uk.

**CABINET AGENDA
18 NOVEMBER 2020**

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** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 24)
To approve the minutes of the meeting of the Cabinet held on
- 6. Public Questions and Petitions**
To receive any questions or petitions from members of the public
- 7. Items Called-In For Scrutiny**
The Director of Legal and Governance will inform the Cabinet of any items called in for scrutiny since the last meeting of the Cabinet
- 8. Covid-19 Update**
Update by the Director of Public Health
- 9. Retirement of Staff** (Pages 25 - 28)
Report of the Executive Director, Resources
- 10. Month 6 Capital Approvals 2020/21** (Pages 29 - 48)
Report of the Executive Director, Resources
- 11. Revenue Budget and Capital Programme Monitoring 2020/21 - as at 30/09/2020** (Pages 49 - 76)
Report of the Executive Director, Resources.
- 12. Boundary Review at Oughtibridge Mill** (Pages 77 - 104)
Report of Director of Policy, Performance & Communications
- 13. Licensing Act 2003 - Draft Statement of Licensing Policy** (Pages 105 - 168)
Report of the Executive Director, Place

**NOTE: The next meeting of Cabinet will be held on
Wednesday 16 December 2020 at 2.00 pm**

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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Cabinet

Meeting held 21 October 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

PRESENT: Councillors Julie Dore (Chair), Jackie Drayton, Terry Fox, Mazher Iqbal, Bob Johnson, Mark Jones, Mary Lea, George Lindars-Hammond, Abtissam Mohamed and Paul Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. All members of the Cabinet were present at the meeting.

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 Paul Wood declared a personal interest in agenda item 9 (Sheffield COVID Business Recovery Plan) (See minute 9 below) as he was a member of the Sheffield Chamber of Commerce.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of Cabinet held on 23rd September, 2020 were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

5.1 It was reported that there were no public questions or petitions.

6. ITEMS CALLED-IN FOR SCRUTINY

6.1 It was noted that there had been no items called-in for scrutiny since the last meeting of the Cabinet.

7. REPORT OF THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - COMPLAINT ABOUT REMOVAL OF STREET TREES AND STREETS AHEAD CONTRACT

7.1 The Executive Director, Place, submitted a report summarising the findings of a

formal report by the Local Government & Social Care Ombudsman (attached to the report as Appendix A) regarding a complaint made by Mr G about the removal of street trees from the road where he lived, as part of the Council's 'Streets Ahead' programme of works delivered by its contractor, Amey Hallam Highways plc.

The report details the recommendations to the Council arising from the report and includes an outline of the steps already taken to improve transparency in relation to decision making. The report recommended that Cabinet recognise the failings of the Council and provide a full apology. Cabinet approval is also sought for the creation of a public archive of Sheffield City Council (SCC) street tree related material to be held within the City Archives in perpetuity.

The Leader of the Council made a statement on behalf of the Cabinet and the Council. She confirmed that the Council accepts the findings of the report of the Local Government and Social Care Ombudsman into the Complaint about Removal of Street Trees and the Streets Ahead Contract, and provides an unreserved apology for the failings of the implementation of the street trees element of the Streets Ahead programme. She also acknowledged the controversy and concern that the issue has caused and that the dispute should not have got to the point that it did. She accepted that the council's poor practise in managing the issue did contribute to the opposition to the programme, particularly with incidents such as Rustlings Road. She stated that it should not have been handled in the way that it was and there are other examples of this also in the report.

She stated that it is also clear that the approach we have now got, to which the vast majority of people are supportive of, is the right way forward. She reiterated that over the past two and a half years the Council has, at different stages, apologised and recognised that we got some things wrong with the way the issue was handled. With regards specifically to the Rustlings Road incident the Council did give a full apology for those events at that time, which is referenced in the report. She stated that the Council wrote to the residents of Rustlings Road a week after that incident took place and she reiterated again that apology today.

Finally, on a more positive note it is important to say that, the fact that we are now working towards a street tree strategy that is being co-produced with the groups who were previously at the centre of the dispute, is a demonstration of how far we have come together. She thanked all those involved and as recognised in the report, noted that we are in a very different position today.

7.2 **RESOLVED:** That Cabinet:-

(a) endorses the publication of a public unreserved apology accepting the findings

of the Local Government & Social Care Ombudsman investigation;

(b) notes that the Cabinet Member for Environment, Streetscene and Climate Change has provided a private apology to the family of Mr G recognising the failings of the Council in its communications with him;

(c) notes that the Street Tree Partnership Working Strategy details the new, transparent decision process for tree removals, and the additional information requirements from the contractor in submitting the recommendation;

(d) notes that the Highways Maintenance (Streets Ahead client team) and contractor will receive additional training in the Council's complaints procedure;

(e) notes the work that is being done to embed openness and transparency across all of the Council's services; and

(f) approves the funding for Sheffield Archives Service to establish and manage the creation of a complete archive of SCC tree related material to be held within the City Archives in perpetuity.

7.3 Reasons for Decision

7.3.1 The recommendations to Cabinet reflect the work the Council has already commenced that contribute to realising the recommendations of the Ombudsman and our commitment to open and transparent decision making.

In addition, Cabinet is asked to approve the new archive project which will allow open access to our records and correspondence in relations to our past approach and decisions.

7.4 Alternatives Considered and Rejected

7.4.1 No alternative options have been considered, the Council accepts the findings of the report and is pleased to demonstrate our progress and commitments to realising the recommendations from the Ombudsman report.

7.5 Any Interest Declared or Dispensation Granted

None

7.6 Reason for Exemption if Public/Press Excluded During Consideration

None

7.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place.

7.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

8. COVID-19 UPDATE

8.1 Greg Fell, the Director of Public Health, provided a Coronavirus (Covid-19) position statement. It was noted that the reproduction rate is nationally 1.3 to 1.5; the average number of cases a day for Sheffield over the last 7 days is 289; the spread of the disease was different in different regions, with the highest rates in the North, but the South was catching up; and that there had been a huge impact on the return of students for university towns and cities like Sheffield.

He stated that the rate of cases per 100,000 is falling from over 470 to around 400 in Sheffield; that the incidence of the disease is rising in all age groups; and the average age is now increasing again. He set out the position across the Sub-region and confirmed that the test positivity rate is 24%, having risen from 2% six weeks ago. He outlined issues with test result and contact tracing timeliness and highlighted that completeness is a concern. He also noted with concern that additional pressures are now being put on hospitals, which are getting busier.

He indicated that that further measures to control the spread of the virus are necessary and that the best way to protect vulnerable individuals and the economy is to keep community spread low. The purpose of restriction is to limit social contacts. Suppression doesn't change the fundamentals and it should not detract from the basics:

- Testing, contact tracing, isolation – speed and depth.
- Management of incidents
- The choices 560,000 people make
- Supporting people to do the right thing
- Get a test if you have symptoms
- Stay at home if you have symptoms or test positive, or if asked to isolate.
- Limit social contacts – number and nature.
- Distance, hand wash, face covering

The Leader of the Council gave a statement on the announcement made that

morning to move South Yorkshire in to Tier 3 lockdown measures.

She stated that last week the government clearly set out to the nation their new approach to managing the pandemic and growth in the virus across the country through the local regional tiered lockdown system. We have been in Tier 2 for just a week, however the government informed us that, due to the continued high level of cases across the region and increasingly concerning levels of hospital admission, it is now necessary to raise the alert level to very high and place the region in Tier 3. This is supported by our Director of Public Health.

We accept that it was inevitable that certain extra restrictions needed to be considered and we agree that more needs to be done to tackle the growth of the virus. We are seeing cases rise across the country. In Sheffield and South Yorkshire, we have seen there is a growing and extremely concerning number of people in ICU beds and doing nothing was clearly not an option.

As these restrictions are imposed people must be properly supported, especially when their place of work is closed down and they are not able to go to work and earn a living. People should be given the same level of support as they were in the national lockdown to help them through these incredibly challenging times. We maintain that there should be a furlough scheme that matches what was provided before and it is important to remember that many of the jobs involved here are amongst the lowest paid. We asked for a funding package that would allow us to compensate for the failure of the national scheme that the government have put forward. We asked for significantly greater financial support in addition to the national scheme that they have implemented.

Whilst the government are providing extra funding, they are giving South Yorkshire a standard package of support which they are providing to the areas going into Tier 3 and this will not allow us to provide the support for people that is needed. We will continue to push government to provide enough support for people and businesses, as they are now placing us in these measures which will have such serious consequences for the people that are most impacted. It is not too late to do the right thing to support people in Sheffield, South Yorkshire, and in fact all the people across the country who are going into Tier 3 and I would plead with government to increase the levels of support they are providing for Tier 3.

Many people will be fearful of what is to come over the coming months, whether it be for the risk of the virus, their place of employment being closed or the impact on them or their loved ones of the restrictions. We can in Sheffield get through this, but we can only do it by pulling together. The government's approach at this moment in time will not bring about this togetherness, so we in Sheffield must show them how it's done. We will continue to fight for our citizens and our

business in Sheffield. I know the spirit of Sheffield will get us through.

9. SHEFFIELD COVID BUSINESS RECOVERY PLAN

- 9.1 The Executive Director, Place, submitted a report setting out the priorities of the Sheffield COVID Business Recovery Plan, which has been developed by the Sheffield Business Response Group – a co-operation between the Cabinet Member for Business and Investment and the business community in Sheffield. The report seeks Cabinet endorsement of the plan and notes the new approach to collaboration between the Council and the business community, which will continue as the plan is delivered.

Alexis Krachai, Mel Kanarek and Martin McKervey from the Business Response Group attended the meeting to provide input from the business community partners of the Group.

9.2 RESOLVED: That Cabinet:-

(a) notes the role of the Council in developing the Sheffield COVID Business Recovery Plan as part of a collaboration with the Sheffield Business Response Group;

(b) endorses the Sheffield COVID Business Recovery Plan as a framework for action to help address the economic impacts of COVID;

(c) notes and acknowledges the role the Council will play in delivering elements of the Plan as part of the Business Response Group, with the Plan informing the City's bids for COVID relief and recovery funding;

(d) notes the collaborative approach taken to develop the action plan, creating the basis for a new long-term relationship with the private sector in Sheffield, working together to help to shape the city's long-term economic Strategy; and

(e) notes that a report seeking approval to establish a £2m Fund to support interventions that address some of the economic impacts of Covid-19 would be considered by the Leader in early November.

9.3 Reasons for Decision

- 9.3.1 The COVID pandemic has presented a number of challenges for businesses and the economy which, if not addressed, could lead to long-term issues in terms for employment, business and wages with knock-on impacts on health inequalities and people's wellbeing. The Sheffield COVID Business Recovery Plan sets out the

priorities for the city in addressing these issues and creates a framework for the Council to work alongside the business community to support the city's recovery, protecting jobs and businesses.

9.4 Alternatives Considered and Rejected

9.4.1 Do nothing: The Council had the option of not collaborating with the Business Response Group to produce an action plan and instead solely relying on the Sheffield City Region Renewal Action Plan for its response to COVID. However, this approach would have several disadvantages:

1. It ignores the issues affecting businesses at a city level which a regional approach may not always be able to reflect;

2. It ignores the vital role that anchor institutions and business networks play in the economy, not only in the more 'traditional' economic sphere of business support, transport, infrastructure and skills but also addressing inequalities, public health and environmental sustainability which are intrinsically linked to the economy;

3. The opportunity to build a refreshed, more collaborative relationship with the business community would have been missed;

4. The process of developing the city's own plan for business has informed our discussions with Sheffield City Region and allowed the city to better articulate what it needs from the regional plan. This opportunity would have been lost under a 'do nothing' approach.

9.5 Any Interest Declared or Dispensation Granted

None

9.6 Reason for Exemption if Public/Press Excluded During Consideration

None

9.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

9.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

(Note: At this point in the proceedings, Councillor Dore left the meeting and the Deputy Chair, Councillor Fox took the Chair).

10. RETIREMENT OF STAFF

10.1 The Executive Director, Resources submitted a report on Council staff retirements.

10.2 **RESOLVED:** That this Cabinet :-

(a) places on record its appreciation of the valuable services rendered to the City Council by the following staff in the Portfolios below:

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<u>People Portfolio</u>		
Ruth Mather	Assistant Headteacher, Woodthorpe Community Primary School	23
Susan Woodhouse	Senior Teaching Assistant Level 3, Rowan School	31
Richard Tasker	Commissioning Officer	20
Lorraine Thorneloe	Specialist Teaching Assistant	25
<u>Place Portfolio</u>		
Diane Persks	Passenger Assistant	36

(b) extends to them its best wishes for the future and a long and happy retirement; and

(c) directs that an appropriate extract of this resolution under the Common Seal of the Council be forwarded to those staff with over 20 years' service.

11. MONTH 5 CAPITAL APPROVALS 2020/21

11.1 The Executive Director, Resources submitted a report providing details of proposed changes to the Capital Programme as brought forward in Month 5, 2020/21.

11.2 **RESOLVED:** That Cabinet:-

(a) approves the proposed additions and variations to the Capital Programme listed in Appendix 1 of the report, including the procurement strategies and delegates authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts;

(b) approves the acceptance of grants as detailed at Appendix 2; and

(c) approves the making of grants to 3rd Parties as detailed at Appendix 2a.

11.3 Reasons for Decision

The proposed changes to the Capital programme will improve the services to the people of Sheffield.

To formally record changes to the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the Capital Programme in line with latest information.

To obtain the relevant delegations to allow projects to proceed.

11.4 Alternatives Considered and Rejected

11.4.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

11.5 Any Interest Declared or Dispensation Granted

None

11.6 Reason for Exemption if Public/Press Excluded During Consideration

None

11.7 Respective Director Responsible for Implementation

Eugene Walker, Executive Director, Resources

11.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

12. MEDIUM TERM FINANCIAL ANALYSIS (MTFA) 2021/22 TO 2024/25

12.1 The Executive Director, Resources, submitted a report providing Members with details of the forecast financial position of the Council for the next 4 years

(2021/22 to 2024/25) and to set the financial constraints within which the budgeting and business planning process will need to work to achieve a balanced budget position over the medium term.

12.2 RESOLVED: That Cabinet:-

(a) notes the forecast financial position of the Council for the next 4 years as set out in the report;

(b) notes, as a planning assumption, core Council Tax increases of 2% each year;

(c) notes the additional pressures caused by the COVID crisis, and that further transformation savings are required, and lobby Central Government for additional financial support;

(d) notes that the Council's current level of reserves provides time for action to be taken strategically in response to the COVID crisis and the more general financial position, but that actions will be needed, on current projections, to maintain financial stability in the medium term; these actions will include further co-operation with other key stakeholders, in particular the NHS; and

(e) considers the information contained in the capital sections of the report and note that discussions will continue with Cabinet Members to provide guidance on how to proceed with the programmes highlighted.

12.3 Reasons for Decision

12.3.1 To inform Cabinet Members of the latest changes to the Council's medium term forecasts, and to provide a strategic framework for the development of budget proposals and the business planning process beyond 2021/22.

12.4 Alternatives Considered and Rejected

12.4.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

12.5 Any Interest Declared or Dispensation Granted

None

12.6 Reason for Exemption if Public/Press Excluded During Consideration

None

12.7 Respective Director Responsible for Implementation

Eugene Walker, Executive Director, Resources

12.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Overview and Scrutiny Management Committee

13. PROCUREMENT OF A KITCHEN, WORKTOPS AND ASSOCIATED PRODUCTS SUPPLY CONTRACT TO SUPPORT THE REPAIRS AND MAINTENANCE SERVICE

13.1 The Executive Director, Place, submitted a report seeking authority to procure the contracts for the supply of fitted kitchens, worktops and associated products to support the Repairs and Maintenance Service in line with the contents of the report.

13.2 **RESOLVED:** That Cabinet:-

(a) approves the tendering of the fitted kitchens, worktops and associated products supply contract via an existing compliant framework as outlined in the report; and

(b) delegates authority to the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:

(i) decide the award of the new contracts to the successful suppliers chosen by the Council following the procurement; and

(ii) take all other decisions necessary in order to meet the aims, objectives and outcomes of the report which are not already covered by existing delegations in the Leaders Scheme of Delegations.

13.3 Reasons for Decision

13.3.1 The procurement will enable the Council to:

- Have a compliant mechanism in place to meet the service requirements, whilst allowing for a thorough review in the medium term to identify any further savings/efficiencies as part of the ongoing Repairs & Maintenance TOM (target operating model) project.
- Harness any immediate savings and economies of scale that can be realised by re-engaging the market, any savings realised that can be

cashable in nature will contribute to the services' savings targets.

- Realise the Councils Social Value ambitions by driving further value added impact through this supply chain.

13.4 **Alternatives Considered and Rejected**

13.4.1 Alternative Option 1 – Do not Procure.

If the Council did not carry out this procurement then the Repairs and Maintenance Service would not be able to maintain the Council's Housing Stock fully.

We are bound by the Public Contracts Regulations and Council Governance to conduct a procurement where the level of financial spend indicates this, alternatives around the route to market will be options appraised, considered and benchmarked and fully documented in the Procurement Strategy.

13.4.2 Alternative Option 2 – Extend the contract with the current supplier.

The current contract has expired and there are no further extensions possible under the framework agreement

13.4.3 Alternative Option 3 – Conduct a full OJEU compliant SCC Tender

The option to conduct a standalone tender was ruled out as there was no option to open up the specification and include other manufacturers. The JTC kitchens are fitted in almost every Council rented property which has been upgraded under the Decent Homes programme over time. Kitchens from other manufacturers are not completely interchangeable and sizes do vary, making the responsive repair of these kitchens and the component parts very difficult.

Given the specification can only be met by one manufacturer there is no competitive market to approach. Value on this will be driven by a competitive offering via a Framework and harnessing the economies of scale these bring. In addition, much due diligence on the supplier has already been satisfied which does save time and resource compared to conducting a full tender.

13.4.4 Alternative Option 4 – Conduct a further competition under a fully OJEU compliant Framework.

The option to conduct a further competition under a Framework has been considered but again has been ruled out for the same reasons as in option 3. There is no opportunity to accept a bid from another manufacturer who's products will not be compatible with the items we have installed.

13.5 Any Interest Declared or Dispensation Granted

None

13.6 Reason for Exemption if Public/Press Excluded During Consideration

None

13.7 Respective Director Responsible for Implementation

Laraine Manley, Executive Director, Place

13.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Safer and Stronger Communities Scrutiny and Policy Development Committee

14. TRANSPORT FRAMEWORK FOR TAXI AND MINIBUS PROVISION

14.1 The Executive Director, Place submitted a report seeking authority to extend the current transport framework for taxi and minibus provision (with or without escorts). Sheffield City Council currently provide taxi and minibus transport for Special Education Needs (SEN) children, Looked after Children (LAC) and vulnerable adults.

14.2 **RESOLVED:** That Cabinet:-

(a) approves the extension of the current transport framework for taxi and minibus provision (with or without escorts) for a period of 3 years in accordance with and for the reasons outlined in the report; and

(b) delegates authority to the Executive Director of Place, in consultation with the Director of Finance and Commercial Services and the Director of Legal and Governance to:

(i) decide the award of any new contracts to the successful suppliers chosen by the Council following their application to the Dynamic Purchasing System (DPS) framework and following any further competition; and

(ii) take all other decisions necessary in order to meet the aims, objectives and outcomes of the report which are not already covered by existing delegations in the Leaders Scheme of Delegation.

14.3 Reasons for Decision

14.3.1 The continuation of the DPS framework will permit competitive tendering amongst local businesses and will drive down the cost and increase availability of taxis & minibuses to the City Council. The DPS is preferred to any of the existing frameworks as a better and more economic fit for the needs of Sheffield Transport. It is expected that the framework will continue to develop over its 3-year period, delivering a service that users benefit from as well as providing local employment and developing local businesses

14.4 **Alternatives Considered and Rejected**

14.4.1 Alternative Option 1 – Do nothing

If the Council did nothing and did not put in place a new framework or extend the existing DPS framework, then the Council would not be able to meet its statutory responsibility to provide travel assistance to children who have an entitlement because of their special educational needs and for Adult Care clients to meet their respite and other needs.

14.4.2 Alternative Option 2 – Put in place a new Council framework agreement.

A framework agreement is an umbrella agreement that will set out the terms of supply such as price, quality, and quantity under which individual contracts can be made throughout an agreed period, usually up to 4 years. Frameworks help streamline procurement for both suppliers and authorities; suppliers don't have to demonstrate suitability and capability every time they wish to compete for a contract, and the award of individual tenders can be quicker than under some other procedures. The Council requires a highly flexible contracting system that is responsive to changing client needs and/or funding arrangements, whilst maintaining specified levels of service quality. The main benefit of a framework agreement is providing taxi services on a call off arrangement meaning the Council can increase or decrease its demand for taxi services in the future as this arrangement gives no guarantee of any minimum or maximum value of work for suppliers. Furthermore, it is evident that this service would highly benefit from multiple suppliers making a DPS framework more suitable.

14.5 **Any Interest Declared or Dispensation Granted**

None

14.6 **Reason for Exemption if Public/Press Excluded During Consideration**

None

14.7 **Respective Director Responsible for Implementation**

Laraine Manley, Executive Director, Place

14.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Economic and Environmental Wellbeing Scrutiny and Policy Development Committee

15. REGIONAL ADOPTION AGENCY

15.1 The Executive Director, People Services submitted a report setting out the proposals for Sheffield City Council's Adoption Service to form a Regional Adoption Agency (RAA) with three other local authority adoption services, those of Barnsley MBC and Rotherham MBC, Doncaster Council together with Doncaster Children's Services Trust, and seeking approval to proceed.

15.2 **RESOLVED:** That Cabinet:-

(a) approves the proposal for Sheffield City Council's Adoption Service to form and be part of the South Yorkshire Regional Adoption Agency (SYRAA) as set out in the report; and

(b) delegates authority to the Executive Director of People Services, in consultation with the Director of Legal and Governance to enter into a formal Agreement with participating bodies to effect the SYRAA; and thereafter to take such steps, where no authority exists under the Leaders Scheme of Delegation to achieve the aims and objectives as set out in the report.

15.3 Reasons for Decision

15.3.1 Being part of a Regional Adoption Agency (RAA) will improve our ability to place Sheffield's children in adoptive families and to do so in a timely manner. This will be good for children and will result in costs efficiencies for the Council.

It will cost us no more financially to be part of a RAA and over time will increasingly lead to cost efficiencies. In particular, improved recruitment of adopters will reduce the need to spend money purchasing inter-agency placements.

Joining a RAA in the model proposed is in line with staff preferences not to be transferred out of their Council employment and as such promotes staff retention and continuity.

Joining a RAA is consistent with the Government's drive for all adoption services to regionalise.

15.4 Alternatives Considered and Rejected

- 15.4.1 In consideration of the 'do nothing' and remain as we are option, we have to account for the Government legislation that requires all adoption services nationally to regionalise. As such, it is not a choice whether we become part of a regional adoption agency in some way or other. A failure to act could result in the Secretary of State designating which RAA the Sheffield adoptive function should be provided by, either by allocating another local authority and/or an adoption agency to provide the adoptive service. By being proactive Sheffield can be involved in the formation of the South Yorkshire RAA, being instrumental in its formation. Aside from it being a requirement, we do believe that regionalising provides an excellent opportunity to pool resources and expertise across the region to deliver improved services and outcomes for the region's children and importantly for Sheffield's children.

There was an option to develop a more fully integrated and separate service inclusive of transferring staff under TUPE regulations. This is not a preferred option as we wish to continue employing our existing staff. This model was objected to by staff and trades unions and it presents a risk to staff retention and continuity that would have a negative impact for children and adopters.

Our preferred and recommended model is that set out above.

15.5 Any Interest Declared or Dispensation Granted

None

15.6 Reason for Exemption if Public/Press Excluded During Consideration

None

15.7 Respective Director Responsible for Implementation

John Macilwraith, Executive Director, People Services

15.8 Relevant Scrutiny and Policy Development Committee If Decision Called In

Children, Young People and Family Support Scrutiny and Policy Development Committee



Author/Lead Officer of Report:
Craig Rogerson/Principal Committee Secretary

Tel: 27 34014

Report of: *Executive Director, Resources*

Report to: *Cabinet*

Date of Decision: *18 November 2020*

Subject: *Staff Retirements*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>N/A</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>N/A</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report:

To report the retirement of the following staff from the Council's Service and to convey the Council's thanks for their work.

Recommendations:

To recommend that Cabinet:-

- (a) place on record its appreciation of the valuable services rendered to the City Council by the members of staff in the Portfolios stated;
- (b) extend to them its best wishes for the future and a long and happy retirement; and
- (c) direct that an appropriate extract of the resolution now made, under the Common Seal of the Council, be forwarded to those staff with over 20 years' service.

Background Papers: None

(Insert details of any background papers used in the compilation of the report.)

1. PROPOSAL

1.1 To report the retirement of the following staff from the Council's Service and to convey the Council's thanks for their work:-

<u>Name</u>	<u>Post</u>	<u>Years' Service</u>
<i><u>Place Portfolio</u></i>		
Robert Turner	Principal Planning Officer	41

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Author/Lead Officer of Report:
 Phil Moorcroft
 Senior Construction Category Manager

Tel: N/A

Report of: *Eugene Walker*

Report to: *Cabinet*

Date of Decision: *18 November 2020*

Subject: *Capital Approvals for Month 06 2020/21*

Is this a Key Decision? If Yes, reason Key Decision:-

	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		

Which Cabinet Member Portfolio does this relate to? ***Finance and Resources***

Which Scrutiny and Policy Development Committee does this relate to?
Overview and Scrutiny Management Committee

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? *(Insert reference number)*

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

Purpose of Report:

This report provides details of proposed changes to the Capital Programme as brought forward in Month 6 2020/21.

Recommendations:

- Approve the proposed additions and variations to the Capital Programme listed in Appendix 1, including the procurement strategies and delegate authority to the Director of Finance and Commercial Services or nominated Officer, as appropriate, to award the necessary contracts.

Background Papers: *Appendix 1*

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Tim Hardie</i>
		Legal: <i>Nadine Sime</i>
		Equalities: No
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Eugene Walker</i>
3	Cabinet Member consulted:	<i>Terry Fox</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Phil Moorcroft</i>	Job Title: <i>Senior Construction Category Manager</i>
	Date: <i>03 November 2020</i>	

CAPITAL APPROVALS

MONTH 06 2020/21

1. SUMMARY

- 1.1 A number of schemes have been submitted for approval in line with the Council's capital approval process during the Month 06 reporting cycle. This report requests the relevant approvals and delegations to allow these schemes to progress.
- 1.2 Below is a summary of the number and total value of schemes in each approval category:
- 10 additions of specific projects to the capital programme creating a net increase of £42.4m
 - 2 variations creating a net reduction of £0.7m.
- 1.3 Further details of the schemes listed above can be found in Appendix 1.

2. WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

- 2.1 The proposed changes to the Capital programme will improve the recreational leisure facilities, schools, roads and homes used by the people of Sheffield, and improve the infrastructure of the City Council to deliver those services.

3. BACKGROUND

This report is part of the monthly reporting procedure to Members on proposed changes to the Council's capital programme.

4. OUTCOME AND SUSTAINABILITY

- 4.1 By delivering these schemes the Council seeks to improve the quality of life for the people of Sheffield.

5. OTHER IMPLICATIONS

5.1 Finance Implications

The primary purpose of this report is to provide Members with information on the proposed changes to the City Council's Capital Programme further details on each scheme are included in Appendix 1 in relation to schemes to be delivered.

There are no grants to be accepted or issued this month.

5.2 Procurement and Contract Award Implications

This report will commit the Council to a series of future contracts. The procurement strategy for each project is set out in Appendix 1. The award of the subsequent contracts will be delegated to the Director of Financial and Commercial Services.

5.3 Legal Implications

Any specific legal implications in this report are set out in Appendix 1.

5.4 Human Resource Implications

There are no direct Human Resource implications for the Council.

5.5 **Property Implications**

Any specific property implications from the proposals in this report are set out at Appendix 1.

6. **ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

7. **REASONS FOR RECOMMENDATIONS**

- 7.1 The proposed changes to the Capital programme will improve the services to the people of Sheffield.
- 7.2 To formally record changes to the Capital Programme and gain Member approval for changes in line with Financial Regulations and to reset the capital programme in line with latest information.
- 7.3 Obtain the relevant delegations to allow projects to proceed.

Finance and Commercial Services | Commercial Business Development

November 2020

Scheme name / Q number / summary description								Value £
A	Economic growth							
	New additions							
	None							
	Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)							
	None							
B	Transport							
	New additions							
Page 33	Wortley Crossing Why do we need the project? This project is to provide an improved crossing point at Wortley Road, Deepcar which is part of an existing bridleway - Little Don Link – connecting north Sheffield with Deepcar, Fox Valley and Stocksbridge. The crossing was initially designed as part of the initial Little Don Link business case but was excluded due to insufficient funding.							60k
	How are we going to achieve it? Funding for this phase has now been identified from the 2020-21 Local Transport Plan allocation and approval is now being sought to commence the works. The scope and objectives for this element remain the same as those identified in the Little Don Link business case and are expected to cost £60k.							
What are the benefits? <ul style="list-style-type: none"> • Increase in cycling / reduction in pollution and congestion • Cycle counters have been installed at strategic points along the main route. The data collected from these will provide insight into the numbers of people cycling • The people of Sheffield will benefit from this intervention – both cyclists and pedestrians use this route 								
When will the project be completed? March 2021								
Funding Source	Local Transport Plan	Amount	60k	Status	Ringfenced for Transport Project	Approved		

	Procurement	i. Direct award to Amey Hallam Highways via Schedule 7 of the Streets Ahead PFI.	
	Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)		
	None		
	Funding		
	Procurement		
C	Quality of life		
	New additions		
	None		
	Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)		
	None		
Page 34	Green and open spaces		
	New additions		
	Oxley Park SCLC Park & Access Why do we need the project? Existing recreational facilities within Oxley Park are limited, in poor condition, and need significant investment. Play facilities are currently restricted to one set of swings located in an inaccessible area of the site. The footpath infrastructure around the site is poor making some areas difficult to access. Recent consultation exercises have highlighted priorities to be café, toilets and new play facilities. Stocksbridge Community Leisure Centre (SCLC) is based within Oxley Park. It has recently completed a refurbishment, which has provided a new fully accessible front entrance and reception area, a new meeting room and offices, a brand-new café and a complete renovation of the 'wet' changing rooms. £500K has been secured following a bid to the Towns Fund Accelerated funding pot, in partnership with SCLC on behalf of the Stocksbridge Town Deal Board. This award is to deliver a project that will contribute to the wider vision currently being developed for Stocksbridge and will enable the Leisure Centre to better interface with its fantastic parkland setting, creating new, more accessible and overlooked play facilities linked closely with these Leisure Centre improvements.		500k

How are we going to achieve it?

- Create an outdoor seating terrace and toddler play for the new Leisure Centre Café linking into the park
- Create a new children's playground with fixed equipment and a natural play theme in a prominent location adjacent to SCLC. The new playground will make use of the surrounding landscape will be linked via a play trail to the new Leisure Centre café terrace
- Develop infrastructure including access routes, landscaping and additional bike and car parking provision to ensure the new developments encourage and facilitate sustainable travel but are also accessible to car users of the Leisure Centre and Oxley Park in what is an elevated setting with restricted public transport links

The Council will work closely with SCLC, particularly in respect of the terrace, toddler play and infrastructure aspects of the project.

What are the benefits?

- Increase participation and access for all, improving community health and wellbeing by involvement in sports and fitness, as well as through the provision of quiet, reflective spaces.
- Support long-term sustainability for a quality park and leisure centre 'community hub'
- Increased community ownership by addressing barriers that restrict access
- Increase quality, utility and biodiversity of public open space
- Increased employment and training opportunities
- Enhanced footfall in the Town

When will the project be completed?

31st March 2021

Budget

CDS Fees	£35K
Commercial Services Fee	£1K
Construction Play	£172K
Construction Footpaths	£45K
Construction Parking and Infrastructure	£225k
Contingency	£22K
Total Cost	£500K

Funding

The £500K grant was accepted via email by the Director of Finance 29.09.20 and by the Executive Director – Place 01.10.20 due to the grant being awarded 25.09.20 and received 30.09.20

Funding Source	Towns (Accelerated) Fund	Amount	£500K	Status	Awarded / Received	Approved	Green & Open Spaces PG Oct20
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	Procurement	i. Supply and installation of playground equipment, safety surfacing, fencing and earthworks by mini competition via the ESPO framework. ii. Footpath, parking and infrastructure works by call-off from the corporate Non-Highways measured term contract. iii. Tree planting by quotation.						
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)								
None								
E	Housing growth							
New additions								
Page 36	Porter Brook Site – Sidney Street Demolition Why do we need the project? The Porter Brook site is currently a public car park and contains the former Escape Rooms building at 1 Sidney Street, S1 4RG. The demolition of the building at 1 Sidney Street is required to enable housing development on the site. The site is a priority site for Sheffield City Council as we need to maximise its attractiveness to developers. Furthermore, this will deliver savings in vacant property management costs of £10k per year including security, fly tipping and utilities, plus £33k per year in rates. How are we going to achieve it? Demolition of the building at 1 Sidney Street – to include sub-structure, retaining the associated sub-station. Remediate to have capping layer to allow for use as car park if required – general grading of the level. Timber hoarding to street frontage following demolition for security purposes. What are the benefits? Maximising the attractiveness of the site to potential developers to reduce risk, accelerate potential development to support the city centre and also maximise the overall value of the capital receipt. When will the project be completed? 31/03/2021							350k
	Funding Source	Anticipated Homes England Grant (underwritten from	Amount	£350k	Status		Approved	

	Housing Growth Site Enabling Fund.)							
	Procurement	i. Closed competitive tender via Constructionline to source local and/or regional Contractors.						
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)								
	None							
F	Housing investment							
	New additions							
Page 37	Electrical Upgrade Programme Phase 2							28,945k
	<p>Why do we need the project?</p> <p>This project will be Phase 2 of the Council Housing Electrical Upgrade Programme. Phase 1 was a three year programme delivered 2018-21, following Housing Investment Programme Group endorsement of an Electrical Strategy in May 2015. It will deliver electrical inspection, testing and reporting for 18,000 properties (based on properties that were not completed in phase 1 of the programme and allowing for a 15% access failure rate)</p> <p>Most council owned properties have not received whole house electrical investment for many years. The Decent Homes programme did not fund a whole house dedicated programme of electrical works, only kitchen and bathrooms.</p> <p>All electrical installations deteriorate with age and use. There is a need to bring properties up to modern day electrical standards in relation to the requisite legislation, regulations and best practice. The Council is aiming to achieve a cycle of 5 years for periodic electrical inspection and testing as recommended (and is now law for private landlords). This programme is a key vehicle towards achieving five-year testing, with many properties in this phase being closer to 10 years since the last test. At the same time the programme provides the opportunity to complete important safety and improvement work for tenants.</p> <p>How are we going to achieve it?</p> <p>Statutory or Regulatory Requirements:</p> <ul style="list-style-type: none"> • Install isolation switch (where necessary) • Address category 1, 2 and 3 issues identified by the periodic test • Ensure earth bonding is adequate (where necessary) • Install earth wiring to lighting circuits (where necessary) • Carry out a final periodic test (following works) to verify all electrics are operating correctly <p>'Best Practice' requirements which will benefit tenants:</p> <ul style="list-style-type: none"> • Install hard wired smoke alarm systems in replacement of battery-operated units 							

- Replace consumer units (if existing unit obsolete or located in escape routes or under stairs) to provide improved RCD protection and safety for residents. Compatible with future PV installations.
- Install additional sockets and / or improve the spread of sockets. Many properties have not had additional sockets installed for 50 years with tenants relying heavily on extension cables.
- Install carbon monoxide detectors (most properties). Sited in lounge where there is an open flued gas fire and kitchen where there is a boiler located. This is not currently a legal requirement, however there is a strong possibility it may become so in the future
- Install external lighting to houses, bungalows & flats (where there is no communal lighting present). This will improve tenants' quality of life and potential safety

What are the benefits?

- SCC compliance with recommendations set out by NICEIC and IET Wiring Regulations BS 7671:2018
- Improved safety for tenants and residents
- More flexibility, easier/ better usage of electrical goods for tenants
- Reduce the volume/ cost of electrical repairs

When will the project be completed?

June 2026

Costs

CDS Fees	£195K
Works	£27,300K
Contingency	£1,450K
Total	£28,945K

Budget

20/21	£25K
21/22	£2,892K
22/23	£5,784K
23/24	£5,784K
24/25	£5,784K
25/26	£5,784K
26/27	£2,892K
Total	£28,945K

Funding Source	HRA via Q0084	Amount	£28,945K	Status	Funding available in block allocation	Approved	Housing Investment PG Oct20
Procurement	i. Competitive OJEU Restricted Procedure with SSQ						

		Should the above route yield an insufficient tender list then the YORbuild2 framework may be used as an alternative route to market.	
	<p>Stairlifts Measured Term Contract</p> <p>Why do we need the project?</p> <p>Sheffield City Council, in discharging its duty under section 8 of the Housing Act 1985 (as amended), must consider housing conditions and the provision of further housing accommodation in its area and must have regard to the special needs of chronically sick or disabled persons.</p> <p>Under the Equality Act 2010, the Council as landlord does not have to make changes which affect the structure or which would substantially and permanently alter a Council tenant's home, but it does have a duty to provide adaptations for residents with disabilities where these are necessary and appropriate to meet that person's needs.</p> <p>The existing stairlift term contract is due to expire 31st March 2021. For SCC to continue to meet its statutory obligations a full procurement process to let a new contract is now required. Without this, the Council will fail in its duty to provide stairlift provision as part of adaptations for residents with disabilities. Government timescales for the provision of adaptations will be missed, referrals will continue, and a backlog of work will accumulate. The Council will leave tenants and residents with disabilities without suitable access means within their home necessary to meet their needs.</p> <p>How are we going to achieve it?</p> <p>Let a new contract for the design and manufacture and installation of straight or curved stair lifts to a variety of properties; including surveying, design in accordance with the performance specification, manufacture of bespoke units and installation, together with all necessary builder's work, making good, maintenance, removing and restocking units. We anticipate installing over 500 units over the duration of this contract – some as replacements for existing stairlifts which are beyond economic repair.</p> <p>The new contract will have an increased focus on the recycling of units. The existing recycling of stairlifts under the existing contract will be reviewed with the aim to improve these.</p> <p>What are the benefits?</p> <ul style="list-style-type: none"> • Provide the Council with a contractual mechanism to fulfil its duty to meet the adaptations requirements for stairlift access for residents with disabilities living in its housing stock. • Improve the lives of said residents by providing the Council with the capability to provide stairlift adaptations to meet their needs. • Facilitate the capacity of residents with disabilities to live independently at home and reduce the burden on care services. <p>When will the project be completed?</p> <p>March 2026</p> <p>Costs</p> <p>Works £1,500K</p> <p>Budget</p>		1,500k

21/22 £300K 22/23 £300K 23/24 £300K 24/25 £300K 25/26 £300K Total £1,500K							
Funding Source	HRA via Q0089 and BU 97147	Amount	£1,500K	Status	Funding available in block allocation	Approved	Housing Investment PG Oct 20
Procurement		i. Joint procurement with Barnsley Metropolitan Borough Council via restricted procedure with SSQ.					
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / re-profiling / scope change)							
<p>Single Staircase Tower Blocks</p> <p>Scheme description</p> <p>Following the Grenfell Tower Block Fire and subsequent publication of the Hackett report all Local Authorities in the UK have been reviewing and continue to review their policies and procedures regarding fire safety of residents, particularly in high rise tower blocks.</p> <p>The review completed by Sheffield City Council identified a number of areas for potential improvement, particularly for high risk assets including 24 tower blocks and 30 sheltered schemes (OPIL). The opportunity will also be taken to and improve the internal environment of these buildings through a refresh of communal areas.</p> <p>Due to the scale of the works, a multi-phase delivery approach to these fire risk works will be adopted, based on priority;</p> <ol style="list-style-type: none"> 1. Hanover cladding (already underway) 2. Single Staircase Tower Blocks (Hanover and 3 nr blocks at Stannington – Woodland, Parkside, Cliffe) 3. Tower Blocks (Callow, Leverton, Netherthorpe & Upperthorpe) 4. Sheltered Accommodation – focusing on dead leg areas and vulnerable people 5. Other Buildings <p>This entry relates to phase 2.</p> <p>What has changed?</p> <p>Following completion of the feasibility, phase 2 – Single Staircase Tower Blocks (Hanover & Stannington) is now ready to progress. Due to having a single escape route, improvement works to these blocks need to be prioritised. Whilst these buildings are currently compliant with existing legislation,</p>							10,107k

doing nothing is not a feasible option due to changing legislation post-Grenfell and the City Council's obligations to our customers to provide safe, good quality homes.

Objectives

- Improvements to the fire safety of the four single staircase tower blocks at Hanover and Stannington
- Improvement to the overall quality of the four single staircase tower blocks in order to increase the comfort and satisfaction of residents

Benefits

- Buildings fully compliant with latest legislation and statutory guidelines measured through compliance with building regulations and appropriate legislation
- Improved conformance with Fire Risk Assessments (FRA) and safety audits by South Yorkshire Fire and Rescue Service measured through reduction in issues/non-conformances identified
- Improved thermal efficiency of buildings measured through improvement in uValue
- Improved recycling rates measured through data from Veolia
- Improved customer satisfaction measured through customer satisfaction survey

Scope

- Install a high pressure misting system to all four tower blocks
- FRA Works
- Install linked fire alarm system with ability to communicate with individual flats
- Install new centralised emergency lighting system with local circuit failure
- Apply 'silver' standard of new surface treatments in communal areas
- Install new scheme of building/floor numbering and way finding signage
- Install new fire doors and screens in communal areas
- Install new communal area power supplies with key operated sockets in Hanover, and provide new key operated socket plates to existing sockets in Stannington
- Install new energy efficient LED lighting to new lobby areas in all four blocks
- Install solar PV arrays to all four tower blocks to provide appropriate supplies for communal lighting and communal power
- Install new composite aluminium windows to all three tower blocks
- Install new roof system at Stannington blocks
- Provision of new bin stores
- Carry out works to refresh external areas including replacement of fencing and paving, and access control to gated entrances
- Replacement of existing boiler house (Stannington only); continue and conclude separate feasibility study to determine optimum approach for replacement of existing Boiler House serving all three tower blocks at Stannington.

Variation type: Budget increase

Costs

CDS Fees	£486.4K
Consultant Fees	£161.3K
Other Fees	£20.0K

<p>Client Directs £100.0K Construction £9,000.0K <u>Contingency £454.3K</u> Total £10,222.0K</p>	<p>Budget (current budget is for feasibility) Spend 19/20 £85.2K Current Budget 20/21 £29.7K + £112.7K = £142.4K Current Budget 21/22 £0.0K + £3,249.5K = £3,249.5K <u>Current Budget 22/23 £0.0K + £6,744.9K = £6,744.9K</u> Total 20-23 Budget £114.9K + £10,107.1K = £10,222.0K</p>	<p>-39,052k</p>
<p>Funding HRA via Q0084</p>	<p>Procurement i. OJEU Restricted Procedure with SSQ</p>	
<p>H & S Essential Work</p> <p>Scheme description Block allocation of HRA funding for health and safety projects on the Council Housing stock.</p> <p>What has changed?</p> <ol style="list-style-type: none"> Phase 2 of the Electrical Upgrade Programme is also progressing and therefore funding from this allocation needs to be drawn down to the scheme. See the Additions entry above for 97477. The Single Staircase Tower Block scheme is now progressing following completion of the feasibility (boiler House feasibility still ongoing as added later), therefore funding from this allocation needs to be drawn down to the scheme. See the Variations entry above for 97480. <p>Variation type: Budget decrease</p> <p>Budget The drawdowns are:</p> <ol style="list-style-type: none"> Electrical Upgrade £28,945.0K <u>Single Staircase £10,107.0K</u> Total £39,052.0K <p>Current 20/21 Budget £6,815.5K - £6,815.5K Current 21/22 Budget £11,733.0K - £11,733.0K Current 22/23 Budget £11,893.4K - £11,893.4K Current 23/24 Budget £12,384.8K - £8,610.1K = £3,774.7K Current 24/25 Budget £12,092.5K - £0.0K = £12,092.5K</p>		

	Total 20-25 Budget £54,919.2K - £39,052.0K = £15,867.2K		
	Funding	HRA	
	Procurement	N/A	
	Adaptations / Other Essential Work		-1,500k
	Scheme description Block allocation of HRA funding for other essential work needed on the Council Housing stock.		
	What has changed? The new Stairlifts Measured Term contract is soon to be tendered and therefore funding needs to be drawn down to the scheme. When the new Adaptations budget and procurement strategy were approved the budget was moved from the existing Adaptations Business Unit 97147 to the new one. This left a budget in 20/21 on the existing business unit; some of which was needed to complete the existing contract, the rest, approx. £650K is spare. The draw down for the Stairlifts budget will therefore be £650K from BU 97147 and £850K from the Other Essential Works block allocation; Q0089. See the Additions entry above for 97476 for details of the Stairlift scheme.		
	Variation type: Budget decrease		
	Budget <u>97147</u> Current 20/21 Budget £2,368.4K - £650K = £1,718.4K		
	<u>Q0089</u> Current 20/21 Budget £210.0K - £210.0K = £0.0K Current 21/22 Budget £535.5K - £535.5K = £0.0K Current 22/23 Budget £1,250.0K - £104.5K = £1,145.5K Current 23/24 Budget £1,250.0K - £0.0K = £1,250.0K Current 24/25 Budget £1,250.0K - £0.0K = £1,250.0K Total 20-25 Budget £4,495.5K - £850.0K = £3,645.5K		
	Funding	HRA	
	Procurement	N/A	
G	People – capital and growth		

New additions							
<p>Halfway Infants Structural Repairs – NI Office Block</p> <p>Why do we need the project?</p> <p>The whole building is in an extremely poor condition with extensive decay to the timber wall panels and vertical and horizontal wall framework, timber window casements and external fire door resulting from water ingress.</p> <p>The Head Teacher’s Office exhibits the culmination of several factors creating an all-encompassing problem. This office cannot be classed as habitable in the terms of current construction comfort standards and following the results of the air sampling which indicated the presence of fungal spores from a species which are considered allergenic and pathogenic in humans.</p> <p>If not addressed, the Office Block building will become unusable at some point in the near future.</p> <p>The option to replace the building was chosen as the best option, offering minimal disruption with the shortest programme time and lowest cost and delivers the majority of the work over the school summer holidays, with an expected start on site date in May 2021 and a planned completion date in August 2021.</p> <p>How are we going to achieve it?</p> <p>Replace existing Office with a Modular Building on the existing ground slab.</p> <p>What are the benefits?</p> <p>The school will have Heads office, General office and Staff room available for safe use which complies with current regulations and delivers energy savings.</p> <p>When will the project be completed?</p> <p>31/08/2021</p>							299k
Funding Source	DfE Condition Allocation	Amount	£ 11k feasibility <u>+£299k</u> £310k Total	Status		Approved	
Procurement		i. Direct award via the LHC framework.					
<p>Carfield Avenue - Care Leavers: Accommodation - Training Flats</p> <p>Why do we need the project?</p> <p>The Council is required to meet the Local Authorities Sufficiency Duty for Care Leavers. Housing via existing stocks is not suitable and flexible enough to meet the needs of young people transitioning to independence. This project will support the portfolio strategy to provide a range of ‘in city’ accommodation options for young carer leavers that can flexibly meet their needs for affordable accommodation.</p>							575.6k

<p>The Council has purchased a building for the purpose of adapting to provide the required accommodation and must now progress with refurbishment to avoid a shortage of placements for children leaving care.</p> <p>How are we going to achieve it?</p> <p>The refurbishment and remodelling of existing accommodation to provide required 6 self-contained flats, associated external spaces and provision of office accommodation.</p> <p>What are the benefits?</p> <p>These 6 self-contained flats with laundry, office accommodation and common room will provide stability for this cohort of young people, maximising their changes of a successful transition to a mainstream tenancy and adulthood.</p> <p>When will the project be completed?</p> <p>31/08/2021</p>							
Funding Source	Corporate Investment Fund	Amount	£ 15.3k feasibility £409.0k purchase <u>+£575.6k Fit-out</u> £999.9k Total	Status		Approved	
Procurement		i. Closed competitive tender via Constructionline to source local and/or regional Contractors.					
Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)							
<p>Disabled Facilities Grant (DFG) Expenditure</p> <p>Scheme description</p> <p>The Ministry of Housing, Communities and Local Government (MHCLG) provides an annual disabled facilities capital grant to Sheffield City Council (SCC). The DFG is for the provision of means tested adaptations to disabled people's homes (either their own home or privately rented accommodation) to help them live as independently and safely as possible.</p> <p>What has changed?</p> <p>Budget variation required to reflect an increase in DFG-related expenditure in 2020-21 due to an unexpected, continued need for individual DFG works, following the introduction of the new Policy. It was expected that DFG approvals would migrate to Accelerated Adaptations Grants (AAGs) in greater numbers, though this has not yet materialised. Also, rising costs continue to drive new DFG applications.</p> <p>Variation type: -</p> <p>Budget increase: +£1.781m to reflect an increase in planned expenditure in 2020-21.</p>							1,781k

	Funding	Disabled Facility Grant Government Allocation	
	Procurement	N/A	
	Accelerated Adaptations Grant		(2,487)k
	Scheme description		
	<p>This scheme was hived off from the original DFG budget expenditure project, to provide a fast track grant for the provision of adaptations where the applicant is terminally ill, the adaptation will reduce or delay the need for care or the adaptation will prevent the applicant from going into care upon discharge from hospital. The maximum individual grant is £10k.</p>		
	What has changed?		
	<p>Budget variation required to reflect the reduction in planned expenditure in 2020-21 due to lower than expected demand due to continued dependency on DFG, plus lack of capacity to deliver by contractor/team due to Coronavirus.</p>		
	Variation type: -		
	<p>Budget decrease: -£2.487m to reflect the reduction in planned expenditure in 2020-21.</p>		
	Funding	Disabled Facility Grant Government Allocation	
	Procurement	N/A	
H	Essential compliance and maintenance		
	New additions		
	FRA (Fire Risk Assessment) Corporate Sites 2020 - Feasibility		52k
	<ul style="list-style-type: none"> • Meersbrook Park Offices: £13k • Spring Street Kennels: £13k • Mather Road Recreation: £13k • Heeley Green Community Centre: £13k 		
	Why do we need the project?		
	<p>Fire Risk Assessments have highlighted shortfalls in the provision of necessary Fire Precautions in a number of SCC Corporate buildings. These issues are being mitigated by short term management actions. In the medium to longer term, physical improvements to these buildings are required to make them compliant. The above four highest priority schools building have been identified.</p>		
	How are we going to achieve it?		

<p>Conduct feasibility on undertaking works to install compartmentation and fire safety systems at the above sites.</p> <p>What are the benefits?</p> <p>This will be the starting point to address identified fire safety issues at these 4 sites, providing suitable protection to staff and visitors to the building and providing compartmentation to the building to allow SYFRS adequate protection to fight any future fires.</p> <p>When will the project be completed?</p> <p>31/03/2022</p>								
Funding Source	Corporate Investment Fund	Amount	£52k	Status		Approved		
Procurement		<p>i. Feasibility in-house via the Capital Delivery Service.</p> <p>ii. Asbestos surveys via the existing Asbestos Consultancy Term Contract.</p>						
<p>Town Hall Atrium and Clock Tower - Feasibility</p> <p>Why do we need the project?</p> <p>Repairs and maintenance works are required to the Town Hall Atrium and clock tower. Limited occupation of the building at the moment means that works will have minimal impact of those using the building. If works are undertaken during full occupation the disruption, costs and H&S measures will increase.</p> <p>Timber frames and mouldings and damaged and decayed. Panes of glass require replacement, along with some rainwater goods. Potentially, works to Reception Room doors and replacement carpet on the main staircase may also be required.</p> <p>How are we going to achieve it?</p> <p>Works will be investigated to decide upon the most appropriate scope.</p> <p>What are the benefits?</p> <p>The works will address health and safety issues, together with potentially improving fire escape from the main conference rooms. They are consistent with our duty to maintain the structure of the Listed building.</p> <p>When will the project be completed?</p> <p>Spring/Summer 2021</p>								13k
Funding Source	Corporate Investment Fund	Amount	£13k feasibility	Status		Approved		

	Procurement	i. Feasibility in-house via the Capital Delivery Service.	
	Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change)		
	None		
I	Heart of the City II		
	New additions		
	None		
	Variations and reasons for change (please specify all that apply: budget increase / budget reduction / reprofiling / scope change / procurement)		
	None		



Author/Lead Officer of Report: Paul Schofield,
Head of Accounting and Infrastructure

Tel: 07980 781036

Report of: *Eugene Walker*

Report to: *Cabinet*

Date of Decision: *18th November 2020*


Subject: *Revenue and Capital Budget Monitoring 2020/21 – as at 30th September 2020*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
- Expenditure and/or savings over £500,000		<input checked="" type="checkbox"/>		
- Affects 2 or more Wards		<input checked="" type="checkbox"/>		
Which Cabinet Member Portfolio does this relate to? <i>Finance and Resources</i>				
Which Scrutiny and Policy Development Committee does this relate to? <i>Overview and Scrutiny Management Committee</i>				
Has an Equality Impact Assessment (EIA) been undertaken?		Yes	<input type="checkbox"/>	No
			<input checked="" type="checkbox"/>	
If YES, what EIA reference number has it been given? <i>(Insert reference number)</i>				
Does the report contain confidential or exempt information?		Yes	<input type="checkbox"/>	No
			<input checked="" type="checkbox"/>	
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				

<p>Purpose of Report:</p> <p><i>This report provides the outturn monitoring statement on the City Council's Revenue and Capital Budget as at the end of Month 6, 2020/21</i></p>
<p>Recommendations:</p> <p>1. Cabinet are asked to:</p> <ul style="list-style-type: none"> (a) Note the updated information and management actions provided by this report on the 2020/21 Revenue Budget Outturn; (b) In relation to the Capital Programme, note the forecast Outturn position described in Appendix 2; and

(c) Note the review of the Treasury Management Strategy and prudential indicators in attached as **Appendix 3**.

Background Papers:

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Paul Schofield
		Legal: David Hollis
		Equalities: No
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>Eugene Walker</i>
3	Cabinet Member consulted:	<i>Councillor Terry Fox Cabinet member for Finance and Resources</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: Paul Schofield 	Job Title: <i>Head of Accounting and Infrastructure</i>
	Date: 10 th November 2020	

1. PROPOSAL

1.1 This report provides the outturn monitoring statement on the City Council's Revenue and Capital Budget for 2020/21

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 To formally record changes to the Revenue Budget and gain Member approval for changes in line with Financial Regulations.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 No

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 There are no specific equal opportunity implications arising from the recommendations in this report.

4.2 Financial and Commercial Implications

4.2.1 The primary purpose of this report is to provide Members with information on the City Council's Budget Monitoring position for 2020/21, and as such it does not make any recommendations which have additional financial implications for the City Council.

4.3 Legal Implications

4.3.1 There are no specific legal implications arising from the recommendations in this report.

4.4 Other Implications

4.4.1 Although this report deals, in part, with the Capital Programme, it does not, in itself, contain any property implications, nor are there any arising from the recommendations in this report.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 A number of alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

6. REASONS FOR RECOMMENDATIONS

6.1 To record formally changes to the Revenue Budget and the Capital Programme.

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Revenue Budget & Capital Programme Monitoring As at 30th September 2020

Report author: Paul Schofield, Head of Accounting and Infrastructure

Purpose of the Report

1. This report describes the budget monitoring position on the City Council's Revenue Budget and Capital Programme as at Month 6.

Summary

2. The Council's revenue budget is currently forecast to be overspent by £16.2m. This is an improvement of £7.2m on the Month 2 forecast as a result of the confirmation of £10m of additional government funding. Underlying cost and income pressures have increased by nearly £3m.
3. Most of the forecasted pressure on revenue budgets for this year is due to the impact of the coronavirus on Sheffield. The Council has estimated that the overall financial cost of issues relating to the COVID-19 pandemic will be upwards of £81m, an increase of £3.6m on the Month 2 position. This has and will continue to change as the longer-term effects of the virus are better understood, and, the measures to restrict the spread of the virus change. The Medium Term Financial Analysis presented to Cabinet in October emphasised the additional uncertainty which the Covid-19 pandemic is creating for all types of organisation in their financial planning. The graphic below reconciles between the estimated gross pressure (also reported back to Ministry of Homes Communities and Local Government) and the impact on revenue budgets in 20/21.

£81.2m Estimated total impact of COVID- 19	£22.7m due to Business Rates/Council Tax losses, <i>no 20/21 impact (£4.5m is Government's Share of BR losses)</i>	£16.2m forecast overspend at M6
	£58.5m Covid service expenditure pressures & income loss	
	£1.3m other service pressures	
	(£43.6m) Central Government grant funding	

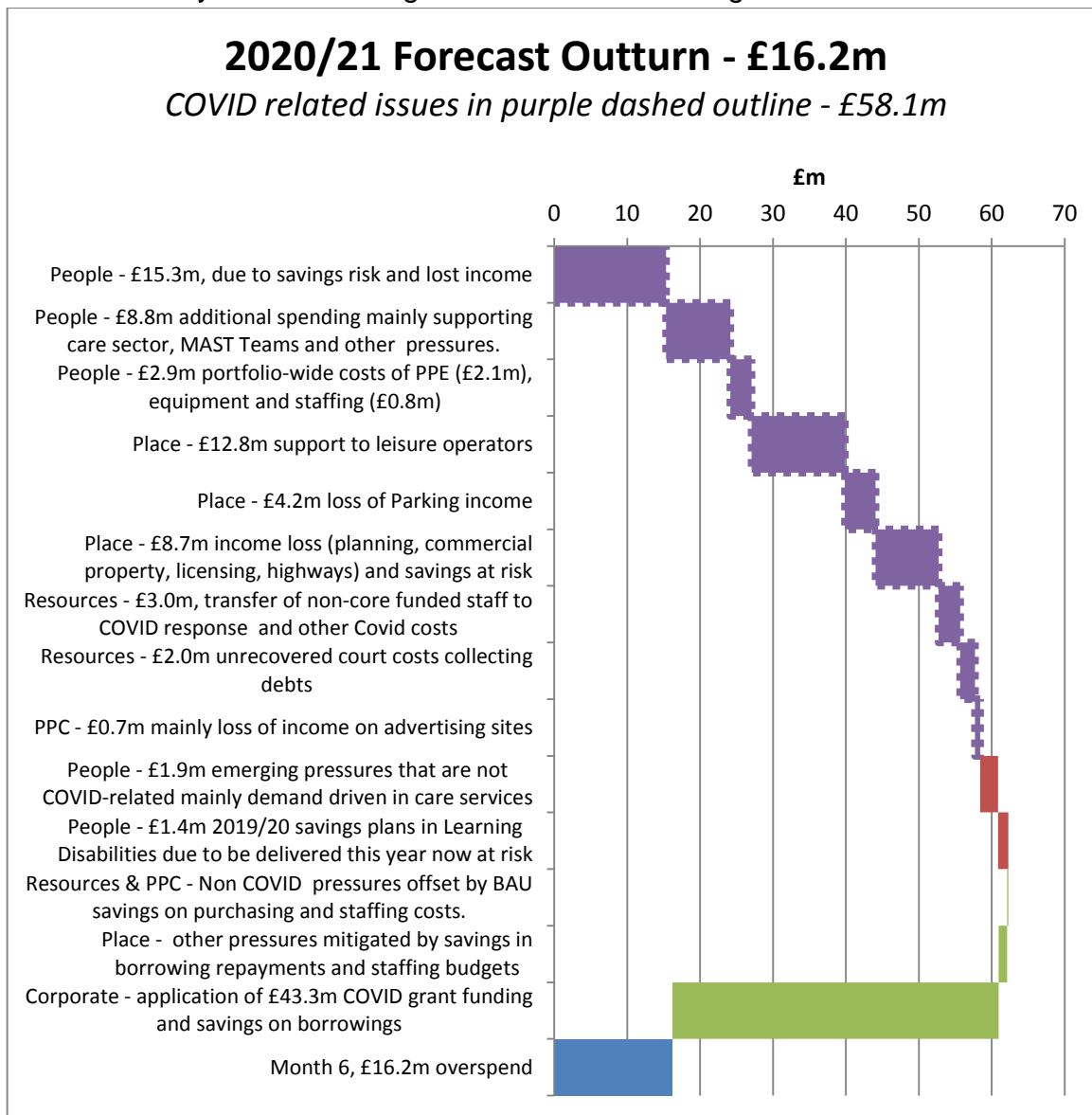
Response to the position

4. Sheffield is not alone in facing additional financial pressures caused by the COVID pandemic, and councils nationwide are struggling to cope with the additional pressures. The Council is taking the following actions to manage the position and mitigate the financial pressures:

- Monitoring and controlling the immediate financial impacts of the crisis
 - Reviewing the delivery of its current agreed savings programme to minimise the delays to implementation caused by COVID
 - Reviewing emerging non COVID-related financial pressures to reduce or eliminate them where possible
 - Learning lessons from the ways of working adopted during the pandemic, including actions that can be taken jointly with other key partners such as Sheffield CCG and Sheffield City Trust, to identify improvements that maintain service levels to the public whilst potentially reducing costs
 - Re-working its Medium Term Financial Analysis, including identifying any reserves that can be judiciously released to temporarily support the financial position. The latest assessment is that the Council has a budget gap approaching £40m next year. This gap is clearly not sustainable over the medium term. Ensuring ongoing viability will have to involve the prioritisation of resources, identification of additional savings, demand management controls and the effective and prudent utilisation of the Council's reserves. Consequently we will need further financial support from Central Government if the Council's medium term financial position is to be sustainable. Without this Government support we will move in time to the position where we cannot set a sustainable budget
 - Lobbying Central Government for further support to recognise the short and longer term impacts of the pandemic, and the role the Council can play in regenerating the economy
5. The Council does welcome the additional revenue funding announced so far by the Government to manage the financial pressures it and other local authorities face, though, as above, it must be emphasised that more financial support is needed to support the sector through the immediate crisis and the medium term.
6. Thus, the Council is planning the transformative changes that are needed to re-balance its financial position and protect services in the medium term. This process will be challenging however, and the Council is also keen to act as a catalyst to regenerate the economy of the city and the wider region. To fulfil fully this role, and to maintain a sustainable financial position in the medium term, the Council will need significant further Central Government funding.
7. In summary the Council is confident that, even though it has recently moved to Tier 3 Covid Alert Level, it can manage the financial pressures emerging from the crisis this year.

Detailed position

8. The graph below summarises the main movements toward this forecast outturn from an initially balanced budget with comments on significant issues.



Position by Portfolio

9. The below table summarises the outturn position by portfolio at Month 6. Reasons for the variance to budget for the full year are given in the waterfall chart above.

Portfolio	Month 6		Forecast Variance	Month 2 Forecast Variance	Change From Month 2 to Month 6
	Forecast Outturn	Full Year Budget			
People	305,344	274,397	30,946	28,132	2,815
Place	225,634	201,122	24,512	22,613	1,899
Policy, Performance & Communications	3,236	2,953	283	483	(200)
Resources	8,050	2,821	5,229	5,796	(567)
Corporate	(526,062)	(481,294)	(44,768)	(33,624)	(11,144)
Grand Total	16,203	0	16,203	23,400	(7,197)

The main changes from Month 2 to Month 6 forecast are:

- People – increased demand pressures in both Children and Adult Social Care offset by contributions from the local NHS Commissioning Group
- Place – additional £1.6m cost to fund the re-opening of Ponds Forge swimming centre. Reassessment of impact of Covid-19 on income and costs offset by non Covid related savings on staffing budgets across all services.
- Resources and PPC - £0.2m of savings on council wide purchasing contracts plus staffing savings from vacancy management
- Corporate – further receipt of central government funding to mitigate the impact of the Covid-19 pandemic and anticipated savings on borrowing in part due to slippage in the capital programme

Dedicated Schools Grant (DSG)

10. At Month 6, the Council is forecasting a £0.9m overspend on DSG budgets. The key reasons for this overspend are savings undeliverable due to COVID lockdown of £0.2m, £0.2m staffing pressure within MAST teams due to demand in children's services and £0.3m pressure caused by pay award in excess of budget assumptions.

Public Health

11. Public Health services are funded by Public Health Grant – any variances to budgeted expenditure will be managed by adjusting the drawdown of grant income to match, therefore Public Health variances will be nil in terms of net expenditure and invisible within the above reported position. The Public Health reserve will be utilised in case of any overspend at year end – there is forecast to be no General Fund impact this year. This table demonstrates the variances to budget before the application of grant income.

	Month 6		Month 2	Change	
	Forecast Outturn	Full Year Budget	Forecast Variance		
Public Health			Forecast Variance	From Month 2 to Month 6	
People	27773	28022	(249)	159	(408)
Place	2827	2884	(57)	56	(113)
Director of Public Health	1878	1921	(43)	30	(73)
Total	32,478	32,827	(349)	245	(594)

12. The key reason for this position is the overall reduction in staffing costs in Drug and Alcohol Coordination Teams and Public Health Staffing due to COVID-19 lockdown.

Housing Revenue Account

13. The HRA income and expenditure account provides a budgeted contribution towards funding the HRA capital investment programme of £23.1m. As at Month 6 the account is forecasting a £3.6m adverse variance from this budgeted position.

Housing Revenue Account (excl. Community Heating)					
	Month 6		Month 2		Change
	Forecast Outturn	Full Year Budget	Forecast Variance	Forecast Variance	From Month 2 to Month 6
Net Income - Dwellings	(139,950)	(142,801)	2,851	4,090	(1,240)
Other Income	(6,249)	(6,217)	(32)	(50)	18
Tenant Services incl.					
Repairs & Maintenance	89,646	88,843	804	536	267
Depreciation	23,935	23,935	0	(0)	0
Interest on borrowing	13,133	13,175	(41)	(42)	0
Contribution to Capital Programme	19,484	23,065	(3,581)	(4,535)	954
Total	(0)	0	(0)	(0)	0

14. The main reason for this variance is anticipated disruption to rental income due to bad debt following Lockdown. This position is fluctuating and being closely monitored.
15. There is also a variance on the community heating account of £90k. The account is managed to balance over the near term.

Collection Fund

16. As at the end of September, the local share of the Collection Fund income stream is forecasting an overall in-year deficit of £22.7m, made up of a £18.2m deficit on Council Tax and a £4.5m deficit on Business Rates. This position is discussed in more detail within **Appendix 1**. Due to Collection Fund accounting regulations, this deficit will not impact on 2020/21 and will be fed into the budget process for 2021/22 and beyond.

Capital Summary

17. The approved capital programme budget for 2020/21 at 30th September 2020 was £222.3m. The overall outturn of expenditure against this approved budget is forecast to be £167.4m, representing a variance of £54.9m which has increased by £44m from Month 2. The programme has been severely disrupted by the lockdown measures taken to stop the spread. Further monitoring of the Capital Programme is reported in **Appendix 2**.

Treasury Management Review

18. The Council's 2020/21 Revenue Budget included the Treasury Management Strategy, covering the Council's capital finance requirements and investment strategy.

Appendix 3 to this report contains a summary of the Treasury Management position for the period to 30th September 2020, including the publication of prudential and Treasury Management indicators, and the potential implications for revenue budgets.

Implications of this Report

Financial implications

19. The primary purpose of this report is to provide Members with information on the City Council's Budget Monitoring position for 2020/21, and it does not make any further recommendations that have additional financial implications for the City Council.

Equal opportunities implications

20. There are no specific equal opportunity implications arising from the recommendations in this report.

Legal implications

21. There are no specific legal implications arising from the recommendations in this report.

Property implications

22. There are no other property implications arising from the recommendations in this report this report.

Recommendations

23. Cabinet are asked to:

- (a) Note the updated information and management actions provided by this report and including the attached **Appendix 1** on the 2020/21 Collection Fund Account position.
- (b) In relation to the Capital Programme, note the forecast Outturn position described in **Appendix 2**.
- (c) Note the review of the Treasury Management Strategy and prudential indicators in **Appendix 3**.

Reasons for Recommendations

24. To record formally changes to the Revenue Budget and the Capital Programme.

Alternative options considered

25. Several alternative courses of action are considered as part of the process undertaken by Officers before decisions are recommended to Members. The recommendations made to Members represent what Officers believe to be the best options available to the Council, in line with Council priorities, given the constraints on funding and the use to which funding is put within the Revenue Budget and the Capital Programme.

Appendix 1

Collection Fund Monitoring As at 30th September 2020

Summary

1. In 2020/21 approximately £331.2m of SCC net expenditure was forecast to be financed directly through locally collected taxation. This taxation is initially collected by the Council and credited to the Collection Fund.
2. As at the end of September, the local share of the Collection Fund Income Stream is forecasting an overall in-year deficit of £22.7m made up of a £18.2m deficit on Council Tax and a £4.5m deficit on Business Rates. Due to Collection Fund accounting regulations, this deficit will not impact on 2020/21 and will be fed into the budget process for 2021/22 and beyond.
3. The initial lockdown from March 2020, subsequent restrictions and related disruption of the city's economy will have a significant impact on both revenue streams both for 2020/21 and for future years. This is both from an increase in people on Council tax Support leading to less Council Tax receivable plus a reduction in the Business Rates payable across the city.

Income Stream (all figures £m)	Budget 19/20	Forecast Year End Position	Variance
Council Tax	(227.4)	(209.2)	18.2
Business Rates Locally Retained	(103.8)	(99.2)	4.5
Total	(331.2)	(308.4)	22.7

Council Tax

4. The forecast year end position for Council Tax is a deficit of £18.2m. This is primarily because of forecast increase in the number of CTS claimants of £4.5m and an increase in the bad debt provision of £13.7m. Not all these increases have materialised yet however they are forecast to be recognised as the year progresses.
5. Sheffield City Region became subject to Tier 3 restrictions at 00:01am Saturday 24th October. The likely effects of this will be revenue foregone due to taxpayers claiming Council Tax Support, and an increase in non-payments and bad debt.
6. Prior to the Tier 3 restrictions beginning, we had anticipated a large increase in Council Tax Support claims and a reduction in ability to pay following the end of the furlough scheme and a rise in unemployment. The announcement of Tier 3 restrictions adds a good deal of uncertainty. Work is ongoing to re-base our assessments of the effects of lockdown and a restricted economy, and these will be reported within the Q3 Report.

Business Rates

7. The forecast year end position for Business Rates is a £9.0m deficit of which Sheffield's share is £4.5m. The £9.0m deficit is primarily made up of an increase in the losses on collection and the increase in the bad debt provision. Further analysis of the business rates position can be found on the following pages.
8. The enhanced Retail Relief for 2020/21 distorts the usual clarity of the below table – the 'estimated reliefs' line has a large variance, offset by additional grants below.

Collection Fund - Business Rates (all figures £m)	Budget 20/21	Forecast Year End Position	Variance
Gross Business Rates income yield	(274.9)	(274.2)	0.7
Estimated Reliefs	49.4	158.8	109.4
Losses on collection, appeals and increase/(decrease) to bad debt provision	11.4	20.3	9.0
Net Collectable Business Rates	(214.1)	(95.1)	119.1
Transitional Protection Payments due from Authority	3.3	3.3	(0.0)
Cost of Collection allowance	0.8	0.8	0.0
Additional S31 Grants for retail relief	-	(110.0)	(110.0)
Non Domestic Rating Income	(210.0)	(201.0)	9.1
Appropriation of net business rates:			
Sheffield City Council (49.4%)	(103.8)	(99.3)	4.5
SY Fire Authority (1%)	(2.1)	(2.0)	0.1
Central Government (49.3%)	(103.5)	(99.1)	4.4
Designated Areas (0.3%)	(0.6)	(0.6)	0.0
Total Appropriations	(210.0)	(201.0)	9.1

Gross Rates Income Yield

9. The Gross Business Rates Income Yield is forecast to remain relatively static for the year and is currently £0.7m under budget. As part of the 2020/21 budget setting process, we built in expected Retail Relief of 50% for eligible properties. Following the Covid-19 reliefs announcement by the government which expanded both the scope and size of the retail relief for a significant number of properties, we have experienced a significant decline in expected income to be collected from these businesses. The Government recognised this, and we have subsequently received additional grants to compensate us for the loss in income.

Conclusion

10. The above position of a £22.7m deficit rests on several assumptions – that the city escapes the worst effects of any economic downturn, and that retail and hospitality businesses are in the main able to continue trading over the year. Any eventual deficit at year end does not affect the 2020/21 General Fund outturn, because of the specific set of rules by which the Collection Fund is managed. Any deficit will influence into the General Fund budget in future years, so the effects of the likely year-end deficit will be felt over the medium term. Due to the size of the Collection Fund, a small percentage

variation in income or expenditure over the coming months will have a significant impact on the forecast outturn. Monthly monitoring of the Collection Fund position is conducted to ensure that we are fully aware of any changes and the potential budget impacts.

Appendix 2

Capital Programme Position at 30th September 2020

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CAPITAL PROGRAMME MONITORING AS AT SEPTEMBER 2020 Appendix 2

1 - Statement of Budget Movement

The table below summarises the movement in budget from month 2 (when last reported) to month 6 20/21 and Capital programme budget position as at September 2020.

	2020/21	2021/22	Future	Total	Comments
Month 2 Approved Budget	225.1	189.9	363.9	778.8	The key changes to the programme since last report at month 2 relate to: ADDITIONS - £43.1m - Inclusion of Heart Of The City II Block A - £4m inclusion of Newstead Council Housing Enabling Works - £10.9m - Inclusion of Council Housing Adaptations Contract 2020-25 VARIATIONS - £4m Block Allocation re inclusion of Newstead Council Housing Enabling works - £10.8m - Reduction in previous Council Housing Adaptations budget - £5.8m - Reduced costs on Heart of The City Block H - £3.2m - Lease payment re: Heart of The City Block I REPROFILE £8.5m in relation to Heart of the City II budgets £1.3m New Build Council Housing Phase 10
Additions	4.2	19.4	38.0	61.6	
Variations	5.2	1.3	-24.4	-17.9	
Reprofile	-10.0	10.0	0.0	0.0	
Slippage and Acceleration	-2.2	2.2	0.0	0.0	
Month 6 Approved Budget	222.3	222.8	377.4	822.6	SLIPPAGE £1.2m Aldine House Extension £1m Broadfield Road Junction Scheme

2 - Top 20 Projects by value as at September 2020

The table below summarises the Top 20 projects in the Capital Programme by budget value in 2020/21. This group accounts for 57% of the 2020/21 capital programme. The major in-year and all-year variations are explained below and in sections 4 and 5.

PROJECT	Current Year								Remaining Life of Project					Comments
	YTD Actual	YTD Budget	YTD Variance	FY Outturn	FY Budget	FY Variance	Variance %	Delivery Forecast RAG	All Years Outturn	All Years Budget	All Years Variance	Variance %	Delivery RAG	
H Henrys Block	766	923	(157)	4,873	15,161	(10,287)	-67.9%	NR	56,956	56,956	0	0.0%	NR	See Item 4.1
Msf Finance	7,208	7,320	(113)	14,641	14,641	0	0.0%	NR	64,378	64,378	0	0.0%	NR	
Nbch-p04a-adlington Rd-opt	2,823	5,944	(3,121)	9,833	12,895	(3,062)	-23.7%	G	20,827	20,827	0	0.0%	G	See Item 4.6
B Laycock House New Build	2,865	3,715	(850)	10,821	11,305	(484)	-4.3%	A	17,089	17,089	(0)	0.0%	A	Delivered as joint contract with Block C below. Overall acceleration on scheme
C Pepper Pot Building	3,792	3,150	641	9,902	9,358	544	5.8%	G	16,589	16,589	0	0.0%	G	See Item 5.3
H & S Essential Work	-	-	-	-	6,815	(6,815)	-100.0%	NR	44,812	55,839	(11,027)	-19.7%	NR	See Item 4.2 re: Current Year variance. Remaining Life variance relates to forecast draw down from allocation awaiting approval
Brownfield Site	4	5	(0)	6,058	6,058	0	0.0%	NR	6,058	6,058	0	0.0%	NR	
Stock Increase (chs)	-	-	-	1,877	5,100	(3,223)	-63.2%	G	146,464	141,834	4,631	3.3%	G	See Item 4.5 re: Current Year variance. Remaining Life variance relates to forecast acceleration of Stock Increase Programme to be reflected in Annual Housing Review
Roofing Replacements Prog	22	20	3	1,042	5,026	(3,983)	-79.3%	G	38,570	38,570	(0)	0.0%	G	See Item 4.4
Nbch-p10-daresbury/berners-gn	555	1,043	(489)	4,161	4,981	(820)	-16.5%	G	12,172	12,172	0	0.0%	G	Daresbury Berners start date was to be July its now October due to service authority disconnections caused by covid and furloughing. Forecast reflects this, and once a new fee proposal has been agreed the budget can be re-profiled.
Heating, Energy Effic & Carbon Red	-	-	-	-	4,706	(4,706)	-100.0%	NR	28,086	29,052	(966)	-3.3%	NR	See Item 4.3 re: Current Year variance. Remaining Life variance relates to forecast draw down from allocation awaiting approval
Udv Flood Scheme Phase 1	880	993	(113)	3,885	4,097	(213)	-5.2%	A	8,342	8,342	0	0.0%	A	Delayed start on site due to Environment Agency permissions
Council Hsg Acquisitions Prog	1,644	1,487	157	3,553	3,748	(196)	-5.2%	G	31,860	31,860	0	0.0%	G	Only vacant properties have been surveyed since lockdown. Reducing the number of acquisitions.
Electrical Strategy	411	167	244	2,503	3,727	(1,224)	-32.8%	G	3,727	3,727	0	0.0%	G	Due to Covid the scheme was suspended between April and July
Hoc II Block I	3,371	3,384	(13)	3,436	3,436	-	0.0%	NR	3,436	3,436	-	0.0%	NR	
Interim Ta Accommodation	-	-	-	3,250	3,250	-	0.0%	G	3,250	3,250	-	0.0%	G	
Transport Efficiency 20-21	896	785	111	3,195	3,195	(0)	0.0%	NR	3,195	3,195	(0)	0.0%	NR	Delays due to COVID - Funders have agreed extension to May 2021
Clean Bus Technology	558	2,100	(1,542)	2,386	3,194	(807)	-25.3%	NR	3,194	3,194	(0)	0.0%	NR	
Accelerated Adaptations Grant	174	537	(363)	580	3,067	(2,487)	-81.1%	NR	580	3,067	(2,487)	-81.1%	NR	See Item 4.7
G Wellington St Car Park	155	939	(784)	1,048	2,981	(1,933)	-64.8%	NR	4,811	4,811	(0)	0.0%	NR	Slippage on scheme due to O/S decisions on usage of site. Now resolved
Top 20 Value	26,123	32,511	(6,388)	87,045	126,743	(39,697)	-31.3%		514,397	524,246	(9,848)			
Rest of Programme	26,729	47,242	(20,513)	80,307	95,558	(15,251)	-16.0%		312,327	298,328	13,999			
Total Capital Programme Value	52,852	79,753	(26,901)	167,352	222,301	(54,948)	-24.7%		826,724	822,573	4,151			
% of Programme within the Top 20	49%	41%	24%	52%	57%	72%			62%	64%	-23%			

3 - Current Year to date and Forecast Outturn Position

The forecast outturn position is £54.9m below budget, an increase of £44m from the £10.9m reported at month 2. The key variances by board are explained below. The overall expenditure forecast has fallen by £46.8m, this has been partly offset by budget approvals in month bringing budgets into line with forecasts. Significantly reduced expenditure from initial forecasts was expected as the impact of COVID-19 feeds into the programme. It has impacted most significantly on the Council Housing Investment Programme where works, by nature, are often in close proximity to residents. The national lockdown and requirement for additional social distancing measures on sites has also slowed progress at the Adlington New Build Council Housing site.

The current unpredictability due to potential further restrictions has made forecasting much more difficult in this financial year and we would certainly expect to see a further reductions in the expected outturn in the coming months.

BOARD	YEAR TO DATE			FULL YEAR			Comments
	Actual	Budget	Variance	Forecast	Budget	Variance	
HEART OF THE CITY II	15,293	20,107	(4,814)	45,443	58,208	(12,765)	Key Variances - See Item 4.1 - Block H (-£10.3m) - Slippage on Block G - Wellington St (-£1.9m) - Slippage on Block B - (-£0.5m)
QUALITY OF LIFE	7,499	9,422	(1,922)	16,993	19,466	(2,472)	Key Variances - See Item 4.9 - City Rd Cremators (-£2.4m)
HOUSING GROWTH	8,045	12,079	(4,034)	37,302	45,750	(8,447)	Key Variances - See Items 4.5 - Stock Increase Block Allocation (-£3.2m) - 4.6 - Adlington (-£3m) - Slippage on Daresbury / Berners / Gaunt (-£2.5m)
HOUSING INVESTMENT	7,727	8,590	(863)	19,028	46,108	(27,080)	- Review of Q number Block Allocations now not likely to be utilised in 20/21 - (-£19.3m) - Delay to new Roofing Replacement Scheme still at tendering stage (-£4m) - Covid 19 delays on Obsolete Heating and Electrical Replacement works (-£2.5m) - Covid 19 Delays to Adaptations Work (-£1.5m)
ECONOMIC GROWTH	2,335	4,621	(2,286)	7,335	8,182	(847)	Key Variances - Culvert Renewal Scheme forecast saving (-£0.5m) - UDV Flood scheme slippage (-£0.2m) - Grey To Green 2 initial phase (-£0.2m)
ESSENTIAL COMPLIANCE & MAINT	2,887	5,772	(2,886)	9,478	9,560	(82)	Reported overspend on Sorby House FRA project thought closed to be investigated.
TRANSPORT	2,413	8,332	(5,919)	14,694	15,600	(906)	Key Variances - Clean Bus Technology slippage (-£0.8m) - Broadfield Road slippage (-£0.4m) - TCF2 overspend under review (+£0.4m)
PEOPLE CAPITAL & GROWTH	4,985	9,151	(4,166)	14,293	16,497	(2,204)	Key Variances - Disabled Facilities Grant Funded work forecast to be below budget due to Covid 19 restrictions in accessing clients' properties. (-£1m) - Potential saving on Gleadless/Bents Green scheme (-£0.2m) - Slippage on Watercliffe Meadow Nursery Grant (-£0.2m) - Volunteer Libraries missed forecast (£0.2m) - Slippage on Aldine House Scheme (-£0.1m) - Tinsley Green Space scheme on hold (-£0.1m)
ICT	1,447	1,447	-	1,447	1,447	-	
GREEN & OPEN SPACES	164	232	(68)	1,281	1,482	(201)	Key Variances - Slippage on Matthews Lane Cricket Pavillion scheme (-£128k) - Parks Section 106 programme reviewed now indicates slippage (-£40k)
CORPORATE	57	-	57	57	-	57	Reflects HCA grant repayment regarding sale of council house
Grand Total	52,852	79,753	(26,901)	167,352	222,301	(54,948)	

4 - Top 10 Forecast Slippage against Full Year Budget

Of the £41.7m of key variances identified below £19.4m relate to block allocations not yet approved for specific projects. £9.5m of slippage/reprofiles on schemes in delivery or out to tender are directly as a result of the impact of COVID. Slippage on Heart of the City reflects the latest forecast from contractors on construction elements.

Business Unit	Board	FY Budget	FY variance on budget	Explanation
4.1	H Henrys Block	15,161	(10,287)	REPROFILE - Cost plan now received as part of tender return. Forecast now re-aligned with this.
4.2	H & S Essential Work	6,815	(6,815)	REPROFILE - A review of the pipeline H&S projects to HRA properties has been undertaken and due to COVID 19 and prolonged project timescales, reprofiling is required to reflect the revised project delivery plans and anticipated expenditure in 2020/21. Formal reprofile request is to be submitted when full impact finalised.
4.3	Heating, Energy Effic & Carbon Red	4,706	(4,706)	REPROFILE - Review of the current projects to HRA properties has been undertaken and due to COVID 19 and prolonged project timescales, reprofiling is required to reflect the revised project delivery plans and anticipated expenditure in 2020/21. These projects are anticipated to start on site during 2021/22. A formal
4.4	Roofing Replacements Prog	5,026	(3,983)	REPROFILE - Procurement programme was delayed following numerous requests from contractors to extend tendering deadlines due to Covid. This has resulted in a revised start on site of January 2021, although this will initially involve setting up site compound, tenant liaison etc., prior to commencement of work on
4.5	Stock Increase (chs)	5,100	(3,223)	REPROFILE - Review of Stock Increase programme in light of COVID issue revealed that some schemes anticipated to come forward in 20/21 will now be later. Formal reprofile request to be brought forward
4.6	Nbch-p04a-adlington Rd-opil	12,895	(3,062)	SLIPPAGE - Delays have been incurred as a result of Covid 19 and the suspension of works on site and the furlough of inspection staff. Sequence of works has been adjusted to adapt to delays to LABC inspections. Contractors revised cash flow received and included in forecast figures.
4.7	Accelerated Adaptations Grant	3,067	(2,487)	SLIPPAGE - reduction in planned expenditure in 2020-21 due to lower than expected demand due to continued dependency on mandatory Disabled Facilities Grants, plus lack of capacity to deliver by
4.8	Communal Areas Investment	2,432	(2,432)	REPROFILE - Currently projecting an underspend due to delays to developing the project information and project development at pre-tender stages due to Covid 19, the project delivery stage is anticipated to be
4.9	New Cremators City Road	2,410	(2,407)	REPROFILE - Due to COVID 19 issues this project is now unlikely to commence until spring 2021. Budget variation due to be approved at October Cabinet
4.10	Enveloping & External Work	2,264	(2,264)	REPROFILE - A review of the pipeline external works projects to HRA properties has been undertaken and due to COVID 19 and extended project timescales, reprofiling is required to reflect the revised project delivery plans and anticipated expenditure in 2020/21. Formal reprofile request is to be submitted when full
Total		59,877	(41,668)	

5 - Top 10 Forecast Overspends over Full Year Budget

The overspend on Disabled Grants and Telecare are offset by underspends elsewhere across DFG funded interventions- budget variations are being brought forward to reflect the latest forecasts. Housing Investment and Growth schemes will form an additional call on the HRA. The Charter square works may result in additional borrowing costs within the overall HOCII envelope. It is anticipated that TCF costs will be recovered from grant income. Stocksbridge Heating forecast appears to have been submitted incorrectly.

Business Unit	Board	FY Budget	FY variance on budget	Explanation
5.1	Disabled Grants	768	1,781	OVERSPEND - The spend on DFGs has been surprisingly healthy during lock down – contractors are delivering work approved before the lock down. There are £1.4M of outstanding DFG approvals – a significant number of which have been approved since the introduction of the new PSH policy which was not expected – and approximately £1.4M outstanding enquiries. Some of new enquiries may convert to Accelerated Adaptations
5.2	General/rtb Acquisitions Chs	546	669	OVERSPEND - The average cost of refurbishment to acquired properties has increased mainly due to the increase in works required. The impact of this means that there is a budget pressure for this work stream resulting in a forecasted overspend. This expenditure will however help maintain the Right To Buy buffer.
5.3	C Pepper Pot Building	9,358	544	ACCELERATION - Work on Block C progressing ahead of schedule
5.4	Kitchen/bathrm Planned Replmt	920	482	OVERSPEND - Forecast profile revised to reflect the principle approval to extend the contract through to March 2021. This reflects additional Voids and also includes Temporary Accommodation properties, and the conversion at 21A Creswick Way. A budget variation will be required to increase the budget to reflect the additional properties. The project is currently predicting an overspend of £481k, a proportion of which is due to the addition of TA properties, conversion works at Creswick Way and fire-damaged void works in addition
5.5	Stocksbridge Jnr Heating	352	227	INCORRECT FORECAST - Forecast not completed correctly. No indication that scheme will overspend.
5.6	Tcf Sw Bus Corridors	99	199	OVERSPEND - Review of consultant fees still outstanding
5.7	Tcf Magna Mhall Cycling	58	195	OVERSPEND - Review of consultant fees still outstanding
5.8	Citywide Tower Blocks - Fs	23	159	AWAITING APPROVAL - Budget submitted for approval at October CPG
5.9	Elemental Refurbs 2021-26	-	150	AWAITING APPROVAL - Budget due to be approved at October Cabinet
5.10	Charter Square Enabling Works	300	129	OVERSPEND - Potential additional bus stop costs are currently not budgeted for. Discussions on going.
Total		12,424	4,536	

7 - Key Issues and Risks

Key Issues

- Potential increased costs due to delays and revised methods of working as a result of COVID 19 do not yet appear to have fed through into projections of overspends on schemes. This to be continued to be monitored

Key Risks

Key risk areas continue to be:

- Schemes funded via time limited grants - at the moment key grants identified appear to be managing this risk through dialogue with funders

- Use of Right To Buy 1-4-1 receipts - SCC has a limited time to utilise the proceeds from council house sales to provide new stock. A national extension to this deadline was agreed until the end of December 2020 - However, the ongoing impact of COVID 19 with the potential for further restrictions means SCC have entered dialogue with central government to extend this further.

Treasury Management Review as at 30th September 2020

Revenue Implications of Treasury

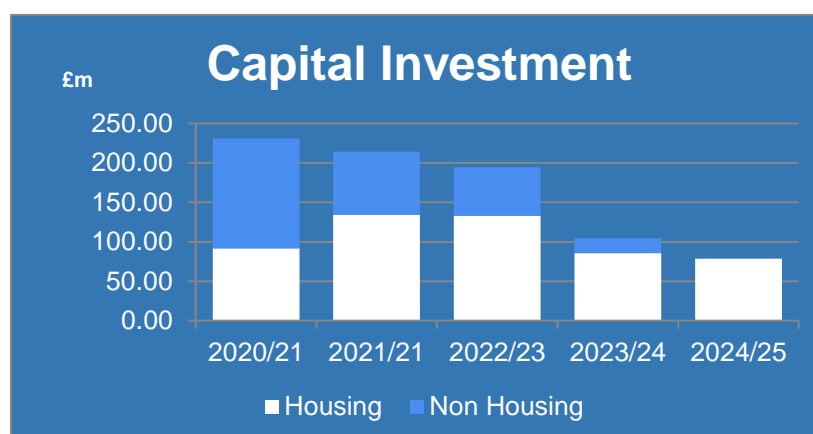
Purpose of the Report

The purpose of this report is to summarise the Treasury Management position for the period to 30th September 2020 and the potential implications for revenue budgets.

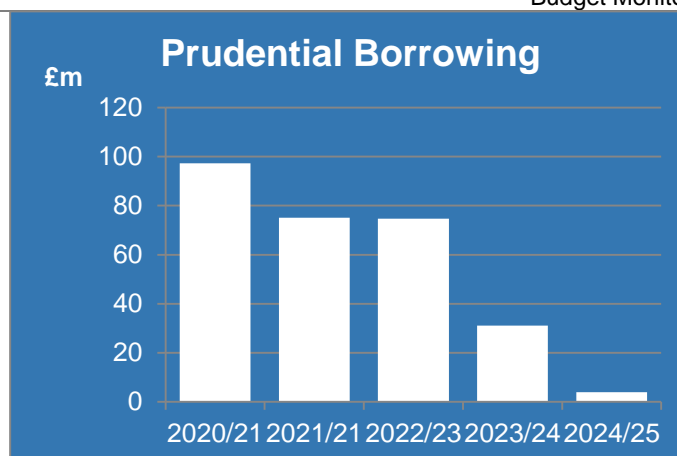
In addition, Appendix 1 sets out Indicators not already covered in the main report but are required to satisfy the Council's Prudential Code and Treasury Management Code of Practice obligations.

1. Capital Investment & Funding

1.1 Significant capital investment delivered across the city	The Council continues to deliver significant capital investment across the city which will provide improved facilities and infrastructure and supports the local economy, whilst ensuring the impact on debt costs within the revenue budget is effectively managed.
1.2 The capital budget for 20/21 to 24/25 totals £822.5m	As at 31 st August 2020, the <u>approved</u> capital budget, for the period from 2020/21 through to 2024/25, totals £822.5m (a full breakdown is shown in Appendix A).
1.3 Housing and non-housing split of planned investment	The split of this planned investment across housing and non-housing is shown in the graph below: -



1.4 Prudential borrowing over the next 5 years will fund approx. 34% (£282m) of capital expenditure	The proportion of this investment funded by prudential borrowing over this period will be £282m. On this basis, approximately 34% of the capital expenditure planned for the next four years is being funded by Prudential Borrowing – with a substantial proportion of this being Heart of the City II.
1.5 Graph - Prudential borrowing over next 5 years	The following graph shows how this element of funding varies over the five year period.



1.6 The sale of parts of HoTC II programme could reduce prudential borrowing and interest charges

It is anticipated that elements of the HoTC II programme, which forms a substantial proportion of the Prudential Borrowing, will be subsequently sold to developers and this will reduce the prudential borrowing and interest charges. Also, within the overall prudential borrowing figure (£282m), £55m relates to Housing activity which is covered by the HRA business plan.

1.7 There will be an additional £7.8m pa in interest costs and £5.6m pa MRP if no borrowing is recovered from future sales

However, by the end of this period if the full amount of prudential borrowing had been incurred and not recovered from future sales, this would result in

- an additional £7.8m pa in interest costs (at an estimated rate of circa 2.75% - including the increased certainty rate margin imposed by HMT) and
- a further £5.6m pa in Minimum Revenue Provision (MRP), assuming an average 40 year asset life and excluding £55m worth of HRA prudential borrowing in the 21/22 to 23/24 period

1.8 Prudential borrowing in 20/21 projected to increase from £74.4m to £97.3m

The latest projected capital expenditure estimates for 2020/21 compared to the original budget position shows that Prudential Borrowing in 2020/21 is projected to increase from £74.4m to £97.3m. The potential impact of this is shown in the table below to illustrate how material the increased expenditure could be. In reality MRP isn't charged until the following year, and many HOTC projects are still not live and so MRP can be deferred until completion so the actual impact is likely to be smaller

Estimated Additional Revenue Costs	Revised £'000	Original £'000	Variance £'000
Interest Costs (@ 2.75%)	£2,675	£2,046	£629
MRP Costs (assuming a 40 year asset life)	£2,206	£1,860	£346
Potential additional revenue costs	£4,881	£3,906	£975

1.9 Cash balances have remained strong and delayed borrowing

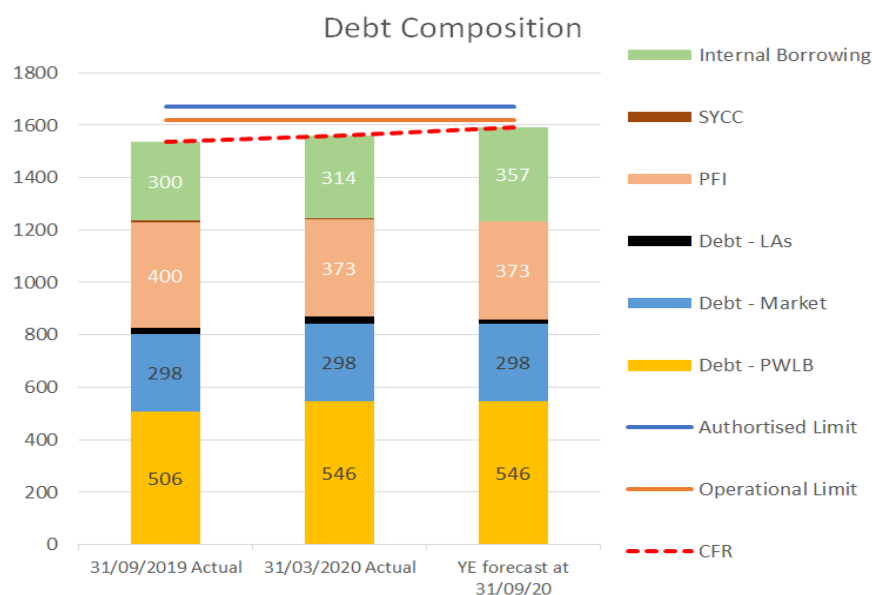
Cash balances have remained strong and have afforded us the luxury of delaying borrowing, potentially into next year. Irregular funding flows from government partially created this opportunity, although uncertainties around Covid costs and movement in borrowing costs mean we approach this strategy with appropriate caution.

2. Update on Debt

2.1 Current Debt Composition (assumes full years' cap ex in CFR)

Borrowing from internal sources will increase.

This is supported by economic forecasts and low returns on investments.



The above table shows:-

- The Council is using a substantial proportion of its own internally generated cash resources to fund capital expenditure, rather than taking external borrowing. If no further borrowing is externalised the Council will have borrowed internally up to £357m by the Year end
- This approach is taken because we pay around 2.0% p.a. more to borrow externally than we receive on any cash we invest. This report assumes further internal borrowing but notes the associated interest rate risk, i.e. rates could be higher in future when we need to borrow externally.
- We took £40m of PWLB borrowing in late March 20. This was borrowing planned for 20/21, but Covid uncertainty, low borrowing costs and the underlying need to manage our internal borrowing risk made this a prudent decision despite the cost of carry in the short term.
- The level of internal borrowing is a mixture of general fund (£281m) and HRA (£76m). This level of internal borrowing is not untypically high, but it produces a risk that future external borrowing to reduce this level of internal borrowing may be at a higher rate than can be currently obtained from the market.
- The Council is expected to maintain a moderate amount of borrowing capacity, over and above its current/forecast CFR when compared to the Operational Boundary. Whilst this is forecast to reduce, we do not anticipate breaching the Boundary this year.
- In addition to that, there is further headroom of circa £40m before borrowing reaches the maximum level currently authorised by Full Council.
- The HRA CFR is £355m – which is £70m below the authorised limit and £33m below the operational limit (that was set at the previous HRA debt cap level).

2.2 Strategy Update – no proposed changes.

There are no proposed changes to:-

- Treasury Management Strategy Statement
- Annual Investment Strategy
- Minimum Revenue Provision Policy
- Either the Operational or Authorised Borrowing Limits

The 2020/21 Treasury Management Strategy Statement (TMSS) set out plans to borrow an additional £69.3m mainly to fund in-year prudential borrowing (at the original budgeted level).

So far this financial year:-

- £40m of this borrowing was taken early to mitigate Covid risk and prior to Central Government announcing additional funding, and it is now felt the balance of borrowing can be delayed until 21/22 though this decision will be monitored closely.
- £9m of loans from other Local Authorities has been repaid so far this year.
- Only limited further borrowing to fund General Fund investment is anticipated during this financial year, so internal borrowing is expected to increase as per the chart in 2.1
- In terms of the HRA - no borrowing has been undertaken to date and no borrowing is anticipated this financial year

2.3 No rescheduling of our borrowing has been undertaken

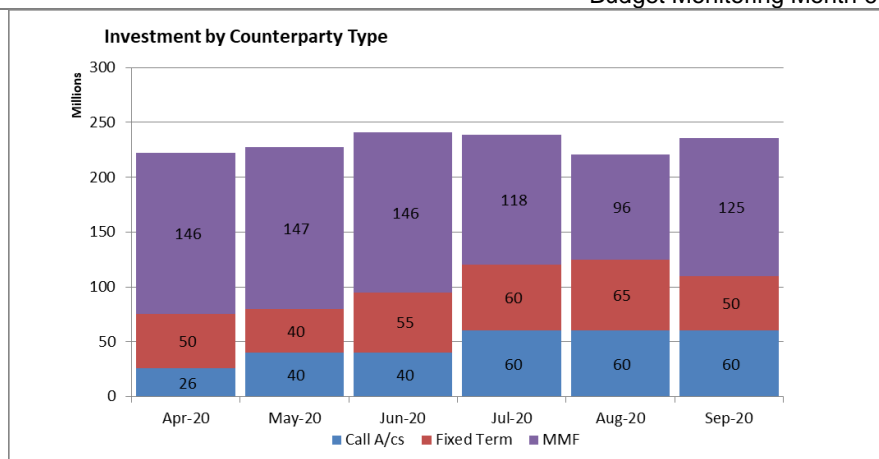
No rescheduling of any of our borrowing has been undertaken. Whilst we will keep this position under review, currently charges to reschedule PWLB debt more than the benefits of doing so, despite the current cheap borrowing levels.

3. Update on Investments

3.1 Investment balances have remained high but returns are gradually falling.

Money Market Funds (MMF's) provide instant access to funds which is important give current uncertainties

	Average Balance	Average Return
April	£237.4m	0.40%
May	£231.0m	0.35%
June	£236.3m	0.39%
July	£254.2m	0.31%
August	£239.7m	0.29%
September	£238.9m	0.27%
YTD	£235.4m	34.00%



3.2 COVID and trade deal negotiation will continue to weigh on economic conditions

Possibility of 0% interest rates

No investments for longer than 365 days

There are still risks associated with the trade deal being negotiated between the UK and Europe, however the financial impact of Covid has dramatically overshadowed this risk. Interest rates could well be cut to zero in 20/21, and negative rates are still a possibility.

On this basis, the Council will maintain a mix of investment balances to ensure ready access to funds and where possible benefit from locking away funds for a short fixed duration. We will not pursue yield at cost of the security of funds, this could mean we incur negative yields on some investments, particularly those prioritising liquidity

There are currently no proposals for the Council to invest sums for periods longer than 365 days.

4. Revenue

4.1 Treasury Management forecast underspend in year, largely from avoiding external borrowing costs. Exposure Interest rate risk increases as a consequence

As at September 2020	Forecast £m	Budget £m	Variance £m
Interest Costs (net of HRA recharge)	21.2	23.2	(2.0)
MRP Costs	17.0	20.3	(3.3)
Debt Management Costs	0.4	0.4	(0.0)
Gross Cost	38.6	43.9	(5.3)
Less Investment/Other Income	(0.4)	(0.2)	(0.2)
Less Internal Recharges*	(4.6)	(8.9)	4.3
Net Cost	33.6	34.8	(1.2)

* Internal recharges includes prudential borrowing costs (interest) recharged to services and debt management cost recharged to General Fund and HRA

The above table shows:

- Net Costs are forecast to underspend compared to budget – as a result of
 - interest savings arising from deferring borrowing and lower rates than forecast.
 - lower MRP costs based on underspend against the 2019/20 capital programme.

4.2 Financing Costs to Net Revenue generally increase.

Ratio of Financing Costs to Net Revenue Stream:	2019.20 Actual £000's	2020.21 Budget £000's	2021.22 Estimate £000's	2022.23 Estimate £000's	2023.24 Estimate £000's
Capital Financing Costs *	£38,512	£43,114	£39,899	£40,293	£41,233
Net Revenue	£473,843	£497,759	£494,948	£500,103	£500,103
Ratio	8.13%	8.66%	8.06%	8.06%	8.24%

Repayment of SYCC debt in 20/21 reduces cost in 21/22

* [Excluding PFI financing costs and associated grants but includes MRP charges made to services but not included in the treasury management budget](#)

The above table shows:

- Financing costs generally increase over the period. The 20/21 budget increase relates to full year effect of new borrowing in March 20, increased MRP charges and a loss of offsetting income as interest rates fall.
- The South Yorkshire County Council debt is repaid this year, this is over £4.5m this year and the reason that costs are down in 21/22 versus budget despite an additional £40m of general fund borrowing being forecast.
- Please note that the capital programme projections become less accurate the further forward the projection period is, and therefore financing costs may increase if the amount of the capital programme in 22/23 to 23/24 funded by prudential borrowing increases.

5. Risk Assessment

5.1	The principal risks associated with treasury management	Risk	Mitigation
		Loss of investments as a result of a failure of a counterparty	Application of Annual Investment Strategy in relation to choice of counterparty/investment type, level of investment and monitoring of credit ratings.
		Increase in net borrowing costs due to an increase in borrowing costs and/or a decrease in investment returns	Planning and undertaking borrowing in light of interest rate trends/forecasts. Borrowing using fixed rate loans to limit volatility of interest costs
		Interest rates risk significantly, increasing the cost of servicing new borrowing	Forecasting reserves that support the current borrowing position alongside borrowing needs to ensure measures to address internal borrowing can be undertaken in a planned and measured way
		Fraud	Strong internal controls – with dual stage authorisation for any out-going payments

6. Other Matters

6.1	Section 151 Officer Compliance	The Section 151 Officer confirms compliance with the approved TMSS for 2020/21 and that a prudent investment approach has been followed with priority given to the security and the liquidity of amounts invested over the yield we receive.
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The Section 151 Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2020/21.

Appendix 1 – Prudential and Treasury Management Indicators

This appendix covers the prudential and treasury management indicators not already covered in the body of the main report but are required under the Prudential Code or the Treasury Management Code of Practice.

Capital Programme and Funding

	2020/21 £m	2022/22 £m	2022/23 £m	2023/24 £m	2024/25 £m	Total £m
Non Housing	138.9	80.0	61.5	18.7	0.0	299.1
Housing	91.8	134.3	133.0	85.7	78.6	523.4
Total	230.7	214.3	194.5	104.3	78.6	822.4
Capital Receipts	29.3	36.7	11.8	9.1	8.8	95.7
Capital Grants & Contributions	54.0	34.7	10.5	8.5	10.2	117.9
Revenue Contributions	50.1	67.9	97.4	55.7	55.7	326.8
Prudential Borrowing	97.3	75.1	74.7	31.0	3.9	282.2
Total	189.2	166.0	130.0	137.1	74.2	696.5

Breakdown of Capital Expenditure

Capital Expenditure	2020/21	2021/22	2022/23	2023-24	2024/25	Total
ESSENTIAL COMPLIANCE & MAINT	9.6	-	-	-	-	9.6
HOUSING GROWTH	45.7	78.1	75.3	28.7	21.6	45.7
HOUSING INVESTMENT	46.1	56.2	57.7	57.0	57.0	46.1
HEART OF THE CITY II	66.7	52.9	41.6	0.7	0.0	66.7
QUALITY OF LIFE	19.5	17.6	17.7	17.9	-	19.5
PEOPLE CAPITAL & GROWTH	16.5	3.6	2.2	0.0	-	16.5
ICT	1.4	-	-	-	-	1.4
TRANSPORT	15.6	1.3	-	-	-	15.6
GREEN & OPEN SPACES	1.5	0.3	-	-	-	1.5
ECONOMIC GROWTH	8.2	4.3	0.0	0.0	-	8.2
TOTAL	230.7	214.3	194.5	104.3	78.6	230.7

Movement in Capital Financing Requirement

Capital Financing Requirement (CFR)	Per TMSS £m	Forecast £m
CFR - General Fund CFR	1,203.2	1,236.1
CFR - Housing Revenue Account	345.9	354.9
TOTAL	1,549.1	1,591.0
Borrowing	828.4	860
Other Long Term Liabilities	390	358
Forecast - Total Debt as at 31 March 2020	1,218.4	1,218

Authorised and Operational Borrowing Limits

Authorised and Operational Limits on Debt	Per TMS £m	Forecast £m
Authorised Limit	1,670	1,670
Operational Boundary	1,620	1,620
Projected Year End Capital Financing Requirement	1,588	1,591
Headroom to Operational Boundary	32	29
Headroom to Authorised Borrowing Limit	82	79

Interest Rate Forecast

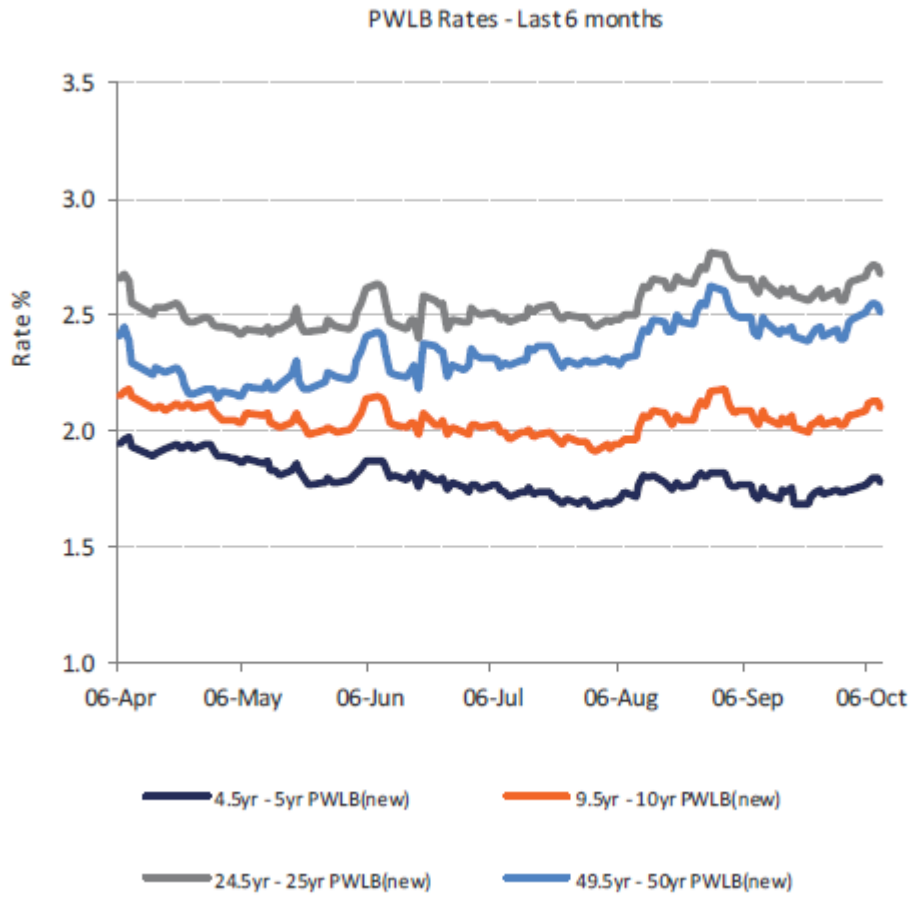
The Council's treasury advisor, Link Asset Services, has provided the following forecast. Any increases in rates are forecast to be very slow which supports the strategy of delaying further borrowing. This position will be monitored to ensure it remain prudent.

	PWLB (Includes Certainty Rate)					Forward Rates			
	1y	5y	10y	25y	50y	3M/3M FWD	3M/6M FWD	3M/9M FWD	6M/12M FWD
	1.77	1.78	2.1	2.68	2.51	-0.01	-0.04	-0.08	-0.05
Interest Rate Forecasts									
Bank Rate	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	
Link	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%	0.10%
Cap Econ	0.10%	0.10%	0.10%	0.10%	0.10%	-	-	-	-
5Y PWLB RATE									
Link	1.90%	2.00%	2.00%	2.00%	2.00%	2.00%	2.10%	2.10%	
Cap Econ	1.85%	1.85%	1.85%	1.85%	1.85%	-	-	-	
10Y PWLB RATE									
Link	2.10%	2.10%	2.10%	2.10%	2.20%	2.20%	2.20%	2.30%	
Cap Econ	1.95%	1.95%	1.95%	1.95%	1.95%	-	-	-	
25Y PWLB RATE									
Link	2.50%	2.50%	2.50%	2.60%	2.60%	2.60%	2.70%	2.70%	
Cap Econ	2.30%	2.30%	2.30%	2.30%	2.30%	-	-	-	
50Y PWLB RATE									
Link	2.30%	2.30%	2.30%	2.40%	2.40%	2.40%	2.50%	2.50%	
Cap Econ	2.20%	2.20%	2.20%	2.20%	2.20%	-	-	-	

PWLB

On the 9th October 2019, HM Treasury informed Authorities that the fixed margin above the Government's cost of borrowing (gilt rates) would be increased by 100 basis points overnight – taking the margin to 180bps.

This pushed the available PWLB rate for 50 year borrowing from 1.62% to 2.62% overnight; and returning borrowing levels to levels that were last available in 2018. This higher margin still remains in place but there is a consultation ongoing that may see 100 bps come off the PWLB margin providing Authorities accept certain concessions limiting around borrowing for commercial activity.



PWLB rates have not moved materially over the first half of the year, though rates for short duration loans have fallen as UK gilts turned negative.



Author/Lead Officer of Report: Dan Spicer

Tel: 27 34554

Report of: *Director of Policy, Performance and Communications*
Report to: *Cabinet*
Date of Decision: *18th November 2020*
Subject: *Boundary Review at Oughtibridge Mill*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Finance, Resources and Governance</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Overview and Scrutiny Management Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>789</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

To set out issues caused by the local authority boundary alignment between Barnsley MBC and Sheffield City Council at Oughtibridge Mill, and to seek approval for a request to be made to the Local Government Boundary Commission for England to conduct a formal boundary review. The report also seeks approval for the development of interim arrangements for service delivery to the properties in the Oughtibridge Mill development for the period up to completion of that review.

Recommendations:

Cabinet are recommended to:

1. Delegate authority to the Director of Policy, Performance and Communications, in consultation with the Deputy Leader and the Director of Legal and Governance to request the Local Government Boundary Commission for England to conduct a review of the Sheffield and Barnsley boundary where it cuts through the residential development site at the former Oughtibridge Paper Mill;
2. Delegate authority to the Director of Policy, Performance and Communications, in consultation with the Director of Legal and Governance and Deputy Leader to conduct negotiations towards an appropriate temporary agreement with Barnsley Metropolitan Borough Council and Bradfield Parish Council about the delivery of local government services to properties on the Barnsley side of the development ahead of this review being completed and enacted, the outcome of negotiations to be the subject of a further report.

Background Papers:

A map of the local area is appended to this report.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <i>Kayleigh Inman</i>
		Legal: <i>Andrea Simpson</i>
		Equalities: <i>Adele Robinson</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	EMT member who approved submission:	<i>James Henderson</i>
3	Cabinet Member consulted:	<i>Cllr Terry Fox</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Dan Spicer</i>	Job Title: <i>Policy & Improvement Officer</i>
	Date: <i>2nd November 2020</i>	

1. BACKGROUND

- 1.1 This report concerns the implications of a housing development on the site of the former Oughtibridge Paper Mill on Langsett Road North (see appendix for a map of the development site and surrounding area). The site spans the boundary between Sheffield and Barnsley, such that around 70% of the dwellings to be built will be within the Barnsley boundary under current arrangements. The development is a mix of 3- and 4-bed family housing, and can therefore be expected to result in properties that are in higher council tax bands.
- 1.2 The developer estimated in early March 2020 that the first properties on the development would be expected to be occupied during January 2021; further contact with the developer following the national lockdown has suggested that it is unclear at this stage whether this timeline will be affected by the ongoing pandemic.
- 1.3 Initial outline planning applications for the site were made to both Sheffield City Council (SCC) and Barnsley Metropolitan Borough Council (BMBC) in March 2016, as part of which it was agreed that BMBC would delegate decision making authority in relation to the site to SCC. Following approval of this application in October 2016, further applications have been made to SCC, culminating in a Reserved Matters application submitted in September 2019 and approved in December 2019, through which planning approvals have been granted for 284 dwellings.
- 1.4 Although the majority of the development is located within the Barnsley boundary, it has no road connection to the rest of Barnsley without a long detour through Sheffield, which results in a number of issues for service delivery. There are also issues raised by the development for democracy and representation at both local authority and parish council level. Officers have worked with BMBC and with services to investigate these issues.
- 1.5 This process has established the following as the key facts for consideration:
1. The site crosses the boundary between Sheffield and Barnsley, with a total of 284 dwellings proposed across the whole site, with a majority expected to be on the Barnsley side of the boundary;
 2. Development proposals are for all properties to be connected to the highway network through Sheffield, resulting in a journey of around 6 miles to the nearest Barnsley settlement of any size (Thurgoland);
 3. It is likely that residents will seek to access services in Sheffield;
 4. If residents of the new properties choose to access SCC services, they will not be contributing through Council Tax, nor have any democratic representation through the Council;
 5. The new properties will form part of the natural community around

Oughtibridge and Wharncliffe Side, which is covered by both SCC and Bradfield Parish Council;

6. The development also crosses the boundary between Bradfield and Wortley Civil Parishes, which is currently co-terminous with the LA boundaries and cannot by law be altered to cross the LA boundary;
7. Properties on the Barnsley/Wortley side of the boundary will not be subject to the Bradfield Parish precept, nor will residents be able to vote in Parish elections, but could be reasonably expected to access services provided by the Parish Council;
8. BMBC plan to carry out a review of the Wortley Parish boundary such that the development will be excluded, with this expected to be completed by early 2020 and with the result that the development is in neither local parish.

1.6 Beyond these facts, three other key points have emerged:

1.7 Individual services are already putting responses in place

Legal agreements are in place already for Sheffield to adopt the bridge being built to connect the proposed development to Langsett Road North, and for Sheffield to provide school places for the development should additional capacity be required, with capital contributions agreed with the developer to support this. This reflects an assumption that the impact of service demand will be felt in Sheffield, as acknowledged in Barnsley's Local Plan. Discussions are also ongoing as to whether Sheffield adopts the whole road network for the estate, given access to the development will only be through Sheffield.

1.8 There is acknowledgement that for some services, service delivery will happen in, or is best undertaken in, Sheffield

In addition to the two instances above, in the case of primary care services it is accepted by service commissioners and the local practice that residents of the proposed development are likely to want to register with Oughtibridge GP Surgery; SCC Library Services expect that demand for library services is likely to be felt in one of the several Sheffield libraries that are closer than the nearest BMBC library; and SCC officers responsible for waste collection have the view that this work will be logistically simpler for Sheffield, given it will have crews on the development.

1.9 For other services entitlement is based on residency, so Barnsley would be required to provide these

For example, statutory responsibility for homecare services is based on LA residency, and there are concerns within SCC about whether it would be practical to offer this to residents in the BMBC part of the development. On the Barnsley side there is a view that given demand for this service is expected to be low at least in the short- to medium-term, BMBC do not see any barriers to delivery.

2. LIKELY IMPLICATIONS

- 2.1 Were no action to be taken, the default position is that there would be a profusion of different arrangements for different services. This is likely to be confusing for residents in the development, be unnecessarily complicated to administer, require frequent review and, as a result, not be conducive to effective local government.

Beyond questions of service delivery, there are four other areas that are worth highlighting:

- Contributions to meeting national government housing targets
- New Homes Bonus (NHB)
- Council Tax Income
- Democracy & Representation

2.2 • **Contributions to meeting national government housing targets**

All planning authorities have a target for housing delivery, set through a national formula, with performance against this measured through a Housing Delivery Test. Local authorities who do not perform sufficiently well against this test risk losing local control over planning and development; consequently the question of where housing numbers are allocated is important, especially in the case of a development such as this that could make a significant contribution to delivery targets.

As noted above, BMBC have already agreed through their published Local Plan that because service demand from the development will be felt in Sheffield, the additional houses within the BMBC boundary will count towards Sheffield's housing target. This does not apply to NHB or to Council tax income, which are received by the host authority.

2.3 • **New Homes Bonus**

NHB is a government scheme aimed at incentivising "local authorities to encourage new homes locally by contributing to visible benefits for local communities and countering resistance to growth in housing"¹ by offering a direct payment in return for construction of new homes. Contrary to national housing targets, it is paid directly to the host authority for Council Tax purposes, meaning that, although it is accepted that the impact of the new housing will be in Sheffield, where houses are built on the BMBC side of the boundary, BMBC will receive the payment.

¹ https://www.nao.org.uk/wp-content/uploads/2013/03/10122-001-New-Homes-Bonus_HC-1047.pdf

2.4 • **Council Tax Income**

As noted above, demand for services is likely to be felt mostly in Sheffield, but where properties are constructed on the BMBC side of the boundary, Council Tax will understandably accrue to them, leaving SCC with a potential shortfall.

2.5 • **Democracy & Representation**

The new properties will form part of the natural community around Oughtibridge and Wharnccliffe Side, but under current boundary arrangements properties on the BMBC side of the boundary residents will be Barnsley electors. Their ability to influence decisions affecting their community, either through Ward elections or Parish elections, will therefore be extremely limited.

3. **PROPOSED RESPONSE**

3.1 In considering our response, the following points from the above are key in relation to current arrangements:

- A significant proportion of the service demand from houses in the development is likely to fall on either or both of SCC or Bradfield Parish Council;
- Revenue from the properties in the development will not reflect this, with the bulk of the New Homes Bonus and Council Tax receipts going to BMBC, and properties on the BMBC side of the boundary not being subject to the Bradfield Parish Council precept; and
- As things stand, residents in BMBC properties will be unable to participate in the democratic process through which services they access are governed, and as a result are likely to suffer from a democratic deficit.

3.2 There are a number of options available that could go some, or all, of the way to addressing these issues. For example, it may be possible to come to a long term contractual agreement with BMBC for SCC to deliver services to all properties in the development with appropriate financial compensation in return. However, this would not provide a solution to the democratic deficit challenge, not any of the issues that exist at a parish level.

3.3 Of the options available, the only one that addresses all issues is that of requesting a boundary review, with the intention of bringing the entirety of the development site within the Sheffield boundary. This would represent a permanent and easily understandable outcome for residents, would provide the most straightforward approach to service delivery as well as ensuring that SCC is appropriately recompensed for the additional demand expected from these dwellings, and would address the issues faced by the Parish Council.

3.4 For a boundary review to take place, the process is as follows:

- All principal Local Authorities affected must agree to request that one be conducted by the Local Government Boundary Commission for England (LGBCE), setting out the case for why a review, and the proposed approach, is beneficial. Under the LGBCE’s guidance, a review can be requested by an officer or elected member who has been appropriately authorised to do so. **Critically, if the request is not unanimous across all Local Authorities affected, a review cannot go ahead.**
- Local Authorities may be expected to have consulted with affected residents ahead of requesting the review, depending on the scale of the review (for smaller reviews this is done as part of the review). As noted in the consultation section below, consultation is challenging for this proposal as those directly affected do not as yet exist, but we have engaged with the Parish Council to discuss the local impact. It is also unclear how consultation will work in the current context.
- Formally requesting a review leads to a pre-review gateway stage, where the LGBCE engages with affected LAs to determine whether they agree that a review would be appropriate.
- This then leads into the formal review, through which the LGBCE would work with the LAs involved.
- The statutory criteria against which their decision will be taken are as follows:
 - The need to secure effective and convenient local government; and
 - The need to reflect the identities and interests of local communities.
- Beyond this, the Commission may also consider other matters, such as “the degree of local support for a boundary change and whether it will affect the capacity of the councils to give value for money in the provision of local government, to the extent that they are relevant to [their] statutory criteria.”²
- Following the review, the LGBCE send their recommendations to the Secretary of State for consideration; if the recommendation is for a change to the boundary and the Secretary of State agrees they will then make a statutory order putting the change into effect. Alongside the recommendation to change the principal authority boundaries, the LGBCE can also comment on consequential changes to parish boundaries that the Secretary of State can consider alongside the principal change.

3.5 The review process itself is expected to take **around 6 months**, but LGBCE advice given prior to the start of the pandemic lockdown is that with lead-in time and the time for the outcome to be formalised, **overall it could be expected to take around 15 months**. The LGBCE have now

² https://s3-eu-west-2.amazonaws.com/lgbce/___data/assets/pdf_file/0018/24930/PABR-Guidance-06052015.pdf

restarted review work following a period of inactivity during lockdown; officers have contacted them to try to understand how their timescales have been impacted without response at this stage. However it seems highly unlikely that the process will take less time. As a result, and given indications from the developer that the crisis has not necessarily lengthened their timescales, there is a need to progress this work with some urgency.

- 3.6 It is anticipated that the work required to support the review will not be significant, and can be absorbed into business as usual within services, with no specific additional project team required.
- 3.7 Informal discussions with BMBC around the potential for a boundary have been taking place for some time, culminating in an offer from BMBC that they would agree to request a review with the following conditions in place:
- That the review would only encompass the area of the Oughtibridge development and would not extend further, avoiding a wider review of ward boundaries.
 - That BMBC would retain NHB for the properties that would have been inside their boundary.
- 3.8 With regard to the extent of the review, informal discussions with the LGBCE indicate that a review is unlikely to extend beyond this development, and our intention is that the eventual request for a review to be conducted would be explicit in restricting that to the development site and no further.
- 3.9 With regard to BMBC retaining NHB for the properties, the following points are considered:
- from the SCC point of view if there is no boundary review, NHB for the properties on the BMBC side of the boundary would remain with BMBC;
 - Government have now announced that NHB will not be paid on new properties built after 2019, meaning these properties will not generate any funds from the scheme; and
 - a boundary review would bring new properties contributing Council Tax within the Sheffield boundary in perpetuity. A conservative estimate, assuming an average of Band C applying across the development, would indicate additional Council Tax of around £478,000 per year from the full development, compared to around £143,500 for the properties on the Sheffield side of the existing boundary.
- 3.10 As part of their review, the LGBCE can make a recommendation to the Secretary of State for Housing, Communities & Local Government that parish boundaries be changed to reflect the new outcome of the review, and through this mechanism a boundary review could resolve both the

local authority and parish council issues.

- 3.11 Failing this, following the successful completion of a principal boundary review in line with the approach set out in this report, SCC could then carry out a Community Governance Review (CGR) to align the Bradfield Parish Council boundary with the new local authority boundary. A CGR is a formal process that would be led by the City Council.
- 3.12 However it is important to note that because a boundary review may take some time, it is likely that properties on the development will be occupied before completion of any review. As noted above, a boundary review is likely to take at least 15 months to complete, while properties on the development are currently expected to start being occupied from January 2021 onwards.
- 3.13 With this in mind, to minimise disruption and ensure effective use of public funds, it is proposed that it would be appropriate to work with BMBC to agree interim arrangements to deliver services to the new properties, on the basis that these should seek to reflect as closely as possible the arrangements that will exist following a successful review of the boundary (i.e. that BMBC would make a financial transfer to SCC equivalent to the Council Tax collected from the properties and SCC would agree to assume responsibility for service delivery to the development).

4. HOW DOES THIS DECISION CONTRIBUTE ?

- 4.1 This decision will ensure democratic and service delivery arrangements reflect the natural community around Oughtibridge and Wharncliffe Side, and also ensure effective service delivery with best value for money to new housing in this area.

5. HAS THERE BEEN ANY CONSULTATION?

- 5.1 Consultation on this issue is challenging, as the dwellings that are directly affected (and therefore the residents) do not as yet exist. Council officers have consulted with Bradfield Parish Council to better understand the local context and implications of the development.
- 5.2 In making the request for a review we will be required to demonstrate consultation with those affected, and are engaging with the LGBCE to determine what that means in the current socially distanced context.

6. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

6.1 Equality of Opportunity Implications

- 6.1.1 We have considered the overall proposal in line with the aims of the

Public Sector Equality Duty (PSED), established through the Equality Act 2010, which requires the Council, in the exercise of its functions, to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

6.1.2 The PSED requires us to pay due regard when making decisions and as such we have undertaken an Equality Impact Assessment. The EIA notes that by aligning service delivery responsibilities and democratic arrangements with natural communities, this proposal will potentially encourage people from protected groups to participate in public life however that overall there is no expected disproportionate impact on people who share protected characteristics and those that don't.

6.2 Financial and Commercial Implications

6.2.1 The service anticipate that the work required to support the pre-review gateway stage and the formal review by the LGBCE will not be significant and can be absorbed into business as usual within services, with no specific additional project team required. A Policy and Improvement Officer, within the Strategy and Partnerships Team has been identified to support the review.

6.2.2 The latest guidance indicates NHB will not be payable for properties built after 2019 and so funding will not be received for any of the development.

6.2.3 The boundary review process is anticipated to take 15 months to complete, whilst occupancy of the new houses could start in January 2021. A formal agreement will need to be in place with Barnsley MBC to document interim arrangements for service provision, and the corresponding payments to be made to SCC by BMBC based on proportionate Council Tax arising from the development.

6.2.4 A successful boundary review would bring new properties contributing Council Tax within the Sheffield boundary in perpetuity. An estimate, assuming an average of Band C applying across the development, would indicate additional Council Tax of around £478,000 per year from the full development, compared to around £143,500 for the properties on the Sheffield side of the existing boundary. This would contribute to the cost of service provision for the new residents, who are expected to use SCC services for logistical reasons (access).

6.3 Legal Implications

- 6.3.1 The statutory process for a local authority boundary review, including the making of an Order by the Secretary of State to put it into effect and any incidental matters are set out in Part 1 of the Local Government and Public Involvement in Health Act 2007 at sections 8 – 16 and are described in the body of this report.
- 6.3.2 Interim arrangements for the delivery of services by SCC to the residents of the BMBC part of the development may be made under various statutory powers. For example, BMBC may arrange for the discharge of its functions in that locality by SCC, with those functions being treated as though they were the responsibility of SCC, using powers within the Local Government Act 2000 for executive functions or the Local Government Act 1972 for non-executive functions. Alternatively BMBC could retain responsibility but enter into an agreement with SCC for the delivery of services under the Local Authorities (Goods and Services) Act 1970. It may be necessary to make different arrangements for different functions. The legal implications of any arrangements proposed as a result of negotiations and of the agreements required to put them into effect will be considered in a further report seeking approval of those arrangements.

6.4 Other Implications

- 6.4.1 None noted.

7. **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 Broadly there are two alternative options available:
1. Agree that SCC and BMBC will continue to deliver services to residents within their respective boundaries, accepting this will present logistical challenges to BMBC and that residents may choose to access services in Sheffield. This option would avoid the need for a boundary review process, and responsibility for service delivery would on the face of it be clear. However, it is clear from the discussion above that it is likely that a combination of citizens “voting with their feet” and individual services addressing specific issues through ad hoc arrangements would ensue, leading to a complex patchwork of arrangements that could be confusing for residents, especially in comparison to arrangements in the rest of the local community. This in turn would then raise questions of representation and accountability through elected members, and also around the connection between taxation and service delivery.
 2. Reach a long-term contractual agreement for SCC to deliver some or all services to the development on BMBC’s behalf. As above, this would avoid the need for a boundary review, and would also enable a clearer relationship between residency and service delivery

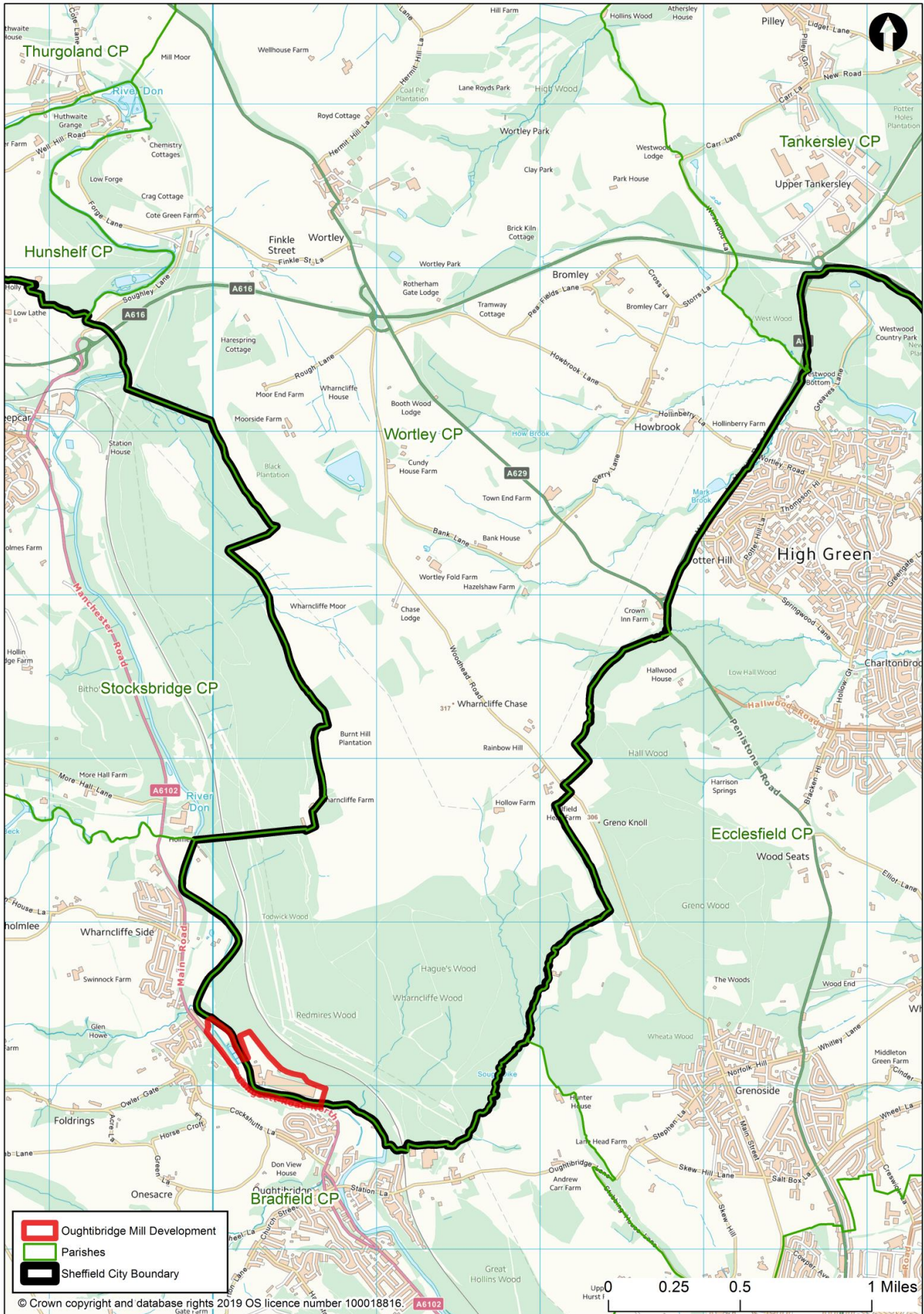
arrangements. However, it would also raise questions about representation, with residents on the BMBC side of the boundary unable to elect councillors to the authority that delivers services to them. It would also be an arrangement that required monitoring and review on a regular basis, imposing additional administration costs on services. Beyond this, council tax rates are set at different levels for SCC and BMBC, meaning that it is not necessarily clear that SCC could be appropriately compensated under this arrangement.

- 7.2 Beyond these points, it is critical to note that neither of these options addresses the issues faced by the Parish Council. These can only be addressed through a boundary review.

8. REASONS FOR RECOMMENDATIONS

- 8.1 A review of the local authority boundary at Oughtibridge Mill is the only approach that will solve questions around effective service delivery and democratic representation for both the local authorities and the parish council. The intended outcome is that the whole development is brought within the Sheffield boundary.

APPENDIX ONE



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Equality Impact Assessment

Introductory Information

Budget/Project name

Boundary Review at Oughtibridge Mill

Proposal type

- Budget
 Project

Decision Type

- Cabinet
 Cabinet Committee (e.g. Cabinet Highways Committee)
 Leader
 Individual Cabinet Member
 Executive Director/Director
 Officer Decisions (Non-Key)
 Council (e.g. Budget and Housing Revenue Account)
 Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Cllr Terry Fox

Entered on Q Tier

- Yes No

Year(s)

- 14/15 15/16 16/17 17/18 18/19 19/20 20/21 21/22

EIA date

06/03/2020

EIA Lead

- | | |
|---|---------------------------------------|
| <input checked="" type="radio"/> Adele Robinson | <input type="radio"/> Ed Sexton |
| <input type="radio"/> Annemarie Johnston | <input type="radio"/> Louise Nunn |
| <input type="radio"/> Bashir Khan | <input type="radio"/> Michelle Hawley |
| <input type="radio"/> Beth Storm | <input type="radio"/> James Henderson |
| <input type="radio"/> Diane Owens | |

Person filling in this EIA form

Daniel Spicer

Lead officer

James Henderson

Lead Corporate Plan priority

- | | | | | |
|--|--------------------------------------|--|---|---|
| <input type="radio"/> An In-Touch Organisation | <input type="radio"/> Strong Economy | <input checked="" type="radio"/> Thriving Neighbourhoods and Communities | <input type="radio"/> Better Health and Wellbeing | <input type="radio"/> Tackling Inequalities |
|--|--------------------------------------|--|---|---|

Portfolio, Service and Team

Cross-Portfolio

- Yes No

Portfolio

CEX, Resources

Is the EIA joint with another organisation (eg NHS)?

- Yes No

Brief aim(s) of the proposal and the outcome(s) you want to achieve

To authorise officers to request a review of the local authority boundary at the Oughtibridge Mill housing development, and to agree interim arrangements for service delivery to affected properties.

Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Briefly describe how the proposal helps to meet the Public Sector Duty outlined above

By aligning service delivery responsibilities and democratic arrangements with natural communities, this proposal will potentially encourage people from protected groups to participate in public life.

Otherwise this project is an administrative change, aiming to ensure that all households in Oughtibridge receive the same services, have the same level of representation and access to democratic processes affecting their area, and make contributions to local services on the same basis. As a result, our judgement is that there are no significant disproportionate equality impacts arising from this work.

See the profile for Stocksbridge and Upper Don

<https://www.sheffield.gov.uk/content/dam/sheffield/docs/your-city-council/facts-figures/ward-profiles/Stocksbridge%20and%20Upper%20Don.pdf>

Impacts

Proposal has an impact on

<input type="radio"/> Health	<input type="radio"/> Transgender
<input type="radio"/> Age	<input type="radio"/> Carers
<input type="radio"/> Disability	<input type="radio"/> Voluntary/Community & Faith Sectors
<input type="radio"/> Pregnancy/Maternity	<input type="radio"/> Cohesion
<input type="radio"/> Race	<input type="radio"/> Partners
<input type="radio"/> Religion/Belief	<input type="radio"/> Poverty & Financial Inclusion
<input type="radio"/> Sex	<input type="radio"/> Armed Forces
<input type="radio"/> Sexual Orientation	<input type="radio"/> Other

Give details in sections below.

Health

Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?

Yes No *if Yes, complete section below*

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Health impacts have been considered, in the case of primary care services it is accepted by service commissioners and the local practice that residents of the proposed development are likely to want to register with Oughtibridge GP Surgery. There should be no disproportionate health impact identified.

Comprehensive Health Impact Assessment being completed

Yes No

Please attach health impact assessment as a supporting document below.

Public Health Leads has signed off the health impact(s) of this EIA

Yes No

Health Lead

Age

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The average age of people in Stocksbridge and Upper Don is 42, while the median age is higher at 43.

There has been no disproportionate impact on age for either younger or older people identified

Disability

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

According to the census there are over 103,000 people who are disabled in Sheffield making up 19% of the population however there are lower numbers of people who have identified they have a long term health condition or disability in this ward. We therefore do not think there will be disproportionate impact

Pregnancy/Maternity

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

No disproportionate expected impact

Race

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The Black, Asian and Minority Ethnic communities make up just 3.2% in this ward compared to the average of 19% in Sheffield as whole. We do not expect this proposal to have a disproportionate impact.

Religion/Belief

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

The religious make up of Stocksbridge and Upper Don is 65.3% Christian, 26.9% No religion, 0.4% Muslim, 0.1% Buddhist, 0.1% Jewish, 0.1% Hindu, 0.1% Atheist.

We do not expect this proposal to have a disproportionate impact.

Sex

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

There is a very slightly higher percentage of women in the ward but we do not expect this proposal to have a disproportionate impact

Sexual Orientation

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

In this ward there are overall 52.5% of people are married, 12.3% cohabit with a member of the opposite sex, 0.7% live with a partner of the same sex, 19.3% are single and have never married or been in a registered same sex partnership, 7.5% are separated or divorced.

Transgender

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

In Sheffield we know our Trans community is expected to be the same as the national average approx. 0.6% of the population but there is no data held in relation to this characteristic in the ward but there is no disproportionate impact expected.

Carers

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

There is no disproportionate impact expected

Voluntary/Community & Faith Sectors

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

There is no disproportionate impact expected

Cohesion

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Access to services has been considered and there is no disproportionate impact expected.

Partners

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

None

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Access to services has been considered and there is no disproportionate impact expected

Poverty & Financial Inclusion

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

There is no disproportionate impact expected.

Armed Forces

Staff

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

Customers

Yes No

Impact

Positive Neutral Negative

Level

None Low Medium High

Details of impact

There is no disproportionate impact expected

Cumulative Impact

Proposal has a cumulative impact

Yes No

<input type="radio"/> Year on Year	<input type="radio"/> Across a Community of Identity/Interest
<input type="radio"/> Geographical Area	<input type="radio"/> Other

If yes, details of impact

None

Proposal has geographical impact across Sheffield

Yes No

If Yes, details of geographical impact across Sheffield

Local Partnership Area(s) impacted

All Specific

If Specific, name of Local Partnership Area(s) impacted

North

Action Plan and Supporting Evidence

Action Plan

This project is an administrative change, aiming to ensure that all households in Oughtibridge receive the same services, have the same level of representation and access to democratic processes affecting their area, and make contributions to local services on the same basis. As a result our judgement is that there are no significant equality impacts arising from this work, and no need for an action plan.

Supporting Evidence (Please detail all your evidence used to support the EIA)

N/A

Consultation

Consultation required

Yes No

If consultation is not required please state why

[Redacted]

Are Staff who may be affected by these proposals aware of them

- Yes No

Are Customers who may be affected by these proposals aware of them

- Yes No

If you have said no to either please say why

[Redacted]

Summary of overall impact

Summary of overall impact

There are no expected impacts from this project.

Summary of evidence

N/A

Changes made as a result of the EIA

None.

Escalation plan

Is there a high impact in any area?

- Yes No

Overall risk rating after any mitigations have been put in place

- High Medium Low None

Sign Off

EIAs must be agreed and signed off by the equality lead in your Portfolio or corporately. Has this been signed off?

- Yes No

Date agreed 20/10/2020



Author/Lead Officer of Report: Claire Bower

Tel: 0114 2930209

Report of: *Laraine Manley*

Report to: *Cabinet*

Date of Decision: *18th November 2020*

Subject: *Statement of Licensing Policy Approval Report*

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>Place</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Licensing Committee</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>546</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		
<i>"The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended)."</i>		

Purpose of Report:

The report sets out the details of the revised Statement of Licensing Policy to be published under the 2003 Act and details the consultation process that has been undertaken.

The report seeks approval of the document and refers to Full Council.

Recommendations:

That Cabinet approve the Statement of Licensing Policy for referral to Full Council in December 2020.

Background Papers:

Draft Statement of Licensing Policy

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: <i>Chloe Parker</i>
	Legal: <i>David Hollis</i>
	Equalities: <i>Annemarie Johnston</i>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: <i>Laraine Manley</i>
3	Cabinet Member consulted: <i>Robert Johnson</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: <i>Claire Bower</i>
	Job Title: <i>Licensing Strategy and Policy Officer</i>
Date: <i>9/11/2020</i>	

1. PROPOSAL

1.1 The proposed Statement of Licensing Policy conveys how Sheffield's Licensing Authority proposes to deal with licence applications under the Licensing Act 2003 for the following licensable activities:

- the sale and supply of alcohol
- the provision of regulated entertainment and
- the provision of late night refreshment.

1.2 The Licensing Act 2003 states at Section 5 (1):

“Each licensing authority must in respect of each five-year period –
(a) Determine its policy with respect to the exercise of its licensing functions, and
(b) Publish a statement of that policy before the beginning of the period.”

1.3 This report is to seek approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refer the matter to Full Council for determination.

2. HOW DOES THIS DECISION CONTRIBUTE ?

2.1 The Statement of Licensing Policy will assist the Licensing Service in administering and enforcing the Licensing Act system in accordance with the promotion of the four statutory licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm.

All four objectives must be addressed when licensing functions are undertaken, and they provide the foundation for all the decisions made by the licensing authority.

2.2 It will provide developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a clear and concise reference document to assist them in understanding the Licensing Act process in the city and assist them to become a successful part of the city's economy.

2.3 The Statement of Licensing Policy will support the wider strategies within the Council and assist the overall vision for the city to be successfully and safely delivered to all who live, work, study and enjoy Sheffield as a whole.

3. HAS THERE BEEN ANY CONSULTATION?

3.1 All responsible authorities under the Act and relevant internal partners were consulted with prior to the 12-week formal consultation in order to ensure the final consultation draft was as comprehensive and currently relevant as possible.

The formal consultation period began on 20th April 2020 and concluded on 13th July 2020.

3.2 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -

- the chief officer of police for the licensing authority's area;
- the fire authority for that area;
- such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
- such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
- such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
- such persons as the Licensing Authority considers to be representative of businesses and residents in its area.

3.3 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other groups; information was published on the Licensing Service webpages with active links to an online comments form on Citizen Space.

3.4 The Licensing Authority received 31 responses to the consultation and amendments have been made to the draft policy document where it has been deemed appropriate.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

4.1.1 There are no adverse equality of opportunity implications arising from this report.

4.1.2 An Equality Impact Assessment has been prepared and retained (ref no. 546).

4.2 Financial and Commercial Implications

4.2.1 The work on the revision of the Statement of Licensing policy is a statutory duty placed upon us as the Licensing Authority and the work has

been undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and resource implications to the Council arising from this report.

4.3 Legal Implications

4.3.1 Failure to formally review the Statement of Licensing Policy in accordance with Section 5 of the Licensing Act 2003, the Regulations and Associated Guidance would mean that the Council would not be able to comply with its statutory duty and would leave it open to legal challenge.

4.3.2 If the revised document referred to within this report is approved by full Council in December 2020 then the Council, as the Licensing Authority has fulfilled its statutory duties.

5. REASONS FOR RECOMMENDATIONS

5.1 To comply with statutory obligations and in doing so promote the core objectives under the Licensing Act, and positively support the wider Council's Vision to promote a successful, safe and flourishing economy in the City of Sheffield.

6 RECOMMENDATIONS

6.1 That Cabinet approve the Statement of Licensing Policy for referral to Full Council in December 2020.

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SHEFFIELD CITY COUNCIL'S

STATEMENT OF LICENSING POLICY

Under the Licensing Act 2003

2021

Author	Reason for amendment	Date	Version
J Gough	12 week consultation comments amendments	28.07.2020	Final Draft v0.1
J Gough	CB amendments	28.07.2020	Final Draft v0.2
J Gough	Pages renumbered, formatted document added watermark	31.07.2020	Final Draft v0.3
J Gough	Amendments after SMT - APPROVED	07.09.2020	Final Draft v0.4
C Bower	Amendments re: vaping for Licensing Committee Approval on 26/10/2020	13.10.2020	Final Draft v0.5
C Bower	Final Draft Approved by Licensing Committee 26/10/2020	26.10.2020	Final Draft v.06

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PART 1 - FOREWORD

Sheffield has built a strong reputation as being a safe and vibrant city with a wide range of different cultural and entertainment venues which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents, and people enjoying other activities.

In Sheffield, we use our Licensing Policy to guide the licensed business sector when making applications under the Licensing Act, to assist councillors in reaching decisions on those applications that they consider, and to help residents voice their views and concerns in appropriate ways. It also allows Responsible Authorities to provide a proportionate, preventative and evidence based approach to assisting new and existing applicants to run and maintain safe, varied and successful licensable activities which actively support the reduction in alcohol related harms and safeguard all who could come in to contact with or be affected by such licensable activities.

It is imperative that we maintain a balance between welcoming and supporting those delivering licensable activities that are important to parts of our city, whilst ensuring a high quality of life for all those who live, work in, study or visit Sheffield. This policy is robust in its nature, and meets this requirement in a fair and proportionate way.

As an Authority we will encourage well run premises and will support these activities being provided in a positive manner wherever we can to keep Sheffield a leader in the licensed business sector. However, we will not tolerate any businesses or activities that place risk of damaging our communities or overall wellbeing as Sheffield residents, workers or visitors. Public Safety is our main focus, and this policy is provided to ensure this is maintained to the highest standard.

Introduction

The policy assists in addressing issues that impact on the safety and well-being of our residents, visitors to the city and those working in the leisure and entertainment industry.

We seek to assist and promote excellent operation and winning practice within the remit of the Licensing Act 2003, and hope that responsible licensees will find comfort in this policy.

The Licensing Authority will continue to tackle those who fail to uphold the licensing objectives, breach their conditions or operate outside their licence. The Council see licensing as a key means of controlling nuisance and anti-social behaviour from licensed premises. The service plays an active part in the holistic approach to the management of the evening and night time economy by assisting in reducing alcohol related harms and linking in with support initiatives and helping to promote positive and safe practice across the City.

This policy explains how the licensing regime will be implemented within Sheffield, giving clear guidance to new and current licence holders, as well as Councillors and partners. It is important to note that Sheffield City Council will not automatically punish licence holders who commit minor infringements and do not operate in line with this policy and underlying legislation by having their license revoked in the first instance. We seek to provide assistance to resolve issues, become compliant and encourage to actively uphold the licensing objectives. If licensees or operators persist in non-compliance and choose to not co-operate after this help and guidance has been provided, the Council will take firm steps which could result in the license revocation and possible further legal action where the situation would deem necessary.

We want to continue to promote Sheffield as a city of cultural and sporting excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and respect and provide for the needs of all users of our City. We encourage a varied range of different types and styles of premises, particularly in the city centre, to attract a wide range of users from families with children through to older people as well as people with additional needs. We want Sheffield to be a leading city where people are able to enjoy the night time economy and the leisure opportunities in a safe, social and sensible way and reduce alcohol-related harms.

We are particularly keen to ensure the cultural hub of the city centre remains an attractive destination for every visitor to our city and to this end we would encourage premises that serve the needs of all visitors to this area, with an emphasis on the European café culture, rather than a late night drinking destination, which is already well catered for in other areas of the city centre.

Many people choose not to drink alcohol on some days or all days for a variety of reasons, yet still wish to enjoy the night time economy, cultural and leisure opportunities. We therefore support the move to offer a wider range of no and low alcohol drinks aimed at this emerging market as part of a vibrant city offer.

The world of regulation has changed significantly in recent years, with a clear acknowledgement that the best results are achieved when regulators and businesses work together because ultimately both parties aim for the same outcome - safe and well managed premises, places and environments.

It is now common practice for national statutory guidance to focus on the message of positive partnership in regulation. This is no more so than in the Licensing Act s.182 guidance to local authorities where numerous references to "*working in partnership*" can clearly be seen.

Examples of this practice in Sheffield within licensing regulation which we are proud to state we play an active and positive role in include:

- **Sheffield Pub Watch** – where local businesses, council officers and police officers come together to promote a safer drinking environment in licensed premises.
- **Purple Flag Scheme** - the accreditation process for town & city centres that meet or surpass the standards of excellence in managing the evening and night time economy (ENTE). Sheffield has received this prestigious status for 8 consecutive years and continues to be recognised nationally as a vibrant, welcoming and safe place for people of all ages to enjoy a night out between 5pm and 5am.
- **Best Bar None Scheme** - supported by the Home Office, local councils and the drinks industry and is aimed primarily at promoting responsible management and operation of alcohol licensed premises.
- **Local Drug and Alcohol Co-ordination Team (DACT)** – Close partnership working to combat the risks and difficulties faced by the use of drugs and alcohol in Sheffield, and we work together to deliver closely linked supporting strategies to keep Sheffield lower or as near to national standards as possible.
- **Club Soda** – an initiative supported by the Best Bar None Scheme and DACT to encourage premises to offer a wider range of no and low alcohol beverages to support those who choose not to drink alcohol on some days or all days to enjoy the night time economy.

Ambition of the City and other linked strategies.

It is vital to ensure that this Statement of Licensing Policy links positively and effectively into the current priorities of Sheffield City Council. There is a clear focus of strong partnership working and the benefits this creates for the City. It is linked to other city wide strategies to ensure that the overall ambitions of Sheffield City Council are effectively delivered, whilst providing solutions to continual challenges faced within the city, and providing succinct support and advice in the most appropriate and streamlined manner.

These linked strategies deal in part with the leisure economy, cultural plan, future planning and development of the city and effective maintenance of equality and inclusion, which helps to promote a safe and successful City for everyone to live, work, visit and study. The licensing authority has considered these relevant strategies when developing this policy.

Plans, policies and strategies which are linked include (but are not limited to):

- Sheffield City Partnership
- The Government's Alcohol and Modern Crime Prevention Strategy
- Sheffield Joint Health & Wellbeing Strategy 2019-2024
- A Culture Plan for the Sheffield Culture Consortium 2017-2022
- Accessible Sheffield
- Safety Certification / Safety Advisory Group Policy Document
- Government Modern Crime Prevention Strategy 2016
- Sheffield City Centre Plan 2018-2028 (being consulted on at the time of writing this policy)

Changes to the priorities of Sheffield City Council moving forward are likely to have some bearing on this Statement of Licensing Policy. Therefore, this policy document will be kept under constant review to ensure that all strategies, plans and policies which it links into remain live, current and relevant.

PART 2 - OVERVIEW

The licensing process is about regulating licensable activities on licensed premises, by qualified clubs and at temporary events within the terms of the Licensing Act 2003 with a view to promoting the four licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

Sheffield City Council wants Sheffield to be a city with the attributes it needs to prosper and where the quality of life makes it somewhere people choose to live, work, study and do business.

The licensing authority strives to achieve the right balance between developing and enabling businesses whilst regulating and applying sanctions to them.

Legislative Background (The Act)

The Licensing Act 2003 provides a unified system of regulation for the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as “the licensable activities”.

The purpose of the system of licensing for licensable activities is to promote four core objectives (“the licensing objectives”). Those objectives are –

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance;**
And
- **The protection of children from harm.**

The system of licensing is achieved through the provision of authorisations through:

Personal licences: - authorising individuals to sell or supply alcohol, or authorising the sale or supply of alcohol, for consumption on or off premises for which a premises licence is in force for the carrying on of that activity;

Premises licences: - authorising the holder of the licence to use the premises to which the licence relates (“the licensed premises”) for licensable activities;

Club premises certificates: - authorising qualifying clubs to use club premises for qualifying club activities;
and

Temporary event notices: - authorising short term, ad-hoc events with an overall capacity of less than 500 people at any one time.

The Act provides procedures for regulating the discharge by the licensing authority of its functions. Authorities are required to publish a policy framework document. In producing the document, a licensing authority is required to take account of the views of those representing the holders of licences and certificates, local residents and businesses, and the Responsible Authorities specified under The Act.. Licensing authorities are also required to take into account the Guidance to the Act.

The Act provides licensing authorities with the power, on review of a premises licence, to suspend or revoke the licence, to exclude specific licensable activities from the licence, or to modify operating conditions attached to the licence. These powers must be exercised with a view to promoting the licensing objectives. These same powers attach to club premises certificates.

In addition, the Act confers powers on the police to close licensed premises to deal expeditiously with disorderly behaviour and excessive noise; these powers are both anticipatory and reactive.

Key Definitions

The following terms are used frequently throughout this Statement of Licensing Policy document:

'the Licensing Authority'	refers to Sheffield City Council which carries out its function as Licensing Authority under the Licensing Act 2003 within the Sheffield city boundary.
'the Council'	refers to Sheffield City Council.
'the Act'	refers to the Licensing Act 2003.
'the Licensing Committee'	refers to the committee of Sheffield City Council established under s7(1) of the Act.
'the Licensing Sub-Committee'	refers to three members of the Licensing Committee with sub-delegation of functions.
'the Guidance to the Act'	refers to the most current Guidance issued by the Secretary of State under Section 182 of the Act.
'Licensing Policy'	refers to this document, Sheffield City Councils Statement of Licensing Policy.
'authorisation'	refers to all licences, certificates, temporary event notices and any other permission which can be given under the Act.
'Responsible Authorities'	refers to public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence. See contact details at page 46.

Please refer to the glossary at page 50 for further definitions.

Scope of Licensing Policy

All licensing authorities must publish a statement of licensing policy with the purpose to:

- provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- provide a clear, consistent basis for determining licence applications in Sheffield;
- ensure the relevant views of those affected by licensed premises are taken into consideration; and
- support and link in with the wider strategies of the City Council.

The licensing policy covers all applications and notices for the following licensable activities:

- **the sale by retail of alcohol;**
- **the supply of alcohol by or on behalf of a club to, or to the order of a member of that club;**
- **the provision of regulated entertainment; and**
- **the provision of late night refreshment.**

It is an offence under section 136 of the Act to carry on any of the licensable activities above other than in accordance with a licence or other authorisation under the Act.

Current definitions of the above activities can be found in the glossary at page 50. Note: changes to legislation may amend these definitions at any time.

Any application received under the Licensing Act 2003 will be dealt with on its own individual merits and by reference to the four licensing objectives.

We will take care to ensure necessary, proportionate and reasonable conditions are imposed on regulated activities.

Process of applying for a licence

Applying for a licence or permission under the Act generally involves three stages:

- 1. Applying** Completion of an application form by an applicant/applicants representative
- 2. Processing** Receipt and handling of application by licensing officers
- 3. Determining** Deciding on the outcome of the application by Members of the Licensing Sub-Committee

Applying

All applications made under the Act must contain as much detail as possible.

Applications for new premises licences, club premises certificates and variations of such need to be supported by an operating schedule.

The applicant must specify on the operating schedule (among other things) the steps which he/she proposes to promote each of the licensing objectives.

Full details of how to apply for each permission can be found on the relevant application form or on our website www.sheffield.gov.uk/licensing.



Processing

The licensing authority (officers) will process the application on receipt and ensure the application is compliant with this policy.



Determining

If there are no representations to the application within the relevant period of consultation, the steps in the operating schedule will become licence conditions and the licence will be granted.

(Where a representation has been submitted to a minor variation application, there is no right to a hearing. The licensing authority (officers) will take any relevant representations into account in arriving at a decision.)

If there are relevant representations to an application at the end of the consultation process, a hearing before the licensing authority sub-committee will be held.

The sub-committee must, having regard to the representations, take steps as it considers appropriate to promote the licensing objectives. These may include refusing the application, accepting the application in its current form without any changes being imposed, or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this licensing policy and the Guidance to the Act. Therefore, in making an application and drawing up an operating schedule, applicants are advised to read this policy and the Guidance to the Act carefully.

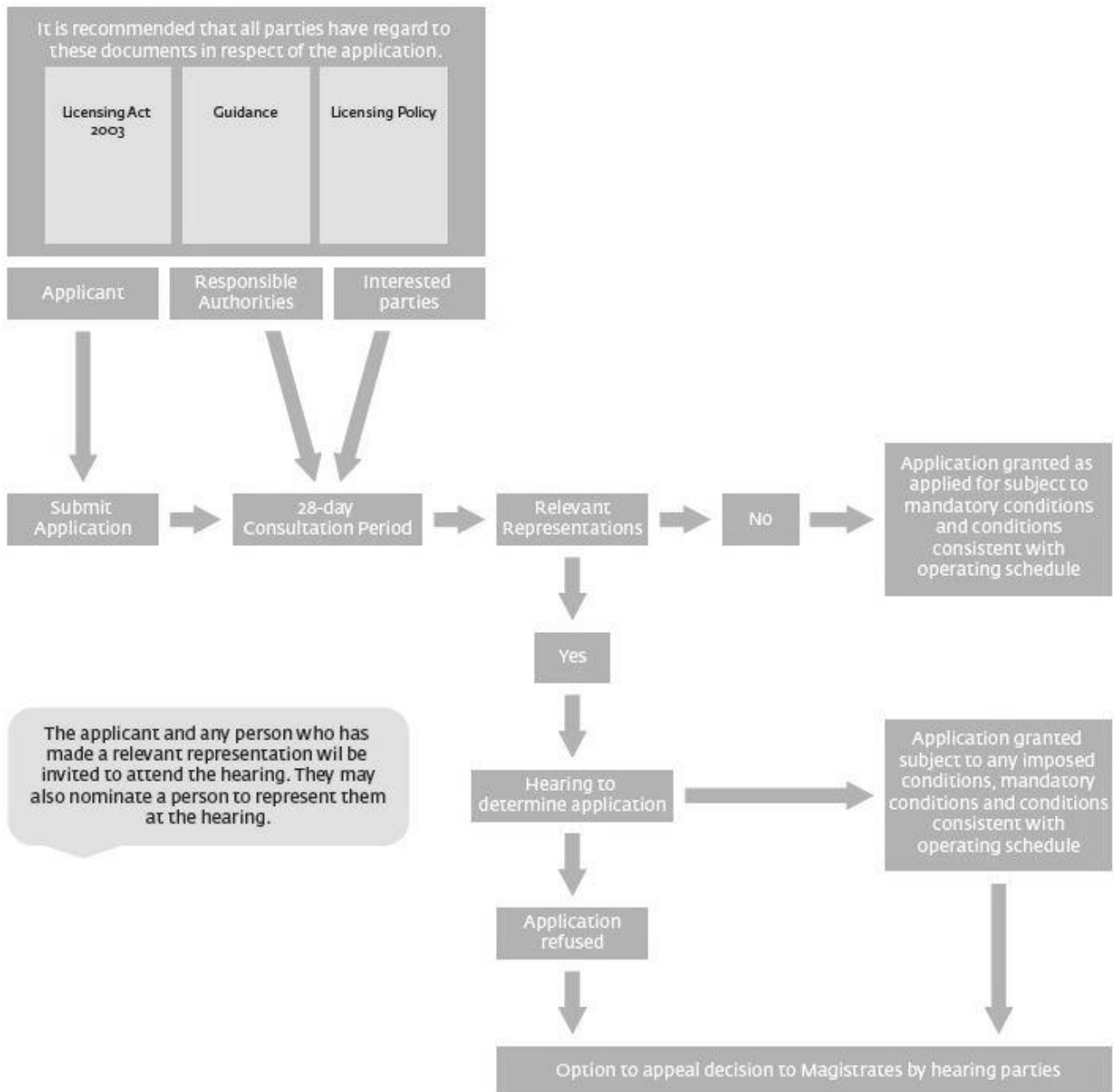
Where an application complies with this policy, it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with this policy is likely to assist an applicant to avoid the delay and expense of a contested licence application hearing, and the risk of a refusal or the addition of any unwanted licence conditions.

An opposed application which complies with this policy will not necessarily be granted and an opposed application which does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule, only when, and to the extent, appropriate to promote the licensing objectives.

While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this policy, the licensing sub-committee hearing of an opposed application will normally expect to give good reason for the departure from this policy and will be asked to make an exception to it.

Quick Reference Licensing Application Flow Chart

This flow chart outlines the application process as simply as possible to assist applicants, interested parties and the licensing sub-committee to be clear and confident in what is expected of them for this process in line with this Policy.



Relationship with Planning

Planning and Licensing are governed by different legislation and guidance, but are clearly linked to ensure that premises operate safely and appropriately. Although Licensing legislation does not stipulate that the relevant planning permissions must be in place prior to a Licence being granted, it is strongly recommended that these permissions have been obtained so that proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents.

Applications for licences may be made prior to any planning permission being in place and the lack of planning permission is not a relevant representation under the Licensing Objectives, however, applicants should note that where planning permission is not in place, relevant representations are more likely to be made by the Planning Service.

The Planning, Building Regulation and Licensing regimes will be properly separated as they involve consideration of different (albeit related) matters. For example, licensing committees are not bound by decisions made by a planning committee, and vice versa.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants are encouraged to indicate, when applying for a licence under the Act, whether they have also applied for planning permission or that they intend to do so. This gives licensing and planning officers the opportunity to discuss applications prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Whilst varying permissions and licences are required for a business to operate successfully and safely, they are all granted under separate statutory legislation and must be dealt with separately. It is often a confusing and complicated process to gain the right permissions due to the input that is required from these separate services. It is therefore an ambition of Sheffield City Council to create a streamlined application process which enables customers to use a single entry system to the Council, and obtain the necessary guidance to operate successfully and compliantly.

The following Planning policies and guidance documents are relevant to premises that carry out licensable activities (note planning guidance may be subject to change and applicants should always check the latest version):

The Development Plan

The Sheffield Development Framework Core Strategy (2009) and the saved policies within the Sheffield Unitary Development Plan (1998) constitute the Development Plan for Sheffield. Please follow this link to access these documents <https://www.sheffield.gov.uk/home/planning-development/sheffield-plan>.

Night Time Uses – Interim Planning Guidance

Guideline 1: Controlled Areas

Within the areas shown on Plan 1 (below), conditions will be applied to planning approvals which allow the times of opening of drinking establishments and nightclubs to no later than 12.30am. This will also apply to hot food takeaways.

Food establishments - cafes/restaurants will not be time limited unless through applying Guideline 2, they would be considered to have an adverse impact on nearby residents, workers or users of the area.

Guideline 2: City Centre and Neighbourhoods

Leisure, and Food and Drink uses will be allowed if:

- (a) conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and
- (b) they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area; and
- (c) neither the parking of cars nor the provision of signs, tables, and chairs outside the premises would impair the safety or ease of movement of pedestrians and road users.

In considering the criteria, the Council's Planning Service will take into account the cumulative harmful effect of existing leisure and entertainment uses.

The Council's Planning Service may attach conditions to permissions to ensure that these criteria are met.

City Centre Living Strategy – Supplementary Planning Guidance

Guideline 11

Nightclub or late-night pub developments will normally be accepted in those parts of Heart of the City (around Barkers Pool and the New Retail Quarter), St Vincent's (north of Scotland Street), Hallam Central, Castlegate (north of river and Wicker), The Moor and the CIQ (west of Leadmill Road/Paternoster Row), provided that they would have no serious effects on the amenity of existing residents.

Note: Night-Time Uses Guideline 1 removes the small area bounded by Pinstone Street, Cross Burgess Street and the rear of properties on Burgess Street from an "area where night-time leisure will be normally accepted" identified in City Centre Living SPG Guideline 11. This small area is included in the "12.30am closing zone" shown on Plan 1.

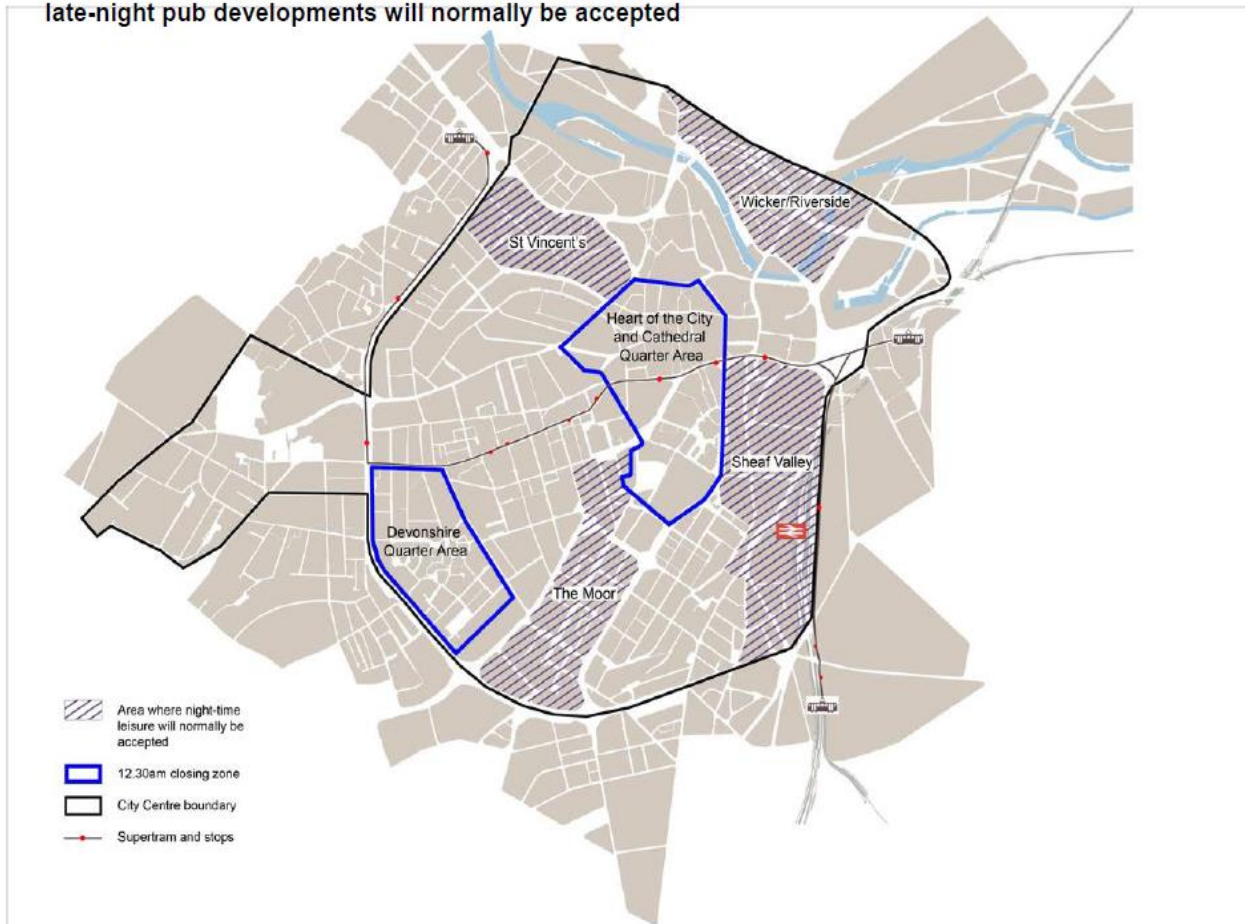
We want the city to be attractive to a wide range of activities, visitors and residents. This includes a vibrant, healthy and safe night time economy. We recognise that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate. We want to work with potential applicants at an early stage to understand how we can enable their ideas to happen.

Applications will be encouraged for night time economy uses that complement the established and developing communities in areas of the city where the night time economy already thrives and benefits from this type of offering, but with careful consideration to late night opening. The Heart of the City and the Cathedral Quarter would suit applications such as those for seated eating and drinking that complement the "cultural" offer of the area, but again with limited late night opening.

Sheffield City Centre

PLAN 1

Controlled opening areas and areas where nightclub or late-night pub developments will normally be accepted



PART 3 – WHAT IS SHEFFIELD CITY COUNCIL’S STATEMENT OF LICENSING POLICY?

The Statement of Licensing Policy sets out how Sheffield will exercise its licensing functions under the Licensing Act 2003.

Licensing functions are the duties and powers of the Council in its capacity as “the licensing authority”.

The licensing authority will grant licences / certificates at the end of the relevant period for representation if no adverse representations are received.

If adverse representations are received, the licensing authority’s discretion will be engaged.

In exercising its discretion, the licensing authority will apply the standards set out in the shaded boxes of this section.

The licensing authority may deviate from the policy in exceptional circumstances where one or more of the licensing objectives can be achieved through other means.

This licensing policy will provide an applicant with an awareness of the expectations of the licensing authority and responsible authorities as to best practice, giving a collaborative view of the best means of promoting the licensable objectives.

Applicants are able to make applications without complying with this policy; however, failure to comply could lead to representations being made, delays, extra costs and the application of the policy at a hearing of the licensing sub-committee.

The Licensing Objectives

The Act provides a clear focus on the promotion of four statutory licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

All four objectives must be addressed when licensing functions are undertaken, and they provide the foundation for all the decisions made by the licensing authority.

The Act does not provide a definition of each objective and this section aims to set out how the licensing authority will consider each objective at each stage of application.

Each objective is of equal importance and of paramount consideration at all times.

General steps for applicants to promote the licensing objectives

In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Applicants are, in particular, required to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes) which may help to mitigate potential risks.

Applicants are required to include positive proposals in their application on how they will manage any potential risks.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impacts upon their smoking/vaping, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Publicly available sources which may be of use to applicants include:

- The Crime Mapping website (www.police.uk);
- Neighbourhood Statistics websites (www.neighbourhood.statistics.gov.uk);
- Websites or publications by local responsible authorities (see contact details at page 46);
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The licensing authority encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses *before* applications are submitted in order to minimise the scope for disputes to arise. There may be resident or business groups which may also be consulted.

Applicants are required to make it clear in their applications, why the steps they are proposing are appropriate for the premises rather than providing a set of standard conditions to promote the licensing objectives.

All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively; the legislation actively encourages a partnership approach.

Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences.

For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

Pre-Application Advice and Consultancy Service

The Licensing Service offers a Pre-Application Advice and Consultancy Service which gives applicants the opportunity to book time with an experienced technical officer and gain guidance and advice, and/or administrative assistance with the application process before submitting a formal application to the service or any responsible authorities.

PLEASE NOTE: this does not quantify as legal advice as our technical officers are not legally qualified.

DRAFT

THE PREVENTION OF CRIME AND DISORDER

Well-run and responsible licensed premises form an important element of the social fabric of our communities, and diligent supervision of drinking can assist with the prevention of crime and disorder.

The prevention of crime and disorder should be given due consideration by all managers, licence holders and clubs.

Crime and Disorder Policy

Applications

CCTV

Applicants are required to consider the use of CCTV as part of their crime and disorder reduction measures and evidence of such consideration should be detailed in the application form. Applications must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case.

South Yorkshire Police (SYP) Licensing Officers are able to visit your premises to discuss CCTV requirements, with a standard specification being that the system fitted has a minimum of 28 days recording facility, and the ability for nominated or authorised staff members to be able to operate the system at any time in the event of immediate access being required to images by South Yorkshire Police or Local Authority Officers in line with GDPR guidance.

City Retailers Against Crime

The Sheffield Crime Reduction Partnership tackles business crime across the city. Partners include City Centre Management, retailers, South Yorkshire Police, pubs and clubs and the Salvation Army.

- **City centre retailers/business** – links retail premises, businesses, South Yorkshire Police, City Centre Ambassadors and Sheffield City Council's CCTV to each other via personal radios. The aim of this scheme is the prevention and detection of crime within city centre retail premises and businesses as well as anti-social behaviour in the city centre.
- **City centre evening economy** - links licensed premises to South Yorkshire Police and Sheffield City Council's CCTV and is aimed at assisting all those involved in managing the behaviour of individuals linked to the evening economy in the city centre.

These schemes allow businesses to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering staff and customers on the premises. To take part in the City Retailers Against Crime Schemes, you will need to gain the necessary membership and obtain the relevant chipped radio equipment from the Partnership. This also entitles you to free training for you and your staff, and access to intelligence meetings to assist in information sharing from the relevant parties.

Management Practices

Applicants are required to include information in the operating schedule of effective and responsible management, best practice and procedures. On-going risk assessments are encouraged to minimise risks to staff and customers

Drugs

The use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crime are treated with particular seriousness by the licensing authority.

Applicants are required to give consideration to the creation and enforcement of a zero tolerance drugs policy and should detail any staff awareness training procedures in place in the operating schedule.

It is also strongly encouraged to consider accessing training on drugs for staff from Drugs and Alcohol Co-ordination Team (DACT) commissioned services. Premises should also consider displaying information in their toilets on the zero tolerance policy, treatment services for both drugs and alcohol, and domestic abuse.

Well managed premises where staff take an active interest in drug prevention are less likely to attract drug use.

More information on intervention and referral can be sought from DACT – see contact details at page 48.

Door Supervisors

Applicants are required to consider the use of Security Industry Authority (SIA) registered door supervisors and evidence such consideration in the application form. Unregistered staff must not be used.

Should registered door staff be utilised, a written record must be kept of each staff member including name, badge

number, time on and off duty and location whilst on the premises.

It is also a requirement that anyone acting in this capacity must clearly display their SIA ID badge on their person at all times.

Sale of Illicit Goods

The licensing authority is extremely concerned about the rise in the availability of illicit alcohol and tobacco in the city.

Whether non-duty paid (where the product is genuine but the appropriate tax has not been paid), or counterfeit (where a fake product is made to look genuine), it is the opinion of the licensing authority that the selling of any illicit goods is a deliberate, criminal act and shows evidence of poor management and disregard for the licensing objectives.

The Trading Standards Service is responsible for tackling the illegal sale of illicit goods in the city and regularly inspects licensed premises.

Where illicit goods are found, the product will be seized and the offender may be prosecuted.

Trading Standards are also very likely to submit a review of the premises licence where illicit goods are discovered (see Review Application Policy at page 40).

Sale of high strength beers and ciders

Clear links are made by Trading Standards to the selling of high strength alcohol at less than minimum pricing or just above, and the encouragement of duty not being paid on these products, resulting in smuggling items becoming an issue.

Sheffield City Council seeks to help these people and prevent this problem in the City. Premises selling such drinks below "The permitted price" are likely to have their licence reviewed as are businesses where the goods are smuggled and purchased illegally. It may be considered necessary for some premises licences to contain conditions whereby the maximum strength for beers, lagers and ciders will be stipulated together with a maximum size of container. It may also stipulate a minimum quantity of containers that can be sold in any one transaction to reduce the incidence of begging. Like the sale of illicit goods identified above, the licensing authority will view this as a deliberate criminal act, indicating evidence of poor management and disregard for the licensing objectives.

Dispersal / End of Evening Policy

Premises that are close to residential properties are expected to consider dispersal or end of evening policies to minimise the potential for disorder and disturbance as customers leave the premises (see NOCTIS <http://noctis.net-genie.co.uk/Policy/> for an example of good practice) and evidence of such consideration should be detailed in the application form.

Winding Down Time

Premises serving alcohol after 11pm should consider giving customers the opportunity to remain on the premises after last orders to encourage a 'wind down' period.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

Applicants should consider a strategy of how they will implement a 'winding down' period and detail this in the application form. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements and serving hot food, coffee and other soft drinks.

Use of Glassware

As a measure to reduce alcohol-related injuries, where it is appropriate to the venue or event, consideration should be given to the use of safer alternatives to traditional glassware.

Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or plastic drinking vessels subject to Weights and Measures marking requirements.

Recent evidence has shown that glass related assaults occur more commonly in pubs, clubs, crowded venues with “pinch points”, vertical drinking establishments as well as public spaces, on Friday and Saturday nights in the late night/early hours of the morning between the hours of 22:00 - 03:00.

Taking this into account, it is an expectation that anyone wishing to operate this type of premises would have to supply a comprehensive risk assessment including proactive methods of safeguarding customers in this area. It is more likely that you may be asked to consider the use of polycarbonate or plastic drinking vessels as part of your standard operation.

Determining an Opposed Application

The licensing authority (sub-committee) considers South Yorkshire Police to be the main source of advice on crime and disorder and Trading Standards on issues specifically in relation to illicit goods.

Attention will be given to the consideration provided in the application on the above subjects.

Where an applicant has omitted information regarding the subjects outlined in this section, the committee will ask questions of the applicant on such matters and will consider attaching appropriate conditions to the licence.

DRAFT

PUBLIC SAFETY

Licence holders have a responsibility to ensure the safety of those using their premises.

This objective concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

Public Safety Policy

Applications

Risk Assessments

The licensing authority encourages applicants to undertake risk assessments in relation to the safety of customers and staff on the premises.

Where such risk assessments are undertaken, a copy should be maintained on the premises for inspection by authorised officers.

Example risk assessments for specific kinds of premises (pub, nightclub, off licence, convenience store, village hall, food preparation, etc.) are available on the HSE website www.hse.gov.uk/risk.

Specified Uses of the Building

The operating schedule must clearly detail the intended use for the building.

Plans

All plans must comply with the regulations that accompany the Act, be legible and show all internal and external areas.

Applications where plans do not comply with the regulations will not be accepted as a complete application.

Ensuring Safe Departure of those using the premises

Applicants should make provision to ensure that premises users safely leave their premises.

Consideration should be given to:

- Providing information on local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks (this should be balanced to avoid light pollution to neighbouring properties).

Venue Safety

The licensing authority considers that the safety of the public (including but not limited to customers, employees and visitors) within the venue is of paramount importance. To a lesser extent, applicants should also demonstrate that consideration has been given to the area immediately outside or adjacent to the venue with regard to public safety.

Applicants will be expected to consult fully with the responsible authorities before and / or during the process to ensure that all matters concerning public have been suitably addressed.

The city council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 for people to access and use the building and its facilities.

The most relevant design standards are –

- Building Regulations Approved Document M: Access to and use of buildings - Volume 2: Building other than dwellings
- BS 8300-1 2018: Design of an accessible and inclusive built environment - Part 1: External environment - Code of practice
- BS 8300-2 2018: Design of an accessible and inclusive built environment - Part 2: Buildings - Code of practice

(The BS is more thorough and provides a more inclusive environment but the approved document is more readily available at https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2 .)

Drugs

A harm reduction approach towards the use of drugs, including New Psychoactive Substances such as Spice, is expected, with staff being fully trained to detect signs of drug intoxication and what to do in the event this was to occur. It is recommended for venues to display referral information for help with drug use, and for these venues to have secure bins for the safe disposal of illicit/illegal drugs. It is vital that all staff are able to recognise that some people need to carry essential medications and subsequently support these customers appropriately and in a sensitive manner.

This harm reduction approach to drugs is supported by our safer dancing/safer clubbing information detailed within this policy. Some events will find it harder to exclude drugs and secure their event and in these circumstances (such as outdoor festivals) a harm reduction approach is preferred to minimise health harms. All venues – indoor or out - should aim to have a cool/calm safe welfare space for patrons.

The Licensing Authority will have due regard to imposing relevant conditions preventing the sale of legal highs / new psychoactive substances (NPS) such as Spice where it considers to be applicable.

In the case of new venues or changes to existing premises, design considerations to reduce the use of illegal substances should be considered, for example:

- Access control – consider employing security staff; refuse service to anyone suspected of participating in the sale or use of drugs.
- Lines of sight – avoid recessed areas; allow a clear view across the premises so staff can quickly assess issues.
- Lighting – avoid dark corners or areas throughout the premises, parking areas and outside areas, ensuring they are well lit and managed appropriately.
- Toilet areas - cisterns should be concealed, hidden behind panelling or impenetrable, avoiding flat smooth areas that can be used as surfaces to be used to divide drugs or as a platform for consuming.

Alcohol Harm

Alcohol misuse is a significant public health challenge; it affects thousands of individuals, families and communities across the country and is a significant drain on resources for a number of partner agencies.

Although public health is not one of the licensing objectives in the Act, applicants are required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapability.

Consideration should be given to sign posting individuals to intervention or referral policies, including the option of licence holders displaying paraphernalia in premises toilets promoting support services which can be clearly seen by all patrons.

It is expected that all staff are trained appropriately to recognise the signs of intoxication and support patrons to leave venues safely.

More information on intervention and referral can be sought from the Drugs and Alcohol Co-ordination Team (DACT) – see contact details at page 48.

Determining an Opposed Application

The licensing authority (sub-committee) considers South Yorkshire Fire and Rescue, Sheffield City Council's Health Protection Service and the Department for Public Health as the main sources of advice on public safety.

Attention will be given to the details of the risk assessment provided with the application on the above subjects. Where an applicant has omitted a risk assessment, the committee will ask questions of the applicant on such matters.

PREVENTION OF PUBLIC NUISANCE

The Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance.

We want to support a thriving night-time evening economy but not at the expense of causing public nuisance to nearby residents. To this end we will have regard to the conflict that can arise between late night uses and residential uses and would encourage operators that wish to operate venues which are liable to emit higher levels of noise or very late night uses to seek premises that are sited well away from residential uses.

Issues with noise, smells, light pollution and litter (from both inside and outside the immediate vicinity of the premises) that result from the operation of a licensed premises that unreasonably affect people living or working nearby, must be reported to the licensing authority and/or relevant responsible authority. It is expected that every effort should be made by operators to minimise any nuisance that may be caused, with a clear expectation that if this is not undertaken to a satisfactory degree, further action may be implemented from the necessary responsible authorities.

Public Nuisance Policy

Applications

Noise Breakout from Regulated Entertainment

The licensing authority expects the applicant to evidence their consideration of the following:

- Noise control measures;
- Noise sensitive premises likely to be affected by actual or potential noise breakout from the premises;
- An assessment of the noise climate in the area. Advice should be sought from Sheffield City Council's Environmental Protection Service;
- An outline of the proposed measures to control noise generated, to prevent the adverse effect of noise on sensitive premises or the ambient noise climate in the area.

Where residential properties are in close proximity to a proposed licensed premise, operators will be expected to clearly demonstrate how their proposals will not cause nuisance to nearby residents.

Where amplified sound is proposed, physical measures such as improved acoustic glazing and acoustic lobbies to entrances should be considered as should the fitting of a noise limiter to help control amplified sound. Speakers in outside areas close to residential properties are not advised.

Closing Times

Applicants will be expected to demonstrate that they have fully researched and considered the anticipated impact of their proposed closing times in relation to noise breakout and anti-social behaviour that would disturb nearby residents or workers in the area. The nature of the locality will obviously be a critical factor in deciding closing times.

The implementation of policies to manage customer dispersal at closing times should be considered, especially in areas with residential premises, and clearly outlined in your application and any appropriate risk assessments.

Light Pollution

Bright lighting outside premises may give rise to light pollution for neighbours. However, lighting may be appropriate for safety of customers and / or for crime and disorder prevention. Applicants are encouraged to consider balancing these issues where appropriate.

Outside Areas and Smoking/Vaping Shelters

Outside areas for customers may be a source of noise nuisance to neighbouring properties. Applicants are responsible for ensuring that the use of outside areas and smoking shelters are effectively managed and that they are not permitted to become a source of nuisance. Management practices to mitigate such nuisance should be detailed in your application.

Tables and Chairs

Applicants are expected to consider the impact of the use of signs, tables and chairs outside premises that would impair the safety or ease of movement for pedestrians and road users.

Operators that provide tables and chairs for customers outside their premises on the highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

It is also preferred that they carry out the appropriate risk assessment for the potential requirement of glassware alternatives for use in any such outside areas to reduce the potential of glass-related injury.

Applicants can find the application pack and guidance [here](#).

Fly posting, flyering and other nuisance advertising

The Council expects licensees will ensure that the licensing objectives are promoted by ensuring entertainment at their premises is not advertised inappropriately.

To this end, a responsible licensee is required to take all reasonable steps, and exercise due diligence, to ensure that any advertising of licensable activities does not cause nuisance annoyance or result in a criminal offence being committed. These measures should be clearly outlined within their operating schedules.

Determining an Opposed Application

The licensing authority (sub-committee) considers the Environmental Protection Service as the main source of advice on public nuisance.

Conditions relating to public nuisance will usually concern steps appropriate to control the levels of noise emanating from premises, both from amplified sound breaking out of the premises and from people in external areas. Conditions could also be imposed to control the noise from people accessing and leaving the premises.

PROTECTION OF CHILDREN FROM HARM

The licensing authority considers the Sheffield Children's Safeguarding Partnership to be the recognised body to be competent to give advice on the protection of children from harm. For the purpose of this policy a child is anyone under the age of 18 years.

The Sheffield Children's Safeguarding Partnership takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed locations are places where children and young people can learn to integrate and socialise within a safe and responsible environment. To assist operators with their child protection responsibilities, the Sheffield Children's Safeguarding Partnership provides free training. The licensing authority expects operators to attend this training.

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language or sexual expletives.

Sheffield Children's Safeguarding Partnership is increasingly incorporating issues relating to adult safeguarding and promotes a holistic approach to safeguarding; we therefore encourage operators to include vulnerable adults in their risk assessments.

Protection of Children from Harm Policy

Applications

Children and Young People's Risk Assessment

The licensing authority encourages all operators to undertake a children and young people's risk assessment. This should be undertaken by the designated premises supervisor, premises licence holder or other such responsible person, and maintained as part of your due diligence records. The purpose of the assessment is to identify ways to prevent risk of physical, psychological or moral harm, to persons under the age of 18. The assessment should include consideration of children being exposed or subject to:

- Underage drinking
- Irresponsible adult drinking
- The use of strong or offensive language
- Anti-social, dangerous or criminal behaviour
- Substance misuse
- Sexual entertainment
- Supervision arrangements for children
- Child exploitation
- Gambling related harm

A risk assessment template is available to download at <https://safeguardingsheffieldchildren.org/sscb>

Access for Children to Licensed Premises

It is required that applications that are proposing to allow children on the premises make it clear what activities will be undertaken, which areas children would be able to access and at what times in order to help determine when it is not appropriate for children to be present.

Risk management systems must be operated with regard to children who live, work, perform or socialise at licensed premises.

A code of practice for children living at licensed premises is available to download at <https://safeguardingsheffieldchildren.org/sscb>

Proof of Age / Age Verification Scheme

It is a mandatory requirement for a proof of age scheme to operate to prevent underage sales of alcohol. In order to be recognised by the Sheffield Children's Safeguarding Partnership, the scheme must comply with the following criteria:

- Proof of age must be requested if any staff suspects that the customer is under the age of 18 years. To assist staff, rules such as 'Challenge 21', 'Challenge 25' or similar should be applied.

- A refusals register must be maintained and made available for inspection at reasonable request. Records should include the date and time of the refusal, the product the young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments;
- Signage must be displayed throughout the premises to promote the chosen scheme;
- Staff training records must be maintained and made available for inspection at reasonable request.

In circumstances where the delivery of alcohol is being carried out to a residential address, steps must be in place to ensure that all staff involved with this sale and provision of such alcohol are fully aware of their responsibilities to ensure no alcohol is sold to persons underage. Delivery staff must be trained to comply with the Code of Good Safeguarding Conduct which is available download at <https://safeguardingsheffieldchildren.org/sscb>

Further information and a refusals register template is available to download at <https://safeguardingsheffieldchildren.org/sscb>

Underage Sales

The Sheffield Children's Safeguarding Partnership, South Yorkshire Police and Trading Standards work in partnership to prevent and respond to underage alcohol sales.

The group has an agreed strategy for dealing with, and educating premises that fail test purchase operations carried out by South Yorkshire Police and Sheffield Trading Standards.

The strategy provides a clear framework to both enforcement agencies and premises of how persistent failures of test purchases are dealt with in Sheffield:

Test Purchase Strategy Process

1st Failure

Option of:

- Fixed Penalty Notice ; **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course ; **Plus**
 - **Expected** to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership

2nd Failure (within 3 months of first failure – considered persistent)

- Consider prosecution/discuss voluntary closure/review licence
- **MUST** attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership

2nd Failure (after 3 months of first failure within 12 months of first failure)

Option of:

- Fixed Penalty Notice; **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course ; **Plus**
- **MUST** attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership
- Consider voluntary closure dependent on premises history

3rd Failure (within 12 months of first failure)

- **Automatic review application**

3rd Failure (after 12 months of first failure)

- A review application may be submitted after considering the past history of the premises and the management.

Gambling and Gaming:

At premises where gambling or gaming facilities are provided, all staff are expected to be trained to enforce the law and implement an appropriate age verification scheme in addition to maintaining refusals records and displaying signage. Operators are encouraged to train their staff in relation to recognising and responding to harmful gambling or gaming.

Child Exploitation

The risk of child exploitation can be present at all types of premises, and it is expected that risk management systems are in place to identify and report suspicious activity. Premises that fail to do so may put children at risk of harm and in such cases action will be taken, which could result in the suspension or revocation of the premises licence. It is important that the risk of child exploitation is managed at your premises to protect children and young people from harm and to protect your business.

The following safeguarding measures, or similar, should be included in your safeguarding policy to help evidence due diligence and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Train staff to recognise and respond to safeguarding risk, and to operate an age verification scheme;
- Maintain staff training records;
- Monitor activity at the premises using CCTV or regular patrols;
- Report suspicious activity to the police and keep the necessary records of such activity.

Further information and templates can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

Events

The licensing authority recommends that event organisers plan their events with reference to the good practice guidance published by the Sheffield Children's Safeguarding Partnership which can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

It is recommended that harm reduction measures are in place at events attended by children and vulnerable people (Annex 8 to the SSCB event guidance refers)

It is expected that security measures will include checks of children and young people who access events and that the guidance issued by the Sheffield Children's Safeguarding Partnership and South Yorkshire Police is adhered to.

Proxy Sales

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. ... It is also an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises.

Licensed operators selling alcohol must also take steps to prevent proxy purchase, such as monitoring activity in and around the premises using CCTV or by regular and recorded patrols.

Staff must be trained and reminded of their responsibilities in relation to the issue.

Safeguarding Coordinator

At premises where children are allowed, the Licensing Authority suggests at least one member of management to be designated to take a lead on issues relating to safeguarding children. This person should act as the safeguarding coordinator.

This role should be delegated to a suitable member of staff when the lead person is on holiday, or otherwise absent from the premises. This safeguarding measure should be included in the operating schedule to evidence a commitment to vigilant safeguarding, however the name of the Children's Safeguarding Co-ordinator should not be included in the operating schedule.

The designation of a lead safeguarding staff member is a demonstration of due diligence and can be an advantage at premises where there is a high turnover of staff, to ensure continuity and provide an induction to child safety policy.

The assignment of a Children's Safeguarding Co-ordinator would also benefit the business during busy times, ensuring that the premises management is able to prioritise child safety and therefore meet the Core Objective to protect children from harm, under the Licensing Act 2003 legislation.

The Sheffield Children's Safeguarding Partnership provides advice and training to support staff designated to this role. Further information on the role of the Children's Safeguarding Co-ordinator can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

Determining an Opposed Application

The licensing authority (sub-committee) will give considerable weight to representations about child protection matters in licensed premises.

It considers the Sheffield Children's Safeguarding Partnership as the main source of advice on child protection.

Conditions restricting access will be considered in the following circumstances:

- where adult entertainment is provided;
- where member(s) of the management have been convicted for serving alcohol to minors;
- where it is known that unaccompanied children have been allowed access;
- where there is a known association with drug taking or dealing; or
- where in some cases, the premises are used exclusively or primarily for the sale of alcohol.

The licensing authority (sub-committee) will take care to ensure the Guidance to the Act is applied in all cases.

Representations made by 'other persons'

As well as responsible authorities, the Act allows any other person to play a role in a number of licensing processes.

This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications, regardless of their geographic proximity to the premises.

Representations made by 'other persons' policy

Making a representation

Representations must be submitted in writing (which includes via email) to the licensing service within the relevant period for comments.

The representation must be relevant to the likely effect of the grant of the licence or variation on the promotion of one or more of the licensing objectives.

The issues on which the representation is based must not be frivolous i.e. the issues concerned in the representation are minor and no remedial steps would be warranted or proportionate.

The issues on which the representation is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

Responsible Authorities

It is recommended to contact the relevant responsible authority/s if you are planning on submitting a representation as they may have addressed your concerns by way of mutually agreed conditions. It will also highlight your concerns to that authority if they are not already aware.

Contact details for the responsible authorities are available at page 46.

Petitions

Petitions submitted in relation to an application must contain a clear statement relevant to the likely effect of the grant of the application on the promotion of one or more of the licensing objectives.

The petition must specify the contact details, including an address for the petition organiser and must clearly log the full name, address and signature of those supporting the petition.

The issues on which the petition is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

Processing a representation

When considering representations to an application made by other persons, the licensing authority (officers) will take into account the following:

- a) Whether the representation is relevant to one or more of the licensing objectives;
- b) Whether the representation is frivolous; and / or
- c) Whether the representation is vexatious.

Where the licensing authority (officers) determines that a representation is not relevant or is 'frivolous' or 'vexatious', it will notify the person of the reasons for its determination in writing and the representation will not be considered.

The licensing authority (officers) will redact personal information of those making representations from licensing committee reports and associated documents, however, objectors must provide the licensing authority with their full address details.

Petitions

The licensing authority (officers) will communicate with the petition organiser regarding any licensing committee hearing. Individual petition supporters will not be contacted.

Determining an Opposed Application

Attendance at Licensing Committee Hearings

The licensing authority expects those making representations to an application to make every effort to attend the licensing committee hearing.

The licensing authority (committee) will consider all written comments in the absence of those making representations and apply appropriate weight; however, non-attendance at the licensing hearing will not allow clarification on points.

A third party may attend on behalf of anyone making a representation, but the licensing authority must be satisfied that such a person has been given authority to act on their behalf.

Where groups attend a licensing hearing, it is preferable for a spokesperson to be nominated to speak on behalf of the group.

The licensing authority (committee) will give appropriate weight and consideration to all representations which are based on reliable, accurate and appropriate evidence.

Petitions

Petitions will be considered by the licensing authority (committee) but will generally be given less evidential weight than if the petition supporters had written in individually detailing their personal concerns.

Applications for: Premises Licences/Club Premises Certificates/Provisional Statements

New and full variation applications for premises licences, club premises certificates and provisional statements will be considered in line with the policy below.

The relevant application form invites applicants to demonstrate that the premises or event will be managed in a manner that safeguards the licensing objectives. Applicants are advised to provide as much information as possible in the application form.

Following a review of the Licensing Act Guidance in April 2018, it is now necessary for all individuals wishing to hold a premises licence for the sale of alcohol or late night refreshment to provide the necessary evidence that they are entitled to work in the UK. This can be in the form of a valid passport or other accepted right to work documentation. A full list of these documents can be found within the necessary application forms.

Premises Licences/Club Premises Certificates/Provisional Statements Application Policy

Applications

Considering the Local Community

Applicants are expected to consider the needs and benefits of the community that their business will operate in. Consideration to the local community when setting out an operating schedule must be evidenced in the application.

We would expect to see that an applicant has obtained sufficient information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives which could help to mitigate potential risks.

Processing

The licensing authority (officers) will check the application has been made in accordance with the Act in particular, whether it has been properly advertised (details of how applications should be advertised is provided in the application form guidance).

Where no representations are made, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the Act.

Determining an Opposed Application

When determining an application for a, premises licence, club premises certificate or provisional statement the licensing authority (sub-committee) will take into account the following:

- a) The intended use of the premises;
- b) The times applied for;
- c) The licensable activities applied for;
- d) The character of the area in which the premises is situated and the applicants knowledge of such;
- e) Whether the operating schedule and any agreed conditions adequately address the licensing objectives;
- f) The volume of customers;
- g) The intended demography of customers and the applicants knowledge of such;
- h) The nature and frequency of any proposed entertainment;
- i) Evidence of responsible management of the premises, e.g. safety management plans, training and supervision of staff, opening and closing records, use of best industry practice, etc.;
- j) Any relevant representations.

The licensing authority will give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The representations (including any supporting information) presented by all the parties, paying particular regard to relevant and appropriate evidence;
- The Guidance to the Act;
- This statement of Policy.

Premises Licences for Alcohol Delivery Services

The Licensing Service regularly receives enquiries in relation to applications for licences relating to alcohol delivery services.

These tend to fall into three main groups:

- Premium specialist product mail order-type services
- Food delivery services (both meal and grocery) that include delivery but are primarily food lead, and
- Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises, they do provide their own unique set of circumstances that need to be addressed.

In particular, the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point
- The safety of delivery drivers at the point of delivery
- The safety of the premises from which orders are taken and sent out for delivery, and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises and delivering to customers.

It should be expected that the following conditions would be requested by the Authority to be placed on a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- A refusals log will be maintained for deliveries and available for inspection on request.
- Appropriate security will be in place at the premises as agreed with the Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.
- Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.

Applications for: Personal Licences

Where an applicant for a personal licence has unspent convictions for a relevant offence defined in the Act or a foreign offence, the licensing authority is required to notify South Yorkshire Police.

The police may submit a representation to the application if they are satisfied the granting of the licence would undermine the **crime prevention objective**.

All individuals wishing to hold a personal licence must provide the necessary evidence on application that they are entitled to work in the UK. This can be in the form of a valid passport or other accepted right to work documentation. A full list of these documents can be found within the necessary application form.

As a result of the Deregulation Act 2015 the Government has removed the requirement to renew personal licences with effect from 1 April 2015. Personal licences are therefore now valid indefinitely unless surrendered or revoked.

Personal Licence Application Policy

Applications

In order to apply for a personal licence you must:

- a) Be aged 18 or over;
- b) Possess a licensing qualification or be a person of a prescribed description;
- c) Have the right to work within the UK;
- d) Not have forfeited a personal licence within 5 years of your application; and
- e) Not have an unspent conviction for a relevant offence or foreign offence.

Processing

If a), b), c) or d) do not apply, the authority must reject the application.

In the case of d) above, the licensing authority (officers) is required to notify South Yorkshire Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act or for a foreign offence.

The police have no involvement in a personal licence application until notified by the licensing authority.

Determining an Opposed Application

Should a representation be received, the applicant is entitled to a hearing before the licensing sub-committee.

When determining an application for the grant of a personal licence where a representation has been submitted by South Yorkshire Police, the licensing authority (sub-committee) will take into account the following:

- a) The seriousness of the offence(s);
- b) The period that has elapsed since the offence(s) were committed; and
- c) Any mitigating circumstances.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

Designated Premises Supervisors (DPS)

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The DPS must hold a personal licence to be able to be specified as DPS on a premises licence.

The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.

Where there is no DPS in respect of a premises licence, no alcohol may be sold under that licence.

Only one DPS may be specified on a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

Designated Premises Supervisor (DPS) Application Policy

Applications

When specifying a DPS, the licensing authority expects a premises licence holder to ensure the individual has adequate experience for the size and character of the premises and with the proposed licensable activities.

Processing

The police may make a representation to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.

Determining an Opposed Application

Should a representation be received, a hearing before the licensing sub-committee will be held.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

Temporary Event Notices (TENs)

A temporary event notice allows a premises/property to be used for short-term licensable activities, e.g. the sale of alcohol or regulated entertainment, subject to certain conditions. It can also be used to temporarily extend permissions on existing premises licences or club premises certificates.

The licensing authority **does not** have discretion over the limits stated in the Act; notice submitters are therefore encouraged to provide notice to the licensing authority as early as possible.

Restrictions on TEN's

TEN's can be used to authorise small-scale ad hoc events for no more than 499 people at any one time, but they have a number of restrictions associated with their use:

- Each event covered by a TEN can last no longer than 168 hours (i.e. 7 days).
- No more than 15 TENs can be given for the same premises in any calendar year.
- A maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year.
- If the event taking place begins before midnight and continues into the following day this will count as 2 days against the maximum aggregate of 21 days.
- There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises

You must give sufficient notice to all parties under the Act for your event to be able to go ahead. The amount of notice you give stipulates which type of TEN you are using, both of which come with their own limitations of use:

- **'Standard Notices'** - these are notices submitted **10 clear working days** before the day of the event (do not count the day of the event or the day of submission).
- **'Late Notices'** - these are notices submitted not later than 5 clear working days, but no earlier than 9 clear working days before the day of the event (do not count the day of the event or the day of submission).

The legislation allows for a personal licence holder to submit **50 TEN's** in any calendar year and non-personal licence holders to submit **5 TEN's** in any calendar year.

Within these limits, 10 of these TEN's can be 'late notices' if you are a personal licence holder and 2 of these TEN's can be 'late notices' for a non-personal licence holder.

Temporary Event Notice (TEN) Policy

Applications

The Guidance to the Act encourages licensing authorities to publicise preferences in terms of advance notice of events planned, however, TENs can cover a huge variety of events, some requiring more consultation than others. Event organisers are advised to informally contact the licensing authority at the earliest opportunity when planning events. Officers will be able to sign post organisers to relevant services that can provide specialist advice.

Processing

Only the following responsible authorities are able to comment on a TEN:

- | | |
|--|---|
| Police: | South Yorkshire Police will submit representations based on evidence gathered from Police systems, in particular incidents reported. |
| Environmental Protection Service: | EPS will consider previous complaint history and the potential of the proposed event to cause a nuisance. |
| Health Protection Service: | The Health and Safety Team may visit any premises where TEN's have been submitted with respect to assessing the suitability of the building for its intended use. |

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice. See contacts at page 46.

The licensing authority (officers) will check that the limitations of the Act have been observed.

If the notice does not exceed the basic limits of the TENs scheme, the licensing authority (officers) will acknowledge the notice.

If an objection is received in relation to a **standard TEN** by a relevant person, the licensing authority will hold a hearing to consider it, unless the authority, premises user and relevant person agree that a hearing is unnecessary.

If an objection is received in relation to a **late TEN** by a relevant person, the licensing authority (officers) must issue a counter notice meaning the event cannot go ahead. No hearing will be held.

Where a TEN exceeds the limits imposed by the Act, the licensing authority will provide the notice giver with a counter notice and the event will not be permitted to go ahead.

Proposed licensable activities that exceed the limits will require a premises licence or a club premises certificate to be in place.

Determining an Opposed Application

When determining a standard temporary event notice where a representation has been submitted by South Yorkshire Police, Environmental Protection or Health and Safety, the licensing authority (sub-committee) will take into account the following:

- a) Evidence provided by the Police, EPS and HPS on the basis of any of the licensing objectives;
- b) Evidence that modification with the notice giver has been attempted or is not appropriate;
- c) Evidence from the applicant to demonstrate that the licensing objectives will not be undermined.

Applications for: events to be held of Council land

The promotion of events in Sheffield can provide opportunities for community involvement and can attract visitors to the city, contributing to the local economy and to that end, Sheffield City Council wishes to encourage cultural and community events being held in the city.

Sheffield City Council holds a number of premises licences for areas in the city centre (which is defined as anything in the inner ring road) and several parks throughout the city therefore, persons or organisations may not be required to obtain a premises licence or submit a temporary event notice themselves but would need the permission of the licence holder - Sheffield City Council.

If you wish to hold an event on Council land in Sheffield, we would strongly advise you to contact the licensing service first to see if the area is already covered by a premises licence and enable you to be put in contact with the appropriate person for permission.

The primary responsibility for safety of attendees at events rests with the event organisers.

Event to be held of Council land Policy

Applications

Requests must be made in writing to the relevant service that holds the premises licence.

All events within the city centre boundary must go through the city centre licensees detailed events application procedure before use of the site is granted.

If alcohol is to be served at the event, due diligence tests may be applied.

Processing

Event planning meetings will be held between the licence holder, the applicant and the responsible authorities to discuss risk assessments, stewarding, policing proposals and other event specific information where appropriate.

Larger events will engage the Safety Advisory Group (SAG) (see Large Scale Events Policy at page 35).

Determining an Application

The licence holder and /or the SAG will work with the event organisers to address any safety issues before the Council allows the use of any of its licences.

To make use of a licence held by Sheffield City Council, the applicant must agree to comply with the advice and conditions set out by the licence holder and/or the SAG.

Failure to agree will lead to the application being referred to the Licensing Committee for determination.

Applications for: Large Scale Events

If you wish to hold an event in Sheffield, we would strongly advise you contact the licensing service first to see if the area is already covered by a premises licence with the necessary permissions already in place to meet the needs of your event.

Where there is no premises licence in place, it is recommended that a premises licence application should be submitted to the Licensing Service *ideally* 6 months before the event, but not less than 3 months as in almost all cases, large events will engage the Safety Advisory Group (SAG).

The SAG is a group established to provide specialist advice and guidance in relation to safety at designated stadiums, regulated stands, concerts, festivals and other events.

The primary responsibility for safety of attendees at events rests with the event organisers.

Large Scale Events Policy

Applications

Applicants are expected to have reference to The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.

Details relating to the following are necessary with any large-scale event application:

- Site plan including site management, exits, entrances and the structural integrity of all temporary structures
- Crowd management, stewarding and security plan

Further details on the following are to be provided for discussion at SAG meetings (this list is not exhaustive and will vary by event type):

- Entertainment
- Capacities
- Alcohol management plan
- Production details
- Medical and first aid provision
- Fire safety and control
- Noise Management Plan
- Car-parking arrangements
- Sanitary provisions
- Concessionary activities
- Counter terrorism measures
- Welfare provisions

Consideration should also be given to issues caused by the event outside the licensable area, e.g. noise, traffic and transport plan, cleansing strategy, etc.

Processing

The SAG will generally meet three / four times prior to a large concert, festival or other large scale event, however, this may change depending on the size and nature of the event.

The number of meetings will be determined by the Chair of the Safety Advisory Group.

Determining an Application

The SAG will work with the event organisers to address any safety issues before the Council allows the issuing of a premises licence.

The applicant must agree to comply with the advice and conditions set out by the SAG. Failure to agree will lead to the application being referred to the Licensing Committee for determination.

PLEASE NOTE: The licensing authority, acting in its role as a Responsible Authority, may seek to implement safety related conditions onto the licence which are appropriate to the proposed event.

Applications for: Minor Variations

A minor variation is defined as a small change to a licence that could not impact adversely on any of the four licensing objectives.

Please note that advice will not be provided by the licensing authority as to whether a proposal would fall under the full variation or minor variation process prior to submitting an application.

If you are unsure, we would recommend you seek your own legal advice.

Failure to provide sufficient information may lead to the refusal of your application.

Minor Variation Application Policy

Applications

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and
- The addition of certain licensable activities (not alcohol).

Please refer to the application form for examples of what would and would not constitute a 'minor variation'.

Processing

The licensing authority (officers) will consider the following when determining a minor variation application:

- a) Whether a full detailed description of all the proposed variation has been provided in the application;
- b) Whether the variation could impact adversely on the licensing objectives;
- c) If more than one variation is sought, whether any of them considered separately or together could impact adversely on the licensing objectives;
- d) The history of the premises, e.g. have previous applications attracted representations from the local community that have been difficult to resolve?
- e) Whether there have been any complaints received relevant to the proposed application.

All minor variations will be circulated to the relevant responsible authorities with an interest in the proposed variation.

If the licensing authority fails to respond to an applicant within 15 working days, the application will be treated as refused and the authority will return the fee. In some circumstances, it may be agreed that the undetermined application should be treated as a new application and the fee originally submitted may be applied to the new application.

Determining an Opposed Application

Where a representation has been submitted there is no right to a hearing under this process, but licensing authorities (officers) must take any relevant representations into account in arriving at a decision.

Where an application is refused and then resubmitted through the full variation process, the full 28 day consultation period will apply from the date the new application is received.

Application for: Review

The Act permits responsible authorities or other persons to apply for the review of a premises licence certificate where problems associated with the licensing objectives are occurring.

The licensing authority has considered reviews of many premises licences that have failed to promote the licensing objectives and licences have been revoked, suspended, designated premises supervisors have been removed and tighter conditions imposed. These reviews were not taken lightly.

Review Application Policy

Applications by Responsible Authorities

It is expected that applications for reviews will be instigated by responsible authorities as a last resort after attempting alternative means for achieving compliance.

The licensing authority considers the action planning approach (where one or more responsible authorities works with a licence holder/DPS to agree clear objectives within a timetable for improvements) an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

Reviews submitted in connection with crime and disorder but not directly connected to licensable activities will be considered in order to promote the crime prevention objective, for example, problems with drugs at the premises, the sale of stolen goods at the premises, etc.

Applications by 'Other Persons'

Persons other than responsible authorities can request that the licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested however, the licensing authority would expect to see evidence that the following points have been addressed:

- The management of the premises have been approached to let them know about the problem and give them the opportunity to address the issues;
- The licensing service have been asked to talk to those who manage the premises on your behalf; or
- The relevant "responsible authority" has been approached about the problem.

Review applications will only be considered where a licence has been granted for a premises and that premises has had the opportunity to trade in accordance with that licence.

Applications – General

The licensing authority expects the review application to be accompanied by up to date, appropriate and accurate evidence which will be able to withstand the scrutiny to which it will be subject at the hearing.

Processing

The licensing authority (officers) may reject the application on any individual ground for review if it is satisfied that it is not relevant.

In the case of an application made by other persons (other than a responsible authority), the licensing authority (officers) may reject the application on any individual ground if it considers it to be 'repetitious', 'frivolous' or 'vexatious'.

'Repetitious' in this case, would be viewed as identical or substantially similar to a review made previously within a 12 month period save in compelling circumstances or where it arises following a closure order.

Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence;
- f) Reject the application for review; or
- g) Take no steps.

Where persistent sales of alcohol to children have occurred, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

“Where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.”

Where illicit goods have been discovered, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

“Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”

There may be other circumstances where the licensing authority (committee) will seriously consider revoking the licence.

This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.

Where such applications are made, this authority will require documented proof of transfer of business / lawful occupancy of the premises (such as a lease), to a new proposed licence holder to support the contention that the business is now under new management control.

Where a senior member of the police force considers that a licensed premise (that is authorised to sell alcohol) is associated with *serious* crime, *serious* disorder or both, they may apply to the licensing authority for a summary review of the licence.

Summary Review Application Policy

Processing

Within 48 hours (non-working days are disregarded) of receipt of the application the licensing authority (officers) will give a copy of the application to the premises licence holder and to each responsible authority.

Determining Interim Steps

Within the same 48 hour period, a hearing will be co-ordinated for the licensing authority (sub-committee) to consider whether it is necessary to take interim steps pending the determination of the review of the premises licence.

These considerations may take place without the holder of the premises licence being given the opportunity to make representations to the sub-committee.

The steps available to the sub-committee are:

- To modify the conditions of the licence;
- To exclude the sale of alcohol by retail from the scope of the licence;
- To remove the designated premises supervisor from the licence; and
- To suspend the licence.

In determining the interim steps, the licensing authority (sub-committee) will take care to ensure the Home Office Section 53A Licensing Act 2003: summary review guidance is applied in all cases.

The licensing authority will give immediate notice of its decision and its reasons for such.

Making Representations against the Interim Steps

The premises licence holder may make representations against the interim steps taken by the licensing authority.

On receipt of such representations, the licensing authority must hold a hearing within 48 hours of their receipt. Advance notice of the hearing will be given to the police and to the premises licence holder.

At the hearing, the licensing authority (sub-committee) must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence; or
- g) Take no action.

Any summary review application received will be seriously considered on its own individual merits and by reference to the four licensing objectives.

Annual Fees and Suspensions

Once granted, holders of premises licences and club premises certificates must pay an annual fee to the Licensing Authority each year on the anniversary of the date that the licence was first granted, which is directly linked to the non-domestic rateable value of the premises.

It is the sole responsibility of the licence holder to ensure the annual licence fee is paid on time, with no obligation on the Licensing Service to ensure they are reminded to do so.

In Sheffield, the Licensing Service tries to assist licence holders by issuing two reminder letters in the month leading up to the annual fee renewal date in an attempt to help licence holders and club premises certificate holders to pay their fees on time, but this is not something that is a statutory requirement so it is required that all licence holders know when their annual fee is due. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

If the annual fee has not been paid by the renewal date, the licensing authority will write to the licence holder or club premises certificate holder and advise of the exact date that the suspension will come into effect.

A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder.

Exemptions from Fees under the 2003 Act

Certain premises are exempt from fees and these are set out Licensing Act 2003 (Fees) Regulations 2005 and the Licensing Act 2003 (Transitional conversion fees) Order 2005.

These provide that where an application relates to the provision of regulated entertainment only and that application is by or on behalf of: -

- a) an Educational Institution (a school or college) for and on behalf of the purposes of the educational institution or,
- b) a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building,

no fee is payable on application or annually.

Cumulative impact and Areas Nearing Stress

The term '*Cumulative Impact*' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The "need" for premises is a commercial matter and cannot be considered by a licensing authority.

In some areas, where the number or type of premises is high or exceptional, serious problems of crime, nuisance and disorder may arise outside or some distance from those premises.

Where in such circumstances the licensing authority receive representations from a responsible authority or other person that an area has become saturated with licensed premises, they may, if not satisfied that the imposition of conditions would address the issue, consider the adoption of a "Cumulative Impact Policy" whereby applications for new licences may be refused because the granting of any further licences would undermine one or more of the licensing objectives.

In some areas of Sheffield, a concentration of licensed premises or activities exist which have led to problems of public nuisance and disorder, causing 'stress' but it has not yet been determined, in the opinion of the licensing authority, at the level where a formal cumulative impact policy has been required. These are referred to as '*areas nearing stress*'.

At the time of writing this policy, Sheffield does not have any cumulative impact policy in place however; the need for the designation of Cumulative Impact Areas will be kept under review.

The absence of a cumulative impact policy does not prevent any responsible authority or any other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Moving forward, the future design and development of Sheffield will positively contribute to the review of areas nearing stress in order to influence the acceptance and decision making for different types of businesses being licensed to operate in the most relevant areas of the city. It is a goal of the Licensing Service to encourage the most appropriate level of licensing provision in order to strike a fair balance between the promotion of the economy in Sheffield, and the maintenance of the quality of life to all who live, work, study and visit the city.

Other methods of controlling Cumulative Impact

Once away from the licensed premises, a minority of consumers will behave badly or unlawfully.

Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).

Early Morning Restriction Orders (EMROs)

The power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

Before a licensing authority makes a determination to recommend to the full council that it makes a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

At the time of writing this policy, Sheffield City Council has no plan to implement an EMRO.

PART 4 - LICENSING COMMITTEE

Sheffield City Council, as the licensing authority, has established a licensing committee in accordance with the Act, consisting of fifteen Councillors.

Sub-committees consisting of three members of the licensing committee have been established to carry out many of the functions, however, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

Hearings

If representations are received in respect of an application, a hearing is scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits, with strong encouragement for both applicants and interested parties to submit accurate, up to date and relevant evidence to support their case.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

A hearing will not be held if ALL persons who made representations have had these concerns addressed, after discussion with the applicant, and therefore agree that a hearing is no longer necessary.

Delegations of Functions

The table sets out the agreed delegation of decisions and functions to the licensing sub-committee and officers.

Application / matter to be dealt with	Decision delegated to:	
	Licensing Sub-Committee	Officers
Personal licence	If police representation made	All other cases
Personal licence with relevant unspent convictions	All cases	
premises licence/club premises certificate	If relevant representation made	All other cases
Provisional statement	If relevant representation made	All other cases
Premises licence / club premises certificate variation	If relevant representation made	All other cases
Vary designated premises supervisor (DPS)	If police representation made	All other cases
Request to be removed as DPS		All cases
Transfer of premises licence	If police representation made	All other cases
Interim authority	If police representation made	All other cases
Review of premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous or vexatious etc.		All cases
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Representation to a standard temporary event notice	All cases	
Minor variation application		All cases

Appeals

With the exception of appeals in relation to closure orders, there is a right of appeal to the Magistrates Court against licensing authority decisions.

Appeals may, depending on the nature of the application, be instigated by an applicant, a responsible authority or any other person who made representations against the application.

Appeal applications must be commenced within a period of 21 days of receipt of the decision notice.

On determining an appeal the court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

PART 5 - EQUALITY, DIVERSITY AND INCLUSION

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation and Marriage & Civil Partnership.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2017.

For further information, please see details on the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

Equality Impact Assessment (EIA)

An EIA is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy (EIA number 546). If you are interested in viewing this document, please contact the Licensing Service.

PART 6 - RELATED LEGISLATION & GUIDANCE

Planning

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority".

It is preferred that applicants for premises licences and variations should have already obtained any necessary planning consent before making their application under the Licensing Act 2003 however a licence application can and will be considered in the absence of planning.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Those operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants for premises licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

Smoking & Vaping

Smoking remains the leading cause of illness and early death in Sheffield and is a significant cause of inequalities in health outcomes. National legislation is in place to ensure premises that are open to the public, or are used as a place of work by more than one person or where members of the public might attend to receive or provide goods or services are smokefree in areas that are enclosed or substantially enclosed.

The latest evidence published by Public Health England (PHE) (2015/18) and Royal College of Physicians Nicotine Without Smoke report (2015) found that vaping is significantly safer for users than smoking and that there is no evidence of harm to bystanders from exposure to e-cigarette vapour and the risks to their health are likely to be extremely low.

Although vaping is not covered by smokefree legislation and electronic-cigarettes (e-cigarettes) present a real opportunity to contribute to a reduction in smoking prevalence in Sheffield and reduce harm from combustible tobacco, e-cigarette vapour can be a nuisance and unpleasant for some people and those with asthma and other respiratory conditions can be sensitive to a range of environmental irritants, which could include e-cigarette vapour.

Licence holders are strongly advised to implement their own policy that takes into account professional etiquette and consideration to others who do not vape when determining where vaping will be allowed.

Weights and Measures

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities.

Gambling

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the licensing authority of their intention to make gaming machines available for use.

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to their local licensing authority for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

Sexual Entertainment Venues

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Please contact the licensing service if you intend to have adult performances at your premises or seek your own legal advice.

Pavements Café Licences

Premises that provide tables and chairs for customers outside of their premises on the public highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

If the area of land which the tables and chairs are to be sited is within the curtilage of the premises, there is no requirement to gain a Pavement Café Licence in this manner.

Applicants can find guidance and an application pack [here](#).

Door Staff

Section 21 of the Act states that if a premises licence is granted with a condition that there must be door/security staff present, the staff must be licensed by the Security Industry Authority (SIA).

See page 48 for details of how to contact the SIA.

Duplication

The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives, and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.

PART 7 - CONTACT DETAILS

Responsible Authorities

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	licensing@sheffield.gov.uk
	Website	www.sheffield.gov.uk/licensing

South Yorkshire Police – Licensing Team		
South Yorkshire Police Licensing Dpt Moss Way Police Station Moss Way Sheffield S20 7XX.	Telephone	0114 2523617
	Email	sheffield.liquor-licensing@southyorks.pnn.police.uk
	Website	www.southyorks.police.uk

South Yorkshire Fire and Rescue – Licensing		
Sheffield Technical Fire Safety Fire Safety Office (Licensing) 197 Eyre Street Sheffield S1 3FG	Telephone	0114 2736753
	Website	www.syfire.gov.uk

Sheffield Children’s Safeguarding Partnership		
Floor 3, Howden House Union Street Sheffield S1 2JQ	Telephone	0114 2734450
	Email	sscb@sheffield.gov.uk
	Website	www.safeguardingsheffieldchildren.org/sscb

Environmental Protection Service (Noise Nuisance)		
Sheffield City Council Floor 5 (North), Howden House Union Street, Sheffield S1 2SH	Telephone	0114 2734609
	Email	epsadmin@sheffield.gov.uk
	Website	www.sheffield.gov.uk/environment

Health Protection Service (Health and Safety)		
Sheffield City Council Floor 5 (North), Howden House Union Street, Sheffield S1 2SH	Telephone	0114 2734415
	Email	healthprotection@sheffield.gov.uk
	Website	www.sheffield.gov.uk/environment

Planning		
Licensing Applications Howden House 1 Union Street Sheffield S1 2SH	Telephone	0114 2039183
	Email	planningdc@sheffield.gov.uk
	Website	www.sheffield.gov.uk/planning

Weights and Measures Authority		
Sheffield Trading Standards Sheffield City Council Floor 5 (North), Howden House Union Street, Sheffield S1 2SH	Telephone	0114 2736286
	Email	tradingstandards@sheffield.gov.uk
	Website	www.tradingstandards.gov.uk/sheffield

Home Office		
Alcohol and Licensing Team Home Office Lunar House 40 Wellesley Road Croydon CR9 2BY	Telephone	0114 2071414
	Email	alcohol@homeoffice.gsi.gov.uk

Public Health		
The Public Health Officer Office of the Director of Public Health Sheffield City Council Town Hall Pinstone Street Sheffield, S1 2HH	Telephone	0114 2734152
	Email	DPHoffice@sheffield.gov.uk

In relation to a vessel:

The Navigation Authority		
Association of Inland Navigation Authorities (AINA) Fearn's Wharf, Neptune Street Leeds LS9 8PB	Telephone	0113 2433125

The British Waterways Board		
British Waterways Yorkshire Office Fearn's Wharf, Neptune Street Leeds LS9 8PB	Telephone	0113 2816800

Other useful contacts

Ward Councillors

Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

For contact details of your Ward Councillor, please refer to

www.sheffield.gov.uk/councillors

Or by telephoning 0114 2734096.

Sheffield Drugs and Alcohol Coordination Team (DACT)

A strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.

Telephone	Drugs: 0114 2721481 Alcohol: 0845 3451549
Website	www.sheffielddact.org.uk/drugs-alcohol/

Sheffield Licence Watch

An association of Sheffield licensees with a constituted committee - encouraged by Sheffield City Council and backed by South Yorkshire Police, Sheffield Drug & Alcohol Co-ordination Team and Sheffield's Pub Watch.

Telephone	
Email	sheffieldlicencewatch@outlook.com
Website	

Best Bar None

A recognised scheme that accredits premises for carrying out responsible licensing practice in line with the four core licensing objectives, which is led by DACT.

Telephone	0114 273 6851.
Email	BBN@sheffield.gov.uk
Website	www.sheffieldbestbarnone.com

Business Sheffield

Business Sheffield is the business facing arm of Sheffield City Council, who offer a comprehensive service designed to help all kinds of businesses thrive and grow, whether they are new or established.

Telephone	0114 224 5000
Email	businesssheffield@sheffield.gov.uk
Website	www.welcometosheffield.co.uk/business

Security Industry Authority

The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK.

Telephone	0844 8921025
Website	www.sia.homeoffice.gov.uk

Club Soda

An initiative to encourage premises to offer a wider range of no and low alcohol beverages to support those who choose not to drink alcohol on some days or all days to enjoy the night time economy.

61 Philpot Street Whitechapel London E1 2JH	Website	www.joinclubsoda.com
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Sheffield Treatment and Recovery Team (S.T.A.R.T)
Free NHS alcohol support service for anyone over the age of 18 who lives in Sheffield

Alcohol Service 44 Sidney Street Sheffield S1 4RH	Telephone	0114 3050500
	Email	sct-ctr.fitzwilliamcentrereferrals@nhs.net
	Website	www.shsc.nhs.uk/services/alcohol-service-sheffield-treatment-and-recovery-team

DRAFT

PART 8 – GENERAL DATA PROTECTION REGULATIONS (GDPR) AND THE UK DATA PROTECTION ACT 2018

How we will use your information?

Any information provided to the Licensing Service will be used to help us process your application.

Your personal data is processed under a contract to which you are party to through your application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data including criminal records, your information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

Who will we share your information with?

We may share your information with the following third parties in order to inform decision making:

- Responsible Authorities
- South Yorkshire Police
- South Yorkshire Fire and Rescue
- Public Health
- Sheffield Children's Safeguarding Partnership
- Environmental Protection
- Health Protection
- British Waterways Board / Navigation Authority
- Home Office
- Trading Standards
- Other Licensing Authorities relevant to your application
- Other Council Services
- Bodies Responsible for auditing or administering public funds

How long will we keep your information for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

What are your rights?

You have rights under Data Protection law. For further details about your rights, the contact details of our Data Protection Officer and your rights to make a complaint please see our Privacy Notice web page:

<https://www.sheffield.gov.uk/privacy>

If you do not have access to the internet, please contact us and we will be able to provide paper versions of the information you require.

APPENDIX 'A' - GLOSSARY OF TERMS

This section explains the key terms used in the Licensing Policy. These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

Adult entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

In Section 20, for the purposes of the exhibition of film, 'children' means any person under 18 years of age.

Combined use premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

Cumulative Impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

Designated Premises Supervisor (DPS)

If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.

He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.

Other Persons

People who live or are involved in a business in the relevant licensing authority's area.

Late night refreshment premises

A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises (Schedule 2, Licensing Act 2003)

Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

Licensing Authority

For the purposes of this statement, Sheffield City Council is the body responsible for licensing under this Act.

Licensing objectives

The objectives are the basis of all licensing decisions. They are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Operating schedule

The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.

Personal licence

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a personal licence (Part 6, Section 120). Any individual is only permitted to hold one personal licence (Part 6, Section 118, Licensing Act 2003).

Provisional Statement

Where premises are being or are about to be constructed, extended or otherwise altered, investors may be unwilling to commit funds unless they have some assurance that a premises licence would be granted when the work is completed.

A provisional statement can ensure some degree of certainty that a premises licence would be granted once the premises is completed to the satisfaction of all responsible authorities.

Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed"; they have registered with the Magistrates' Courts having established that they qualify to be treated exceptionally. The Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

Regulated entertainment

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 are:

- a performance of a play;
- an exhibition of a film**;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

As a result of amendments to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between **08:00 and 23:00 on any day**:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

** A mandatory condition attached to all premises licences and club premises certificates authorising the exhibition of films requires that all films should have been classified by a body designated under Section 4 of the Video Recordings Act 1984 (the British Board of Film Classification (BBFC) is the only body designated as such) or by the Licensing Authority itself. Where the Licensing Authority itself is to classify a film, the Authority expects that:

- A synopsis of the exhibition shall be sent to the Licensing Authority 21 days in advance, where possible, of any exhibition, detailing any potentially controversial issues which could affect the classification given to the film such as theme, swearing, violence, imitable techniques, horror, drugs, nudity, and in particular anything considered over 18 – R18 for example. The Licensing Authority will then follow guidelines stipulated in the BBFC Guidance in applying the relevant classification of the exhibition.
- Applicants will provide the Licensing Authority with comprehensive details of the measures which will be implemented throughout the exhibition of film to ensure that the correct audience is able to view the film, including any child safeguarding and age verification measures which will be applied.

Representation

A comment submitted on the likely effect of the grant of an application or the operation of an existing licence.

Representations can include positive / supportive comments as well as adverse / negative.

Representations must be ‘relevant’ i.e. they must refer to one or more of the licensing objectives.

Restaurant

Restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine at those premises.

Safer Clubbing

‘Safer Clubbing’ is guidance published by the Home Office. The key issues identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water
- further measures to combat overheating
- overall safety
- Proactive offer of advice from DACT

Safety Advisory Group (SAG)

The Safety Advisory Group is made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.

SAG's do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place.

They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event

Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. More details are available at www.the-sia.org.uk.

Sexual Entertainment Venue Licences

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Sex establishment licences

These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003.

Designated Public Place Order (DPPO)

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer's requirements.

Temporary event

An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:

- a maximum of 499 people can attend;
- The event can have a maximum duration of 168 hours (7 days);
- The premises user (usually the organiser) must be aged 18 or over.

Temporary event notice (TEN)

The notice submitted to the Licensing Authority, Police, Environmental Protection Service and Health Protection Service, before the event, which informs them about:

- The date/s the event will be held;
- The licensable activities that will be carried out.
- How the licensing objectives will be achieved.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a "premises" situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire

safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

Vicinity

The vicinity test was removed from the Act in 2012, however Sheffield City Council had previously chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach is to consider each matter individually, taking into account whether any individual's residence or business is being, or likely to be, directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

APPENDIX 'B' - CONSULTATION/CONSULTEES

In developing this Licensing Policy, Sheffield City Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

The Council also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.

The City Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy or any amendments in accordance with the Licensing Act 2003.

The Licensing Authority must in any case consult with the following:-

- (e) the Chief Officer of Police in the area;
- (f) the Fire Authority;
- (g) persons / bodies responsible for local holders of premises licences;
- (h) persons / bodies responsible for local holders of club premises certificates;
- (i) persons / bodies responsible for personal licensees; and
- (j) persons / bodies responsible for businesses and residents in its area.

The Act requires the Council to consult representatives of those persons who have a special interest in the Licensing Policy. In this Licensing Policy those with a special interest are called "stakeholders".

The Council is, however, able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Licensing Policy by way of writing to / emailing all consultees, providing relevant information on its website and publishing a statement in the local press,..

The views of all our consultees will be considered and given proper weight when writing and / or reviewing the Licensing Policy.

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