

Licensing Committee

Monday 22 June 2020 at 1.30 pm

**To be held as on online video
conference**

The Press and Public are Welcome to Attend

Membership

Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Dawn Dale, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Sioned-Mair Richards, Mick Rooney, Jim Steinke and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

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

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

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

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

If you would like to attend the meeting please report to the First Point Reception desk where you will be directed to the meeting room.

If you require any further information please contact John Turner on 0114 273 4122 or email john.turner@sheffield.gov.uk

FACILITIES

There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

**LICENSING COMMITTEE AGENDA
22 JUNE 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**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings of (a) this Committee held on 9th March and 27th April, 2020 and (b) the Sub-Committee held on 16th and 17th March, 14th, 21st and 28th April and 1st June, 2020
- 6. Review of Emergency Officer Delegations in Response to the Current Situation with Coronavirus (Covid-19)**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either -
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

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

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email gillian.duckworth@sheffield.gov.uk.

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Licensing Committee

Meeting held 9 March 2020

PRESENT: Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Dawn Dale, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 In relation to Agenda Item 6 (Sex Establishment Policy), Councillor Douglas Johnson declared a personal interest on the basis that he had commented on the policy, when it was last submitted to the Committee for approval, in 2017.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The meetings of (a) this Committee held on 3rd February 2020, and (b) the Sub-Committee held on 13th, 14th, 20th and 27th January and 11th and 17th February 2020, were approved as correct records.

5. SEX ESTABLISHMENT POLICY (INCORPORATING SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES)

5.1 The Chief Licensing Officer submitted a report informing Members of the results of the consultation process undertaken on the Council's new Sex Establishment Policy (incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) and seeking approval of the final updated Policy, for implementation with effect from 1st April 2020.

5.2 Claire Bower (Licensing Strategy and Policy Officer) outlined the updated Sex Establishment Policy, which was attached at Appendix 'D' to the report, indicating that the Policy had last been approved by this Committee at its meeting held on 23rd November 2017, with a commencement date of 1st January 2018. The decision, however, had been subsequently subject to a judicial review, following which, it had been quashed, and the Council undertook that the Policy would be subject to another round of public consultation, with the Policy to be presented to this Committee being subject to an Equality Impact Assessment (EIA). Ms Bower reported on what the Policy would deal with, what the Policy would deliver, and

referred to the Equality Impact Assessment, which was attached at Appendix 'A'. She reported on Stage 1 of the consultation, which had commenced on 15th April 2019, following which 158 comments had been received, and were attached at Appendix 'B' to the report. At the commencement of the consultation exercise, the Equality Impact Assessment and the Policy had been updated accordingly. Stage 2 of the consultation was carried out between 28th January and 23rd February 2020, with an updated draft of the Policy being circulated to all those people and groups that had made comments during Stage 1. Seven comments had been received, and were attached at Appendix 'C'. Again, at the end of Stage 2 of the consultation process, the Equality Impact Assessment and the Policy were updated accordingly.

- 5.3 Magdalena Boo (Health Improvement Principal, Sheffield City Council Public Health) referred to the comments provided by Public Health, as part of the consultation, and which were set out in Appendix 'B' to the report. Ms Boo emphasised the fact that the information was based on generic evidence, and not specifically Sheffield-based evidence, which was not currently available.
- 5.4 In response to questions raised by Members of the Committee, with regard to the comments now made by Sheffield City Council Public Health, it was stated that there was currently a two-tier system within the sex industry where, on one hand, there were well-managed and well-regulated venues, where the welfare of the workers was considered to be much better, and on the other hand, those workers working in less regulated venues tended to experience more problems with regard to welfare, safeguarding and sexual and domestic abuse. Those workers working in less regulated venues were more likely to comprise people whose immigration status was not clear or confirmed, and who were more likely to have debts and/or drug problems. Ms Boo confirmed that the evidence provided, as part of Public Health's comments, was global, but the Service had looked at the evidence in countries having similar social background to Sheffield, such as America and Australia. Rates of anxiety and self-harm tended to be higher for young women, a number of whom were employed in the sex industry. There was no evidence with regard to public health implications in those cities that did not have a Sex Establishment Policy, but Public Health could undertake investigations into this. Whilst there were no details available, Public Health was aware that there were services where young women working in the sex industry, and who suffered with mental health problems, could seek help and assistance, although there may be long waiting times. A number of the young women also experienced debt problems, therefore it was important that there were adequate welfare services for them.
- 5.5 In response to questions of Public Health from members of the public in attendance, it was reported that whilst there was evidence of Post-Traumatic Stress Disorder being linked to workers suffering violence in the sex industry, there was a need for Public Health or a suitable, alternative organisation, to undertake more detailed research into this link. Current evidence highlighted the two-tier system (licensed and non-licensed venues/activities) and where those workers whose immigration status was not clear or confirmed, were forced into working in non-licensed venues. Public Health had no current evidence of any existence of exit programmes for those workers wanting to leave the sex industry, but could undertake such research if requested. There was evidence to show that those

workers working in well-managed, licensed premises, were less likely to experience bullying or sexual harassment. Whilst it was accepted that a number of young women working in the sex industry were self-employed, therefore could not be represented by a trade union, there was such a union for performers, and they had commented as part of the consultation on the Policy. It was accepted that the comments provided by Public Health, as part of the consultation, were pragmatic, but they had solely been designed to inform the decision-making process.

- 5.6 In response to questions raised by Members of the Committee with regard to the Policy, it was reported that the Licensing Service was not aware of any evidence to show that management of licensed sex establishments in the City were involved in criminal activity. As part of the application process, all applicants were checked by the police and all venues were inspected quarterly, and further on renewal. None of these checks had highlighted any issues. The Police had commented on the Policy, as part of the consultation. The quarterly visits made to the venues were all unannounced. A formal review of the Sex Establishment Policy was undertaken every three years. All premises would be checked on application, and conditions attached to the licence. The result of the Committee's decision approving the Policy in 2017 being quashed, following a judicial review, was that the Authority was now consulting on the fourth draft of the 2011 Policy. Since 2017, a considerable amount of work had been undertaken with the objectors, regarding their concerns, and Public Health, regarding the health implications, in an attempt to reduce the effect of potential harm to workers.
- 5.7 Charlotte Mead (Women's Equality Party) stated that she welcomed the process being followed with regard to the Policy, indicating that this was the first time that the public had been afforded the opportunity to comment at the Licensing Committee meeting. She referred to a considerable amount of Sheffield-based evidence which had been provided by objectors, as part of their objections to the renewal application for Spearmint Rhino, but which had not been forwarded to, or considered by, the Licensing Sub-Committee during the renewal application process.
- 5.8 Councillor Joe Otten stated that he would have reservations in agreeing a nil limit without having all the relevant evidence available. Councillor Dawn Dale stressed that it was important for the Committee to see evidence to show that the workers wouldn't be forced into less-regulated sex work before agreeing a nil limit.
- 5.9 **RESOLVED:** That the Committee, whilst noting the contents of the report now submitted, and expressing its thanks to officers in the Licensing Service for the report, particularly in connection with the consultation exercise, agrees to defer consideration until such time the following information is provided, and could be taken into consideration as part of the Committee's deliberation on the Policy, specifically around the imposition of a nil limit of sex establishment venues in the city centre:-
- (a) Evidence focussed on Sheffield sex establishment venues/sex industry specifically;
 - (b) policy comparisons between Sheffield and other core cities;

- (c) information on exit support available to those working in the venues in Sheffield;
- (d) information on whether Sheffield is providing the correct support services for those working in venues;
- (e) information regarding trauma caused by working in venues; and
- (f) evidence of displacement from cities that have imposed nil limits.

The votes on the above resolution were ordered to be recorded, and were as follows:-

For the Resolution (9) - Councillors Andy Bainbridge, Dawn Dale, Roger Davison, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Mick Rooney and Cliff Woodcraft

Against the Resolution (2) - Councillors Douglas Johnson and Ruth Mersereau

Abstentions (1) - Councillor Bob Pullin

(NOTE: Prior to the passing of the above resolution, an alternative Motion, moved by Councillor Douglas Johnson and seconded by Councillor Ruth Mersereau, as follows, was put to the vote and negatived:-

‘That the Committee whilst noting the contents of the report now submitted, and expressing its thanks to officers in the Licensing Service for the report, particularly in connection with the consultation exercise, approves the Policy, as set out in the report now submitted, subject to the receipt of the following information within 12 months:-‘

- (a) Evidence focussed on Sheffield sex establishment venues/sex industry specifically;
- (b) policy comparisons between Sheffield and other core cities
- (c) information on exit support available to those working in the venues in Sheffield;
- (d) information on whether Sheffield is providing the correct support services for those working in venues;
- (e) information regarding trauma caused by working in venues; and
- (f) evidence of displacement from cities that have imposed nil limits.

The votes on the alternative Motion were ordered to be recorded, and were as follows:-

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|------------------------|---|
| For the Motion (2) | - Councillors Douglas Johnson and Ruth Mersereau |
| Against the Motion (8) | - Councillors Andy Bainbridge, Dawn Dale, Roger Davison, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley and Cliff Woodcraft |
| Abstentions (2) | - Councillors Bob Pullin and Mick Rooney.) |

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SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 27 April 2020

PRESENT: Councillors Karen McGowan (Chair), Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

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

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from the Co-Chair (Councillor Andy Bainbridge) and Councillor Dawn Dale.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. OFFICER DELEGATIONS IN RESPONSE TO THE CURRENT SITUATION WITH CORONAVIRUS (COVID-19)

- 4.1 The Chief Licensing Officer submitted a report seeking additional temporary delegations for himself, to enable the continued management of the Licensing Service during the ongoing situation with coronavirus.
- 4.2 The report indicated that such measures were required to assist the Service to continue to administer and perform the Council's statutory licensing functions, and only include the administration of the granting, renewal, transfer and variation of various licences. The Government had confirmed that it expected decision-making to continue on a normal basis and, whilst the Committee had held remote meetings, and would continue to do so, the additional temporary delegations would assist in those areas where licence holders, particularly taxi drivers, would be adversely impacted, or where certain actions, such as vehicle testing, could not take place due to the current requirements for social distancing.
- 4.3 The report indicated that any decisions made under the temporary delegations would be made in consultation with the Co-Chairs of this Committee, and Legal Services, if required, and would not allow for any decisions with regard to the refusal of applications.

- 4.4 The report set out details of the various licensing functions on which decisions could be made, together with details of those hackney carriage and private hire driver licences which were due for renewal since the lockdown position had commenced.
- 4.5 In attendance for this item were Steve Lonnia (Chief Licensing Officer), Marie-Claire Frankie (Solicitor to the Committee), Clive Stephenson (Licensing Strategy and Policy Officer), Ibrar Hussain (GMB) and John Turner (Democratic Services).
- 4.6 Ibrar Hussain stated that he welcomed the proposals set out in the report, specifically the flexibility for taxi drivers, which he considered was needed in these difficult times. He reported that a number of drivers were struggling to pay their fees, and requested that the Authority gives consideration to deferring the payment of fees in the current circumstances. Mr. Hussain also requested that the Authority gives further consideration to granting exemptions on MOT/compliance tests for six months, as a number of local authorities had already done so, and to extending the vehicle age limit for a minimum of one year automatically.
- 4.7 In response, Mr. Lonnia stated that, whilst appreciating the views expressed, the report did not refer specifically to drivers' fees, and drivers had been advised to contact the Licensing Service to make individual requests for the deferral of the payment of fees. He added that the Service had already provided a detailed response to the trades with regard to MOT/compliance testing and the deferral of fees. The Service was also looking at the issue of vehicles approaching their maximum age limit, and would provide the trade with more information on this issue shortly.
- 4.8 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, Mr. Lonnia stated that if the arrangements were believed to be not working for any reason, Members could raise their concerns. The longest term that intermediate tests would be extended for was six months, but this would obviously be changed if the current situation continued longer than expected. Mr. Lonnia stressed that the delegations would only be granted whilst the current lockdown arrangements were in place, and that a report containing details of the decisions made could be submitted to meetings of the Committee, on a regular basis. It was not expected that there would be a requirement to make many decisions regarding the other licensing functions listed in the report. However, it was important that delegated powers be granted with regard to these other functions just in case, for example, where an inspection was required following an application to use premises as a civil marriage venue, and where such inspections were not able to take place due to current distancing rules. Those hackney carriage and private hire driver cases, where a driver had criminal offences, could still be referred for consideration by the Licensing Sub-Committee. It was envisaged that granting such delegated powers would reduce the number of cases being referred to the Sub-Committee by around 20%. Mr. Lonnia stated that granting such powers would make it more simple and convenient for both the Licensing Service and the taxi drivers, and any other applicants in connection with the other licensing functions.
- 4.9 Mr. Lonnia stated that he could sub-delegate any powers regarding decision-

making to officers in the Licensing Service, and that, due to the number of options, it would be very difficult to list all the possible decisions which would need to be made. The plan was for the Chief Licensing Officer to report on the decisions made, on a weekly basis, to the co-Chairs of the Committee, with such an update being able to be circulated to all Members of the Committee. It was expected that the vast majority of decisions would relate to hackney carriage or private hire drivers licences, particularly as there were frequent requirements for such licences to be renewed. There were also a number of private hire vehicles coming up to their nine-year age limit and there were approximately 12 medicals required each month. It was envisaged that decisions would only be made in those cases where drivers had non-serious offences, or where offences had been committed some time ago. Again, it would be difficult to draft a complete list of those scenarios that could be decided under delegated powers, and those where the cases would be referred to the Licensing Sub-Committee.

- 4.10 Councillor Joe Otten stated that he considered that the existing policy regarding driver referrals, with regard to criminal offences, should remain in place, in that those cases where drivers had criminal offences should continue to be referred to the Licensing Sub-Committee for consideration. Councillor Douglas Johnson proposed that powers be delegated to the Chief Licensing Officer in terms of decisions regarding vehicle testing, medical examinations, tinted windows and age of vehicles only, with powers regarding decisions regarding all other issues, including criminal offences, being referred to the Sub-Committee. In response, Mr. Lonnia stated that all new driver applications would continue to be referred to the Licensing Sub-Committee, with the powers regarding decisions in terms of renewals being delegated to himself.

4.11 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) approves the proposal to deal with Covid-19-related issues by decision-makers, departing from policy where appropriate rather than seeking a wholesale change of existing policies;
- (c) agrees that temporary, additional delegated powers be granted to the Chief Licensing Officer with regard to the determination of all applications for the grant, renewal, transfer and variation of licences, permits and consents in relation to the licensing systems referred to in the report now submitted, with the exception of those cases where applicants have new or previously unconsidered convictions or criminal offences;
- (d) agrees that the licences which have been renewed so far, following the changes made to vehicle testing arrangements as a consequence of the coronavirus outbreak, and as set out in the report now submitted, be ratified;
- (e) requests the Chief Licensing Officer to:-
 - (i) circulate details of all the decisions made under the new additional

powers, in the form of a spreadsheet, to members of the Committee on a weekly basis; and

(ii) submit a report containing details of the decisions made to a bi-monthly meeting of the Committee; and

(f) agrees that the delegations be reviewed at bi-monthly meetings of the Committee.

(NOTE: Prior to the passing of the above resolution, an alternative proposal relating to hackney carriage and private hire licensing delegations moved as an amendment by Councillor Douglas Johnson and seconded by Councillor Ruth Mersereau, as follows was put to the vote and negatived:-

1. to delegate to the Chief Licensing Officer a further power to determine the grant, renewal, transfer or variation of licences, permits and consents in relation to hackney carriage and private hire vehicles, only so far as:-
 - (a) tinted windows;
 - (b) the age of the vehicle;
 - (c) vehicle test requirements; and
 - (d) routine driver medical tests.
2. To approve the ratification of the vehicle renewals set out in paragraph 6.3 of the report;
3. To require the Chief Licensing Officer to report decisions made under these delegations to the Committee, in writing, including by email; and
4. To end these additional delegations no later than 27th October, 2020 (six months from today)"

The votes on the amendment were ordered to be recorded, and were as follows:-

For the Amendment (2) - Councillors Douglas Johnson and Ruth Mersereau.

Against the Amendment (9) - Councillors Roger Davison, Adam Hurst, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft.

Abstained from voting on the Amendment (0) Nil

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 March 2020

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Bob Pullin

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 26/20 was not able to attend the hearing, and the Sub-Committee agreed to grant him a further opportunity to attend to present his case.
- 4.3 The licence holder in Case No. 27/20 attended the hearing and addressed the Sub-Committee.
- 4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, and circulated at the meeting, the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
27/20	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a final written warning as to his future conduct, to remain live for the term of the licence.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 March 2020

PRESENT: Councillors Karen McGowan (Chair), Joe Otten and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - IBIS BUDGET SHEFFIELD CENTRE - ST. MARY'S GATE, 10A ST. MARY'S GATE, SHEFFIELD, S1 4LR

- 4.1 This item of business, to consider an application for the grant of a Premises Licence, made under Section 17 of the Licensing Act, 2003, in respect of the premises known as Ibis Budget Sheffield Centre, St. Mary's Gate, 10A St. Mary's Gate, Sheffield S1 4LR (Case No.28/20), was withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.

5. LICENSING ACT 2003 - BLUEZ, 1 SCHOLEY STREET, SHEFFIELD, S3 8AP

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Bluez, 1 Scholey Street, Sheffield S3 8AP (Case No.25/20).
- 5.2 Present at the meeting were Sean Gibbons (Environmental Health Officer), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was reported that representations had been received from the Health Protection Service and the Environmental Protection Service, and were attached at Appendix "B" to the report. Ms. Gough said that the applicant had been invited to attend the hearing but was not in attendance.

- 5.5 Sean Gibbons stated that he had worked with the applicant of the premises and produced an updated plan. Mr Gibbons outlined his concerns to Members, stating that the proposals put forward by the applicant did not comply with building regulations. He said that a number of areas inside the premises were dangerous and, he had tried on number of occasions to point the applicant in the right direction so that the premises were fit for purpose. He said that it had not been easy to meet the applicant to discuss the problems, although some issues had been addressed following an initial meeting and he had advised that he seek professional help with the work to be carried out. Mr. Gibbons said that he had requested that an asbestos survey be carried out and reported that a building inspection report and electrical completion certificate were also outstanding.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Gibbons stated that he had asked the applicant if a check for asbestos within the premises had been made, to which the applicant had responded that a friend had looked at it, and Mr. Gibbons stated that this response was unsatisfactory. He said that the premises needed a sound lobby as the existing one was unsatisfactory in terms of dimensions as the door opened inwards. Mr. Gibbons said that the applicant was fully aware of the licensing objectives.
- 5.7 Jayne Gough reported on the options available to the Sub-Committee.
- 5.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a premises licence in respect of the premises known as Bluez,¹ Scholey Street, Sheffield S3 8AP, be refused (Case No.25/20).

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 April 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 Karen McGowan (Chair), Adam Hurst and Douglas Johnson and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - 7B NETHER EDGE ROAD, SHEFFIELD S7 1RU

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003 in respect of the premises known as 7B Nether Edge Road, Sheffield, S7 1RU (Ref No.41/20).

4.2 Present at the meeting were Jack Wakelin and Tom Aronica (Bench Bar Limited, Applicants), Dr. Alice Bell and Robert Leach (Objectors), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee), Craig Rogerson (Host of the meeting) and John Turner (Committee Secretary), both from Democratic Services.

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

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that relevant representations in respect of the application had been received from two members of the public, and were attached at Appendix "D" to the report. Ms. Gough reported that during the consultation period, the applicant had agreed conditions with the Environmental Protection Service and South Yorkshire Police, which were detailed in Appendix "C" to the report. The two members of the public who had submitted representations attended the meeting and addressed the Sub-Committee.

(NOTE: At this stage in the proceedings, Councillor Douglas Johnson reported that he was aware that a number of other objections had been made by members of the public to the application, and questioned why they had not been referenced in the report. Following a discussion of this issue, which included legal advice on what constituted a relevant representation, and the remit of Licensing Officers in determining this, the Chair determined that, on the basis that Councillor Johnson was in possession of information that the other Members of the Sub-Committee or the applicants were party to, he should leave the meeting at this stage, and be replaced by the nominated reserve, Councillor Bob Pullin).

- 4.5 Dr. Alice Bell stated that, whilst welcoming the fact that the premises were going to be in use, she was objecting to the application on two main grounds, namely the prevention of public nuisance and anti-social behaviour. She stated that she had moved to live on Nether Edge Road around eight years ago, when there were only two licensed premises in the immediate vicinity, and now, if this application was granted, there would be four such premises. Dr. Bell considered the number of licensed premises in the area would result in considerable disturbance for residents, which would include an increase in noise due to customers leaving the premises at closing time and car doors, including taxis, opening and shutting. She stated that as a result of noise nuisance in the past, she had been forced to install acoustic glass to her property and was sometimes forced to wear earplugs at night. The noise levels also affected her baby daughter's sleep. Her family had occasionally witnessed people fighting outside her house, often had cigarette butts thrown on the floor outside their house and people, presumably drunk, had fallen into their car, causing minor damage. Dr. Bell made reference to the fact that she did not object to an earlier application in respect of Café No.9, directly opposite her property, on the grounds that she was on good terms with the manager, but now wished she had raised concerns on the grounds that they had suffered noise nuisance as a result of the operation of the premises. Dr. Bell stressed that she did not dispute that the applicants would be responsible landlords, and make every effort to minimise any problems of noise nuisance, and take relevant action if residents were deemed adversely affected by the operation of the premises. She did, however, state that she had concerns with regard to the long term implications, in that, if the licence was granted, a new licensee could take on the premises in the future, and not have such a responsible attitude. Dr. Bell stated that she was aware of the review process, under the Licensing Act, 2003, but did not want to go down this route as she would prefer to get on with the applicants of the licensed premises, and, in addition, had not got time to log all incidents regarding noise nuisance and anti-social behaviour, which was required as part of the process. She concluded by expressing concerns with regard to the planned opening hours, indicating that 00:00 hours was very late for customers to be dispersing within a residential area.
- 4.6 Rob Leach stated that his family regularly suffered noise nuisance from the licensed premises within the area, particularly when people stood outside, smoking, and often talking loudly. He also made reference to the noise from cars arriving and leaving the premises, and referred to wider problems with regard to traffic congestion in the area, which would be exacerbated by the addition of a further licensed premises.

- 4.7 Jack Wakelin stated that the operation would comprise a small bistro/wine bar/restaurant, with the off-sales only comprising a small element of the overall operation. He stated that he and his business partner (Tom Aronica) both had young children, and would not be wanting to be arriving home unduly late, and also appreciated any concerns that families with young children in the area would have. The premises did not comprise a traditional bar, and, with there only being a maximum of 25 customers at any one time, they did not expect any problems of noise nuisance caused by customers. The premises would not open on Monday or Tuesday, would open from 16:00 to 23:00 hours Wednesday and Thursday, 12:00 to 23:00 hours Friday and Saturday and 11:30 to 16:00 hours on Sunday. Mr. Wakelin stressed that they would like to work with the local residents, and planned to do everything possible to keep noise levels to a minimum. At this stage, he offered to amend the operating schedule to the effect that on sales of alcohol would finish at 23:00 hours. Further measures would include ordering taxis for customers and having signs on the walls, requesting that customers leave quietly. In addition, due to the staged sittings, customers would arrive and depart sporadically, meaning that there would be no large groups leaving at any one time. He was mindful of the importance of working with the local community, and stated that the business would not survive if local residents were not supportive. Mr. Wakelin concluded by stating that there would be a waste bin outside, specifically for cigarette butts, and that staff would sweep up outside at the end of each day.
- 4.8 Tom Aronica reiterated the comments made by Mr. Wakelin, specifically regarding the fact that he also had young children, and did not want to be getting in unduly late every night.
- 4.9 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, the applicants stated that they had included details of the application on a Nether Edge Facebook Group, with the general reaction being very positive. One negative response referred to concerns regarding a potential increase in traffic in the area, to which a reply was sent indicating that this was not expected as there would mainly be people from the local area visiting the premises. Mr. Wakelin indicated that he would be happy to display his mobile phone number for any residents wishing to contact him with any concerns. Mr. Aronica confirmed that the shop element comprised only a very small part of the overall business model, with items such as wine, cheese and bread being for sale. It was not expected that customers would drive to the premises to purchase these goods. Further to a comment by Dr. Bell, indicating that she was not happy with the reference to the comments on Facebook, given the earlier issue with Councillor Douglas Johnson, the Chair accepted this point, and stated that she simply wished to find out whether the applicants had consulted with local residents as regards their plans. With regard to the opening hours, it was stressed that, ideally, they would want all customers off the premises by 23:00 hours. Following further concerns raised by Dr. Bell in connection with the possibility of the premises licence changing hands in the future, Marie-Claire Frankie reported that the Licensing Act, 2003 was permissive, in that applications would be granted in the first instance, unless there was further evidence that the licensing objectives would not be met. Mr. Wakelin added that they had signed a 12 year lease on the premises, so intended to be there a good while.

- 4.10 Jayne Gough reported on the options available to the Sub-Committee.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act, 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as 7B Nether Edge Road, Sheffield S7 1RU (Ref No.41/20), subject to:-
- (a) the conditions agreed between the applicants and the Environmental Protection Service and South Yorkshire Police;
 - (b) the following modifications to the operating schedule:-
 - (i) On-sales of alcohol to terminate at 23:00 hours, seven days a week; and
 - (ii) The premises frontage will be swept at the close of business each day; and
 - (c) two further conditions, as follows:-
 - (i) the premises will be closed to new customers from 23:00 hours, with off sales only being permitted to existing customers up until 23:30 hours; and
 - (ii) a contact number must be available to local residents.

(The decision of the Sub-Committee was relayed to the applicants and the objectors at the close of the deliberations, and the full reasons for its decision would be included in the written Notice of Determination).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 April 2020

(NOTE: Due to the coronavirus outbreak, and subsequent lockdown, the meeting was held as an online video conference)

PRESENT: Councillors Karen McGowan (Chair), Josie Paszek and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.26/20 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.36/20 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.38/20 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
26/20	Application for a Private Hire Vehicle Licence	(a) on the basis that the applicant has demonstrated exceptional

		<p>circumstances to warrant a deviation from current policy, mainly due to the bespoke nature of the business, the applicant be exempted from those conditions requiring (i) all seats in the vehicle to be facing forward and (ii) taxi stickers and a taxi plate to be displayed on the vehicle, with the exemptions applying only to the vehicle when a job booking begins or ends outside the controlled district of Sheffield, or when a booking is made within the controlled district of Sheffield where the period of hire is less than 60 minutes and (b) the additional driver requested by the applicant must be a named driver.</p>
36/20	Application for a Private Hire Vehicle Licence	<p>(a) on the basis that the applicant has demonstrated exceptional circumstances to warrant a deviation from the current Private Hire Vehicle policy, the applicant be exempted from the requirement with regard to tinted windows and (b) the additional driver requested by the applicant must be a named driver.</p>
38/20	Application for the renewal of a Hackney Carriage and Private Hire Drivers Licence	<p>(a) grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold the licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.</p>

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 April 2020

(NOTE: This meeting was 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 Karen McGowan (Chair), Douglas Johnson, Joe Otten and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.35/20 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No.30/20 attended the hearing and addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
35/20	Application for a Private Hire	Grant the application for the

	Vehicle Licence	licence on the condition that the applicant replaces the tinted windows to the two rear passenger windows and provides evidence to the Licensing Service that the windows have been replaced.
30/20	Application for a Hackney Carriage and Private Hire Driver's Licence	Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person, and there are therefore reasonable grounds to revoke the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 June 2020

PRESENT: Councillors Karen McGowan (Chair), Dawn Dale, Adam Hurst and Mick Rooney

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(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.)

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda (item 4 of these minutes) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 40/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 41/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
40/20	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences now reported, and the

41/20

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

representations now made, the Sub-Committee did not consider the applicant to be a fit and proper person to hold a licence.

The suspension on the licence to remain in place pending the outcome of the investigation being carried out by the Police is known.



SHEFFIELD CITY COUNCIL Licensing Committee

Report of: Chief Licensing Officer & Head of Licensing

Date: 22nd June 2020

Subject: Review of Emergency Officer Delegations in response to the current situation with Coronavirus (Covid-19)

Author of Report: Stephen Lonnia

Summary: To review the additional delegations given to the Chief Licensing Officer and Head of Licensing to enable the ongoing management of the Licensing Service during the ongoing situation with Coronavirus (Covid-19)

Background Papers: Not applicable

Category of Report: OPEN

Report of the Chief Licensing Officer & Head of Licensing to the Licensing Committee

Ref 00/20

Review of Temporary Delegations given to the Chief Licensing Officer & Head of Licensing

1.0 Purpose of the report:

- 1.1 To review the additional temporary delegations to the Chief Licensing Officer & Head of Licensing to enable the continued management of the Licensing Service during the ongoing position with Coronavirus (Covid-19)

2.0 Background:

- 2.1 Members will be aware that on the 27th April 2020 a report was placed before the licensing committee as the Licensing Service were facing very different and difficult challenges as they responded to the outbreak of Covid-19 and the lockdown.
- 2.3 At the meeting of the 27th April 2020 in brief terms the committee resolved that it:-
 - (b) approves the proposal to deal with Covid-19-related issues by decision makers, departing from policy where appropriate rather than seeking a wholesale change of existing policies:
 - (c) agrees that temporary, additional delegated powers be granted to the Chief Licensing Officer with regard to the determination of all applications for the grant, renewal, transfer and variation of licences, permits and consents in relation to the licensing systems referred to in the report now submitted;
- 2.4 It was also resolved the Chief Licensing Officer & Head of Licensing submit a bi-monthly report to the Licensing Committee to enable a review and more detailed discussion of individual cases where delegated powers had been used.

3.0 Emergency Delegated Powers

- 3.1 A short presentation will be given to provide members an overview of what has happened since the delegations were put in place in April.

4.0 Financial Implications

- 4.1 There are no financial implications attached to this report.

5.0 Legal Implications

5.1 This report has been checked and approved by Legal Services.

6.0 Recommendations

6.1 To note the contents of this report and the verbal presentation given by the Chief Licensing Officer & Head of Licensing and leave the delegations in place.

7.0 Options

7.1 To amend the delegations and review in two months

7.2 To leave the delegations in place and review in two months

7.3 To remove the delegations

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
11th June 2020

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