

Licensing Committee

Monday 29 March 2021 at 2.00 pm

**To be held at at the Town Hall,
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

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

PUBLIC ACCESS TO THE MEETING

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

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

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

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
29 MARCH 2021**

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 meetings of (a) this Committee held on 5th and 26th October, 2020 and (b) the Sub-Committee held on 21st July, 14th, 15th, 28th and 29th September, 12th, 13th, 19th, 20th 27th October, 9th, 17th and 23rd November and 1st, 14th, 21st and 22nd December, 2020 and 4th, 5th, 11th, 18th and 26th January, 9th, 22nd and 23rd February, 2021
- 6. Determination of Licence Fees**
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 5 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 Karen McGowan (Chair), Andy Bainbridge, 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

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of meetings of (a) this Committee held on 27th July 2020 and (b) the Licensing Sub-Committee held on 6th, 7th and 20th July, 3rd, 17th and 18th August, and 1st and 7th September 2020, were approved as correct records.

5. GAMBLING ACT 2005 - SHEFFIELD JOINT TEST PURCHASING STRATEGY

5.1 The Chief Licensing Officer submitted a report on the proposed implementation of a new joint multi-agency test purchasing strategy in gambling premises in the City.

5.2 Shimla Finch (Licensing Strategy and Policy Officer) introduced the report, which contained information on the purpose, objectives and aims of the proposed strategy, and attached the full strategy document, at Appendix 'A'.

5.3 Members of the Committee raised questions, and the following responses were provided:-

- There would be no accurate statistics available on the number of breaches involving children under 18 attending gambling premises until such time test purchases were carried out regularly throughout the City. Whilst the multi-agency task group, which included representatives from the Gambling

Commission, Sheffield Safeguarding Children Partnership, South Yorkshire Police, Sheffield Trading Standards and the Licensing Authority, would agree arrangements for local test purchase operations, this had not been possible due to Covid-19. It was hoped that when the strategy was implemented, and the test purchase operations commenced, the number of breaches would then become apparent. Whilst test purchasing in gambling premises was a new strategy, Licensing Officers ensured compliance by visiting such premises to undertake inspections.

- The reasoning behind the decision to implement review proceedings before the Licensing Sub-Committee if there was a third test purchase failure within a 12-month period was simply to keep the process in line with the Authority's other test purchasing schemes and enforcement strategies, which had worked well. Consideration would be given to taking action if the third failure was committed shortly after the 12-month period, if circumstances required it, with each case being determined on its own merits.
- The arrangements for mystery shoppers to undertake test purchase operations were agreed with the police and Trading Standards.
- If a premises failed on the first test purchase, it was more likely that visits would be made to the premises on the second and third occasions.
- Following the first test purchase failure, the Authority would prefer to offer advice and assistance to the licensee, including the offer of training, rather than make the training a requirement at this stage.
- More detailed discussions would be held with the multi-agency task group in connection with the number of test purchase operations of gambling premises as part of the implementation of the new strategy.

5.4 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) requests that the report be referred back for consideration by the members of the multi-agency task group, with the amended wording, as follows, and referred back to this Committee for final approval:-
 - (i) the substitution of the final sentence in paragraph 5.1 by the words "The licence holder be strongly advised to attend the training offered by the Sheffield Safeguarding Children's Board"; and
 - (ii) paragraph 5.3 be reworded as "If a third test purchase failure occurs within a 12 month period, or shortly after this time, taking the other failures into consideration, we would implement review proceedings

before the Licensing Sub-Committee, which could decide, among other decisions, to cancel the permit or impose conditions. Each case will be considered on its own individual merits and will be determined by the Licensing Committee”.

6. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY

6.1 The Chief Licensing Officer submitted a report on the draft, revised Statement of Licencing Policy, under the Licencing Act 2003

6.2 The report, introduced by Claire Bower (Licensing Strategy and Policy Officer) contained the draft Statement of Licensing Policy, information on the public consultation process undertaken, attaching the comments received as part of that process, at Appendix ‘A’, and set out details of the process and timetable followed. Ms Bower reported that the report would be submitted to the Cabinet in November 2020, and full Council in December 2020 for final approval.

6.3 Members of the Committee raised questions, and the following responses were provided:-

- The present policy on vaping, as set out under the Public Nuisance Policy in the draft Statement, indicated that vaping would be treated in the same way as smoking is, in line with the smoke free legislation. There had been discussions as to whether this should be included.
- In terms of Cumulative Impact Areas (CIA), the Authority would look at areas of stress, such as where there was a high number of licensed premises, in order to assess whether such an area could potentially reach a ‘tipping point’ and whether steps should then be taken to designate the area as a CIA. A considerable amount of work, specifically evidence-gathering, had been undertaken by the Authority and its partners with regard to the West Street/Division Street area, but it had not been possible to get sufficient tangible evidence to allow for the area’s designation as a CIA.
- External drinking areas were just a short-term measure to offer assistance to licensed premises during the Covid-19 pandemic.
- A number of areas in the City, such as Broomhill, had had their designations of areas of stress removed as they were no longer deemed to be an issue. This had followed the Authority taking enforcement action, where necessary, and/or offering help and advice, and providing training. It was believed that there were currently no areas of stress in the City.
- The only way the Authority could approve the designation of an area as a CIA was if there had been regular incidents of serious crime and disorder. There had not been a sufficient level of representations regarding the Abbeydale Road/Broadfield Road area to warrant any further investigations at this stage.

- Alcohol Exclusion Zones provided the police with powers to hand out penalty notices to people drinking alcohol and causing anti-social behaviour in such Zones. The legislation had since changed, and it was no longer dealt with by this Committee as it also addressed other issues, such as nuisance dogs and car parking.

6.4 RESOLVED: That the Committee:-

- (a) notes the information contained in the report now submitted, together with the comments now made and the responses to the questions raised; and
- (b) requests that the draft Statement of Licensing Policy be submitted to a future meeting, prior to its submission to the Cabinet, subject to the following suggestions, for approval:-
 - (i) the issue regarding vaping be further referred to the Health Protection Service and the Office of the Director of Public Health for further comment; and
 - (ii) the revised draft Statement to include tracked changes which clearly highlight what revisions have been made.

7. SPEARMINT RHINO QUARTERLY CCTV INSPECTION REPORT

7.1 This item was withdrawn from consideration by the Committee.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 26 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 Andy Bainbridge (Chair), Karen McGowan, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Jim Steinke and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Dawn Dale, Adam Hurst, Sioned-Mair Richards and Mick Rooney.

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 - REVISED DRAFT STATEMENT OF LICENSING POLICY

4.1 The Chief Licensing Officer submitted a report on the draft revised Statement of Licensing Policy under the Licensing Act 2003. The report, introduced by Claire Bower (Licensing Strategy and Policy Officer), contained the draft Statement of Licensing Policy, information on the public consultation process undertaken, attaching the comments received as part of that process, at Appendix 'A', and set out details of the process and timetable followed.

4.2 Claire Bower added that, further to the comments raised at the Committee's meeting held on 5th October 2020, when the item was first considered, the final draft Statement included revisions to the wording regarding the issue of vaping in licensed premises, following further discussions with the office of the Director of Public Health, and a document summarising the changes made to the draft Statement throughout the consultation was attached at Appendix 'E' to the report.

4.3 Councillor Douglas Johnson stated that, whilst endorsing the additional wording regarding the effects of vaping in licensed premises, he still had concerns at the fact that it was not clear as to precisely what revisions had been made to the Statement, and that he would not be able to support endorsing the document for this reason.

Councillor Ruth Mersereau supported this view, adding that whilst she welcomed the summary of changes, as set out in Appendix 'E', there was still a lack of detail, which made it very difficult to see exactly what revisions had been made.

- 4.4 With regard to the cumulative impact areas and areas nearing stress, there was broad agreement to the effect that, rather than listing specific areas in the Statement of Licensing Policy, an ongoing review of such areas should be undertaken, and the Committee would review and discuss the issues surrounding such areas as and when issues were raised. The Chair suggested that such details be logged in a separate policy document, and that the Committee reviews this document on an annual basis, or earlier if specific issues arise.
- 4.5 Regarding the issue of the revisions to the Statement of Licensing Policy, the Chair stated that, in his opinion, the summary of the changes, as set out in Appendix 'E' to the report, provided members of the Committee with a sound basis for making decisions on applications made under the Licensing Act 2003.
- 4.6 In response to questions from Members of the Committee, it was reported that the Council was legally required to approve the Statement of Licensing Policy every five years and therefore, if the Statement was not agreed by the Full Council in December 2020, this would render the Policy invalid. Claire Bower confirmed that there hadn't been any major changes to the wording of the Statement, and that the changes made mainly represented minor amendments to the wording. From the 5,000 letters sent out as part of the consultation, only 31 responses had been received, which highlighted the fact that there were very few concerns with the contents of the document.
- 4.7 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted, attaching the draft Statement of Licensing Policy under the Licensing Act 2003, together with the comments now made and the responses to the questions now raised; and
 - (b) approves the draft Statement of Licensing Policy, and agrees that it be referred to the Cabinet, at its meeting to be held on 18th November 2020, and to Full Council, at its meeting to be held on 2nd December 2020, for approval.

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

For the resolution (7) - Councillors Andy Bainbridge, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Jim Steinke and Cliff Woodcraft

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

Abstention (1) - Councillor Bob Pullin

(NOTE: Prior to the passing of the above resolution, an amendment, moved by

Councillor Douglas Johnson and seconded by Councillor Ruth Mersereau, to replace paragraph (b) with the following, was put to the vote and negatived:-

“agrees that the draft Statement of Licensing Policy, in its current format, is not approved.”

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

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|---------------------------|--|
| For the amendment (2) | - Councillors Douglas Johnson and Ruth Mersereau |
| Against the amendment (7) | - Councillors Andy Bainbridge, Karen McGowan, Joe Otten, Josie Paszek, Vickie Priestley, Jim Steinke and Cliff Woodcraft |
| Abstention (1) | - Councillor Bob Pullin.) |

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 July 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 Andy Bainbridge (Chair), Douglas Johnson, Joe Otten and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 Councillor Douglas Johnson submitted an apology for his absence at the start of 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 There were no declarations of interest.

4. LICENSING ACT 2003 - ADAM'S LOCAL LOWEDGES LTD, 32 LOWEDGES ROAD, SHEFFIELD, S8 7LB

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act, 2003, in respect of premises known as Adam's Local Lowedges Limited, 32 Lowedges Road, Sheffield S8 7LB (Case No. 53/20).

4.2 It was reported that the applicant had contacted Licensing Services to ask that the application be deferred, as his representative was unable to attend. The Sub-Committee agreed to defer the application until a later date.

(At this point in the proceedings, Councillor Douglas Johnson joined the meeting and Councillor Josie Paszek left the meeting.)

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - CITY CENTRE STATIC STREET TRADING CONSENT

5.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Static Street Trading Consent for an Ice Cream Van at the top of Howard Street, City Centre (Ref No.58/20).

5.2 Present at the meeting were Zoe Devoti (on behalf of the applicants), Clive

Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 5.3 The Chair outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report and stated that an objection to the consent had been received from the City Centre Management Team and representations and supporting comments were attached at Appendix "B" to the report. He said that comments had also been received and circulated to Members of the Sub-Committee prior to the commencement of the meeting, from Parking Services and the Highways Service stating that the proposed site was within a pedestrianised area and that there was a Traffic Regulation Order (TRO) in place stating "No Waiting and Permit Holders Only" on vehicles in the area surrounding the proposed site.
- 5.5 Zoe Devoti referred to the motorised vehicle further down Howard Street and also to the two ice cream vans situated at the bottom of Fargate and at the top of the Peace Gardens and said that these were not parked on the highway and asked why parking an ice cream van at the top of Howard Street should be any different. She then referred to the fact that prior to 2017, there had been an "ice cream trailer" parked at the top of the Peace Gardens but had been replaced by an ice cream van. Mrs. Devoti was informed by Clive Stephenson that the trailer was replaced for a limited time under a specific exemption due to health reasons.
- 5.6 In response to questions from Members of the Sub-Committee, it was reported that there was a Traffic Regulation Order in place on Howard Street, so parking was not allowed. However, the Peace Gardens was a consent site.
- 5.7 Zoe Devoti said the application to park at the top of Howard Street was due to the fact that her family had lost consent to park outside the Botanical Gardens earlier this year following the imposition of a TRO, and due to this and the effects on their business of Covid 19, they were just trying to make a living and get back on their feet. She said that she thought the coffee van that already parked on Howard Street was motorised and coffee was served from the back of it, but couldn't be sure. Mrs Devoti asked the Sub-Committee how long the one way systems would be place that had been imposed due to Covid 19 restrictions.
- 5.8 Clive Stephenson reported on the options available to the Sub-Committee.
- 5.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.11 RESOLVED: That in light of the information contained in the report now submitted,

the additional information circulated prior to the meeting, together with the representations now made and the responses to the questions raised, (a) the application for the grant of a City Centre Static Street Trading Consent, for an ice cream van in the City Centre at the top of Howard Street (Ref No. 58/20), be refused and (b) the applicant be recommended to contact City Centre Management and Licensing Services to discuss where alternative pitches within the city centre were available.

(The decision of the Sub-Committee will be relayed to the applicant following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Meeting held 14 September 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), Ruth Mersereau and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - HANGINGWATER STORES, 87 HANGINGWATER ROAD, SHEFFIELD, S11 7ER

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Sheffield Children's Safeguarding Partnership, under Section 51 of the Licensing Act 2003, for a review of the premises licence in respect of the premises known as Hangingwater Stores, 87 Hangingwater Road, Sheffield, S11 7ER (Ref No. 67/20).

4.2 Present at the meeting were Chris Grunert (John Gaunt and Partners, Solicitors, for the Premises Licence Holder), Basharit Khan (Premises Licence Holder), Julie Hague and Maureen Hannitty (Sheffield Children's Safeguarding Partnership, Applicants), Magda Boo (Health Improvement Officer), Catherine Jarvis (South Yorkshire Police Licensing Officer), Lisa Marsden (Sheffield Trading Standards), Paul Baxter-Gibson and Vicki Tulip (Local residents, speaking in favour of the Premises Licence Holder), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Sarah Cottam (Democratic Services).

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

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from the office of the Director of Public Health, South Yorkshire Police and Sheffield Trading Standards, and were attached at

Appendix 'C' to the report. Ms Gough added that, in addition to the representations, the Licensing Service had also received 40 letters of support for the premises from local residents who lived in the surrounding area, and were set out in Appendix 'D' to the report. All 40 residents had been invited to attend the meeting, with two attending.

- 4.5 Julie Hague provided a brief outline of the role of the Sheffield Children's Safeguarding Partnership (SCSP) in connection with the safeguarding of children and young people in the City. She stated that she had received no response from the premises management following numerous communications, and the only time they had responded was when they were served the application for this review. The management had made no attempt at all, until today, to try and address the concerns of the Partnership. The Partnership had initially engaged with the premises, in May 2018, when Ms Hague made a joint visit with Cheryl Topham (South Yorkshire Police), and spoke to Mrs Khan (the Premises Licence Holder's (PLH) wife), requesting that the management improve staff vigilance and training. This was followed up in writing, with the offer of free places on the safeguarding training course in July 2019 (Annexe 1 to the report). During the visit, Mrs Khan could not evidence a refusals log. In June 2018, following the receipt of a complaint from a school teacher, regarding concerns that the shop was making underage alcohol sales. A complaints check was made by Sheffield Trading Standards, whereby a secret shopper, who was over 18, but looked younger, was sent to purchase alcohol. The shopper was not challenged, or asked for any ID. No-one from the premises attended the training session in July 2019, and there was no response to the offer of advice or the letter sent.
- 4.6 Ms Hague stated that from February to June 2020, the Partnership received three further reports of under-age sales at the premises, one involved a child who was hospitalised after consuming alcohol purchased from the shop. Another complaint involved a parent finding their child drunk after purchasing alcohol from the shop. The Partnership received a further complaint via the Licensing Service, from a local resident, who made accusations of alcohol being sold to underage children, and indicating that the shop had a reputation for this (Annexe 3). On 19th February 2020, Julie Hague and Cheryl Topham visited the premises to investigate the complaints, and found neither the Designated Premises Supervisor (DPS) or the Premises Licence Holder (PLH) present. They spoke to Mrs Khan, who informed them that Mr Khan (PLH) was out of the country. They asked to view the premises CCTV, but were not able to as the equipment was in the cellar, which was locked, and Mrs. Khan stated that he did not have the key. Ms Hague stressed that CCTV was often critical in such investigations, and that it was unfortunate that they were unable to access the images on this occasion. They provided Mrs Khan with their contact details, with a request that Mr Khan contacts them on his return to the country. During the visit, they discussed their safeguarding concerns with Mrs Khan, recommending that all staff should receive refresher training to improve their vigilance. They provided Mrs Khan with a standard age verification pack, which contained everything a licensee would require, together with a further refusals log. Mrs Khan showed them a note containing a number of refusals, albeit on a scrap of paper. On 20th March 2020, Ms Hague wrote to the PLH, referring to the advice provided to Mrs Khan, and offering further assistance. She received no response to this letter. On 15th May 2020, the Partnership received a further complaint from

a social worker (Annexe 5), but, she was unable to visit the premises due to the lockdown restrictions that were in place at the time. She therefore wrote to the DPS and PLH (Annexe 6), expressing her concerns, and requesting action to address the risks highlighted. She also offered further assistance, and sent a further age verification pack. No response was received to this letter. A further complaint was received, via the Licensing Service, on 16th June 2020, from a school teacher who expressed concerns regarding underage sales at the shop. Ms Hague wrote to the DPS and PLH on 24th June 2020 (Annexe 7), requesting that they contact her to discuss the safeguarding concerns. On 6th July 2020, the Partnership received written confirmation of the complaint from the school teacher. Ms Hague stated that, in normal circumstances, she would receive a prompt response from a licensee, showing that they were being proactive, taking on the advice, keen to work with the Partnership, and attend any relevant training courses, and that it was unusual to receive no response at all. She believed that this lack of response was not typical, nor acceptable from a licensee who was demonstrating due diligence, or showing any kind of commitment towards acceptable safeguarding standards. She referred to the dangers of underage drinking, as well as its links with anti-social behaviour, substance misuse and unsafe sexual and other behaviour, and stressed that this was why the responsible authorities took such a serious view of the concerns raised regarding the premises. She stated that there was clear evidence of inconsistent and poor practice, and requested that the Sub-Committee took the complaints received very seriously.

4.7 Ms Hague referred to the representations made by local residents, in support of the premises, and stressed that the issue regarding the staff at the shop being very popular and helpful was not in dispute, but the issue was one of a lack of engagement with the responsible authorities, particularly given the number of attempts to try to get them to engage. She believed the management needed to focus on the escalating number of concerns raised with regard to the operation of the premises, and engage with the authorities as opposed to consistently and repeatedly ignoring them. Ms Hague referred to the suggested conditions offered by the PLH's solicitor, indicating that it was doubtful that these would make any difference for all the reasons already referred to. There was nothing in any of the conditions that differed to what the responsible authorities were asking the management to do already. Ms Hague also referred to the evidence provided by the solicitor, at a very late stage, regarding staff training which, again, highlighted the fact that they only responded when there was pressure on them to do so. She added that there was no reassurance that any of the conditions would be sustained or result in any major changes to the premises' operation. Any suggested conditions should refer to the competency of the management and staff, such as suggesting a change of the DPS or requesting that the PLH should remain on the premises at all times. The Licensing Act 2003 required the DPS and PLH to demonstrate due diligence in connection with the core objectives of the Act, which included the safeguarding of children from harm, and that the application being considered today highlighted that the management had failed to demonstrate this, or respond in any way to the serious concerns raised. Ms Hague concluded by requesting that the Sub-Committee takes relevant action to enable the management of the risk associated with alcohol sales at the premises.

4.8 In response to questions from Members of the Sub-Committee and Chris Grunert,

Julie Hague stated that the police had visited the premises, requesting CCTV images but, due to operational difficulties, they had not been able to revisit the premises. The country then went into lockdown at the end of March 2020, making it even more difficult for them to visit. There was no time limit on the premises licence regarding the retention of CCTV images, therefore it was believed that the images required following the various complaints had been deleted. The premises management had provided no clarification as to how long the footage would be retained. The issues regarding customers providing ID, such as whether the issue related to the premises staff not asking for ID, or failing to identify false ID, would have been discussed with the management if they had responded to requests to do so, and the issues regarding this could have been ascertained. If particular problems were identified where young people were trying to buy alcohol at a shop, such as specific days of the week and times, and such details were listed in a refusals log, the police could then be advised to undertake additional drive-bys or the PLH could be advised to put on extra staff at such times. Such information was not able to be confirmed on the basis that the PLH refused to engage with the responsible authorities. It was likely that the conditions on the premises licence regarding CCTV were outdated, but there was the possibility of the Sub-Committee requesting more up to date conditions thereon. In addition, there was no legal requirement for the premises management to provide CCTV footage within a certain time limit. Regardless of this, the PLH could still have updated the CCTV system. Ms Hague confirmed that the PLH had owned the premises since 1987, and that the first contact by the Partnership with the premises management had been in 2018, and that there had not been any issues regarding the operation of the premises up until this time. She stated, however, that whilst there had always been restrictions in terms of underage sales, the requirement on PLH's to safeguard children from harm had only been implemented in 2005. Safeguarding training was offered by the Partnership to all licensees, and not just those experiencing problems at their premises, and this may explain why so few licensees had signed onto the course, as set out in Annexe 2. Ms Hague next visited the premises on 19th February 2020, with Cheryl Topham (South Yorkshire Police) and, although they saw evidence of ID checks, there were concerns that details of such checks had only been made on a scrap of paper. They expected there to be more evidence, and in a better format, and offered Mrs Khan a further refusals log on the basis that they believed that the system was not being managed adequately. It was also believed that having a proper refusals log could also be a helpful management tool for the premises.

- 4.9 In response to further questions, it was stated that the business was a family-run business, with Mr and Mrs Khan working in the shop, and assisted by Mr Khan's sister (DPS) and their two sons and daughter when available. With regard to the request for CCTV footage, Julie Hague and Cheryl Topham had requested Mrs Khan to ask her husband to contact the police on his return from abroad and arrange for an officer to visit the premises to collect the footage, but this did not happen. In terms of the PLH not responding to letters sent to the premises, it was stated that there were no problems regarding the postal system at the time letters had been sent during lockdown and, whilst there was concern that the telephone number used by Ms Hague wasn't correct on the basis that she never received a response, she did receive a call from him on the mobile number she had. Ms Hague confirmed that she had hand-delivered the papers for this review application

to the premises, and accepted that the PLH had responded to the papers, but stressed that this was the first time he had responded. Ms Hague accepted that she had responded late to the suggested conditions submitted by the PLH's solicitor, but explained that this was due to her working part-time, and that it was the role of the Sub-Committee to make any decisions thereon.

- 4.10 Magda Boo referred to the letter she had written to the Chief Licensing Officer, regarding her representations, and indicating that the office of the Director of Public Health viewed the issue of facilitating underage drinking very seriously, referring to evidence showing the harm this could cause in later life. She stated that she believed in the partnership approach dealing with such issues, and expressed concern at the apparent lack of co-operation from the premises management following the attempts made by the SCSP to engage with them. She referred to evidence of medium and long-term damage that underage drinking could cause. She stressed that she had no recommendations in terms of the suggested conditions as this was not her area of expertise, but requested that the advice and evidence provided was taken very seriously.
- 4.11 Catherine Jarvis stated that she had only taken over the role of SYP Licensing Enforcement Officer from Cheryl Topham in March 2020, therefore had not been involved in the premises prior to this date. She therefore referred to the statements made by Ms Topham in her letter set out in the report, details of which had been referred to as part of the application made by the SCSP.
- 4.12 Lisa Marsden referred to a complaint received from a member of the public in December 2016, alleging that the shop was selling tobacco to underage children, indicating that, in response to this, an underage sales guidance pack had been sent to the premises. This pack provided information enabling the business to combat underage selling, including a refusals log and staff training literature. Ms Marsden referred to the test purchase made on 26th June 2018, during which a mystery shopper, who was 18 but looked younger, was sold tobacco without being asked to provide ID.
- 4.13 In response to questions from Chris Grunert, Magda Boo reported that she had nothing else to report, as part of her representations, other than the information set out in her letter, and confirmed that when referring to the problems and effects of underage drinking, she was referring to the position in Sheffield in general, and not specifically to problems related to the premises. Ms Boo confirmed that the office of the Director of Public Health had never directly tried to engage with the premises. Catherine Jarvis confirmed that, apart from the issue with the refusals log, everything else at the premises was in order during the visit made in May 2018. She confirmed that a responsible business would have CCTV in place, and confirmed that the last test purchase relating to underage alcohol sales (prior to the one in June 2018) was carried out in 2013, and was passed. Ms Jarvis stated that there was a number of things the responsible authorities could ask the premises management to do, either voluntarily or by amending the conditions on the premises licence, and stated that she would like to work with the management to see if they could adopt certain practices and, only if this didn't work, she would suggest drafting an Action Plan, requesting certain things be done. Such a Plan would be reviewed over a specified time period and, if this still did not help, a

suggestion would be made to vary the premises licence. Furthermore, if amending or adding conditions to the premises licence did not result in any improvement, she would consider a review on the premises. Ms Jarvis accepted that minor variations to the premises licence would have more significance and force as opposed to suggesting changes to operational practices on the basis that it would be more enforceable. She stated however, that she was aware of the cost implications for licensees, therefore would prefer to exhaust all other options first. She could not confirm whether the premises were adopting Challenge 25 or not in 2016, but stated that, regardless of this, the staff should have been challenging customers they suspected were underage. The test purchases arranged involved a mystery shopper over the age of 18 years purchasing cigarettes, and had been arranged simply to find out whether the premises were complying with the regulations.

- 4.14 Chris Grunert put forward the case on behalf of the PLH, indicating that he accepted the seriousness of the allegations put forward as part of the review application by Julie Hague. The premises management were fully aware of the issues regarding underage and proxy sales of alcohol, and also accepted that customers would always produce fraudulent ID. He reported that Mr Khan had been working at the premises since 1987 and, up until 2018, none of the responsible authorities had any cause for concern. This represented a period of 31 years, which was a significantly long time. Mr Grunert reported that representations had been received from 20 local residents, all voluntary, and all in support of the premises. Six of the 20 residents provided first-hand witness evidence of checks of underage people trying to purchase alcohol, and there had been no other evidence presented at this hearing to discount this. The CCTV system had been voluntarily installed at the premises, mainly to monitor anti-social behaviour and theft, and not to monitor the actions of the staff. The premises comprised a family-run store, with all the family living above the shop. Mr Khan's two sons and daughter helped out in the shop on an occasional basis. The fact that the CCTV footage requested could not be provided did not represent a breach of conditions on the premises licence. Mr Khan was very concerned with regard to the incidents referred to, but was confident that no underage child had been knowingly sold alcohol at the premises. It was apparent that, since 2018, everything had been in place at the premises, apart from the format of the refusals log, and Mr Grunert questioned whether these were sufficient grounds for a review. He referred to the 20 unsolicited representations from local residents, all including praise in terms of how well run the premises were, together with evidence of the premises staff being proactive in terms of challenging children trying to purchase alcohol. He stated that the letters sent by Julie Hague had not been received by Mr Khan. Whilst there was evidence that customers were being challenged, and that there were records made thereon, it was simply the format of such records that was the issue. Mr Grunert made reference to the proposed additional conditions, highlighting the fact that there had been no need to revisit the premises licence since the changeover from the old Justice's Licence system in 2005, which was very significant. Mr Grunert stated that there was no first-hand evidence in connection with any of the allegations made, and that Mr Khan had been surprised to receive the review application, particularly as there had been no real escalation of events at the premises. Mr Grunert stated that it was unusual to see so many letters of support in connection with a review of premises, and stated that Mr Khan believed that there would be many more letters in support if he had requested this

of his customers. It was only the residents who had seen the review notice on the premises who had written in. In conclusion, Mr Grunert stated that Mr Khan was a well-respected member of the community, Sheffield born and bred, and had raised three children on the premises.

- 4.15 Vicki Tulip, a school teacher and parent of a 16-year old child, indicated that she had lived in the area since 1991. She was writing in support of the premises, stating that, in all the years her family had used the store, they had never witnessed any problems. She was very surprised to hear the allegations, and had always found the shop professionally managed, and had never witnessed any young children trying to purchase alcohol, nor seen any young children hanging around outside the premises.
- 4.16 Paul Baxter-Gibson stated that he was a father of a 13 year old girl, and was confident that if she tried to buy alcohol at the shop, she would not get served. He also reported that his step-daughter had tried to purchase alcohol using false ID, and had been refused. Whilst he had witnessed incidents of anti-social behaviour in nearby Bingham Park, it did not involve young people who had been to the premises. He stated that Mr Khan was very diligent, and considers that the allegations made were both insulting to him and the local community. He concluded by stating that there appeared to be little reference to what the Council and other responsible authorities were doing to tackle problems of anti-social behaviour in and around the area.
- 4.17 In response to questions raised by Members of the Sub-Committee, Mr Grunert stated that local residents became aware of the review application because, as part of the process, Mr Khan had been required to post a notice on the door of the premises, providing brief details of the review, together with a deadline for representations. Mr Khan reported that he did not wish to encourage residents to submit representations in support as he did not wish to highlight the position on the basis that it would not reflect well on him or his family. He stated that the first he knew about the review was when he saw the notices posted on the door. In terms of the issue regarding the CCTV footage, Mr Khan stated that his wife had told him that the police would re-visit the premises to see him on his return from abroad. He stated therefore, that he was expecting a visit, but no one came. In terms of the training offered by the SCSP, Mr Khan stated that he could not recall receiving the invites. With regard to the allegations of sales being made to a child wearing school uniform, Mr Khan stressed that this would simply not happen, and that he and his family were professional enough not to serve such people. Further to the allegations of a child who had been served alcohol in the shop ending up in hospital, Mr Khan stated that he was not present on the date of the alleged sale, but had talked to his family about this, and they had all agreed that young people who did not look 18 could not be served alcohol without providing adequate ID. He stated that the child's mother had visited the shop, and admitted to staff that her daughter had used false ID. Mr Khan stated that he had not received the information regarding the safeguarding training sent by Julie Hague, as the only information he had received from her was the review application. The cellar door at the premises was usually locked, but was still accessible, and the CCTV equipment was in a separate room, to which only Mr Khan held the keys. Mr Khan was forced to go abroad at very late notice, and had forgotten to leave the key. In terms of

staff who worked at the shop, and their ages, there was Mr Khan (48), Mrs Khan (45), Mr Khan's sister (52) and their two sons (24 and 29) and their daughter (20). Not all of them worked full-time in the premises, but helped out when required. It was mainly Mr Khan, his wife and his sister who worked at the shop. The family would always discuss the issue of underage sales, and pass information between themselves. There had been no changes in staffing during 2018 and 2020. The fact that staff were recording refusals on a scrap of paper as opposed to an official refusals log, was not seen as significant as a number of other measures and, the applicant had offered a condition with regard to this issue, thereby meaning any future breaches would be punishable by law. The staff simply did not appreciate the significance of having an official refusals log. There were officially two postal addresses to the premises - 87 and 87A - which had caused some issues. The official shop address - 87 Hangingwater Road - did not have a letterbox, whereas the residential address - 87A Hangingwater Road - did have a letterbox. Those letters regarding the business were dealt with differently from any private mail sent to the family.

- 4.18 Julie Hague, Catherine Jarvis, Lisa Marsden and Chris Grunert summarised their cases.
- 4.19 Jayne Gough outlined the options open to the Sub-Committee.
- 4.20 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.21 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.22 RESOLVED: That the Sub-Committee, in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, agrees to modify the conditions of the premises licence in respect of the premises known as Hangingwater Stores, 87 Hangingwater Road, Sheffield, S11 7ER (Ref No. 67/20), by the addition of the following conditions:-
- (a) A CCTV system is to be installed with recording facilities. Such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair). Footage must be made available within a reasonable time scale upon request by the police and authorised officers of the Council in accordance with data protection principles;
 - (b) The CCTV cameras shall, as a minimum, cover the front door, till area, any area where alcohol is available and the external area of the premises;
 - (c) At all times the premises are open, there must be a member of staff working in the premises that is able to access and operate the CCTV system;

- (d) The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years and signage to this effect is to be prominently displayed within the premises, including the premises entrance and behind the service counter;
- (e) All members of staff involved in the retail sale of alcohol shall be trained in the prevention of underage sales of alcohol at least once every three months. The training must include:-
- What age restricted products are sold at the store;
 - The Challenge 25 policy and what this means;
 - What forms of ID the business will accept as proof of age;
 - How to complete the refusals log;

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

Training records must specify:-

- The name of the trainee;
- The name of the trainer;
- The date the training was delivered;
- The nature of the training, i.e. induction/initial or refresher

The trainee must also sign a declaration confirming that they have undertaken and understood the training. The declaration document shall be made available for inspection by the police or any other authorised person on request and shall be retained for at least 12 months

- (f) The refusals log (or equivalent) shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:-
- The basis for the refusal;
 - The person making the decision to refuse; and
 - The date and time of the refusal

Such records shall be retained at the premises for at least 12 months, and shall be made available for inspection by the police or any other authorised person on request. The refusals log will be checked and signed off regularly by management. This document may be in a digital format

- (g) After 1st November 2020, a person who has attended and completed the safeguarding training provided by the Sheffield Children's Safeguarding Partnership must be on the premises at all times that alcohol is on sale.

(NOTE: The decision will be relayed to all interested parties following the meeting

and 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 15 September 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 Andy Bainbridge (Chair), Joe Otten and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Bob Pullin 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 four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No.70/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No.72/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No.73/20 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No.74/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, and where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
70/20	Application for the 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 representations now made, the Sub-Committee did not consider the applicant to be a fit and proper person to hold a licence.
72/20	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
73/20	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
74/20	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 September 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 Dawn Dale and Douglas Johnson and Vickie Priestley

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1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That in the absence of the Co-Chair of the Sub-Committee (Councillor Andy Bainbridge), Councillor Dawn Dale be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 An apology for absence was received from the Co-Chair (Councillor Andy Bainbridge).

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

5.2 The applicant in Case No. 75/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

5.3 The applicant in Case No. 76/20 was not able to attend the hearing due to technical difficulties, and the Sub-Committee agreed to consider the case based on the paperwork submitted, including additional information circulated prior to the meeting.

5.4 RESOLVED: That, after consideration of the information contained in the case

papers, and the information now reported, and, where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
75/20	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months in the light of the circumstances now reported, and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence, and warned that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
76/20	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 12 months, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 September 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), Ruth Mersereau and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - CHAPELTOWN WORKING MEN'S CLUB CAR PARK, 10 MARKET PLACE, CHAPELTOWN, SHEFFIELD, S35 2UU

4.1 The Chief Licensing Officer submitted a report to consider an application, made under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Chapeltown Working Men's Club Car Park, 10 Market Place, Chapeltown, Sheffield, S35 2UU (Case No. 77/20).

4.2 Present at the meeting were Bradley Smith and Barry Turvill (applicants), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Jayne Gough presented the report, and it was noted that an objection had been received from a local trader and was attached at Appendix 'B' to the report. In addition, 41 letters of support had been received in connection with the application, which had been circulated prior to the hearing.

4.5 Bradley Smith stated that their trading hours were generally from 12:00 hours to 19:00 hours, whereas the person who had submitted the objection traded from

16:00 hours to the early hours of the following morning. They stopped at 19:00 hours as the car park was required by the Working Men's Club. Mr Smith stated that the objector sold mainly pizzas and kebabs, whereas they sold more traditional Greek food, including a vegan option. He stated that people were very positive about their food offer, and some travelled long distances to eat their food. Mr Smith added that all their plates/bowls/cutlery, which included wooden forks, was biodegradable. Mr Turvill added that no one else in the area sold food like theirs, and that they had received a lot of positive feedback from customers. They were very active in the local area and worked closely with the Friends of Chapeltown Park. They both lived locally and knew a lot of people in the area.

- 4.6 In response to questions from Members of the Sub-Committee, the applicants stated that they had been trading at the site since 14th May 2020. They had not received any complaints regarding the operation of their business. They stated that they would normally trade at festivals, but due to such events being cancelled, they planned to trade from this site on a more regular basis. Whilst they were happy with their current trading hours, there was a possibility that they would like to trade on other days, such as when there was a market in the car park. In terms of waste, the majority of their customers took their food home to eat, whereas others ate it in the market, and discarded their waste in the bins provided. The trader who had objected to the application was sited just up the road, and he had visited them on a few occasions to try their food. With regard to action taken in connection with Covid-19, the applicants had sought the advice of a health and safety officer, and provided hand sanitizer on the counter and had a perspex screen between them and the customers. There was a small gap where they served the food, and they would wear masks at this point. In addition, they had both downloaded the NHS Track and Trace app on their mobile phones.
- 4.7 The applicants summarised their case, indicating that they had a lot of family and friends in the area, and would like to continue trading at this location.
- 4.8 Jayne Gough reported on the options available to the Sub-Committee.
- 4.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.11 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, approval be given for the grant of a Static Street Trading Consent at Chapeltown Working Men's Club Car Park, 10 Market Place, Chapeltown, Sheffield, S35 2UU (Case No. 77/20), as applied for.

(NOTE: The decision will be relayed to all interested parties following the meeting and the full reasons for the Sub-Committee's decision will be included in the written

Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 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 Karen McGowan (Chair), Joe Otten and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - 44 GARDEN STREET, SHEFFIELD, S1 4BJ

4.1 The Chief Licensing Officer submitted a report on an application made under Section 17 of the Licensing Act 2003 for the grant of a premises licence in respect of the premises known as 44 Garden Street, Sheffield, S1 4BJ (Ref No. 62/20).

4.2 Present at the meeting were Mark Simmonite (Applicant), Elaine Cresswell (Health Protection Service, Objector), Claire Bower (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Claire Bower presented the report to the Sub-Committee, and it was noted that representations had been received from the Health Protection Service and were set out at Appendix 'B' to the report. It was also reported that during the consultation, the applicant had agreed a number of conditions with the Environmental Protection Service, which were attached at Appendix 'C' to the report.

4.5 Elaine Cresswell reported that when reviewing licence applications, the Health Protection Service would consider all aspects of public safety, and the number of

different activities planned on the premises, as listed on the application, had given grounds for concern. She referred to the plan in the report, and to the different activities on the ground and first floors, and the external area. She stressed that there was only one door for access and egress, which raised specific health and safety concerns regarding fire safety. The Health Protection Service had discussed this issue with the Fire Service who had determined, based on the ability to safely evacuate the premises, capacities for the ground floor at 100, the first floor at 60 and the external area at 200. Ms Cresswell referred to the microbrewery on the site, and following advice from the Service, the applicant had agreed to erect a barrier to prevent the possibility of customers getting hurt by falling beer barrels. She suggested conditions regarding the movement of vehicles and beer barrels when the premises were opened to the public, and regarding the requirement to submit a Building Control Completion Certificate, to which the applicant had not yet agreed. Ms Cresswell stated that one of the main issues regarding the internal layout of the premises was the number of toilets, indicating that, at present, there were two female toilets and one male toilet, together with two urinals and one disabled toilet. She referred to the guidance circulated prior to the hearing, on the provision of toilet facilities, in relation to the capacity of licenced premises, together with the Health Protection Service's code of practice for licenced premises, which included a section on toilet provision. Based on this information, Ms Cresswell stated that there should be five female toilets and two male toilets, together with two urinals. The current lack of provision could cause further problems, including customers queuing in the main bar area, and could potentially cause frustration whereby customers were having to queue longer, which could possibly result in conflict. Ms Cresswell concluded by referring to the Service's concerns regarding the lack of detailed provision in connection with the proposed use of the external area, and suggested a further condition on the premises licence, requesting the applicant to undertake risk assessments of all events planned for this area, and which would include licensable activities, and where such events were likely to exceed the agreed capacity of 200.

- 4.6 In response to questions from Members of the Sub-Committee, it was stated that if the premises reached full capacity of 360, based on the guidance referred to, there should be a requirement for nine female toilets and three male toilets, together with three urinals. The Service had discussed the suggested conditions with the applicant, and whilst he had agreed to them in principle, there had been no formal acceptance.
- 4.7 Mark Simmonite stated that he had spoken to the Council's Building Control Service, as well as seeking advice from a private company, informing them of his plans, which included the removal of a false ceiling, plasterboarding partition walls and decorating. Based on this level of work, and the advice he had received, he did not believe that the submission of a Building Control Completion Certificate would be necessary. He added that he had agreed with the advice provided by the Service regarding the beer barrels and the fire regulations. Mr Simmonite stated that whilst he had no definite plans to hold the activities on the premises licence he had ticked them on the application form just in case, to save time and money in having to apply for a variation to the licence in future. He confirmed that he was happy with the capacity of 360, as suggested by the Health Protection Service and Fire Service, and added that he was in agreement on all the suggestions made,

apart from the toilets. He stated that, with all his experience in the licencing trade, and all the research he had undertaken, there was no firm guidance on either the Council or Government websites, regarding the provision of toilet facilities, and that the British Standards referred to were only guidance. He had requested information from the Health Protection Service on the number of toilets in all licenced drinking establishments in the City, together with details of their capacities, but had not received this. He believed he was being treated unfairly in this regard, and provided his version of what the toilet provision should be, based on the capacity of the premises.

- 4.8 In response to questions raised by Members of the Sub-Committee, Mr Simmonite stated that the premises were the former offices of the Council's Car Parking Services. There were no plans to hold any activities where there would be an interval, or would finish at a certain time, which would result a big demand for use of the toilets. He simply wanted the flexibility to use the external area to hold events that fitted in with his company's ethos, such as beer festivals. He was also happy to hire porta loos at those times such events would result in the premises reaching its full capacity of 360. Mr Simmonite stated that he was more than happy with the capacities as recommended by the Fire Service.
- 4.9 Mr Simmonite summarised his case, indicating that he had worked in the licensing trade for 37 years, and had always accepted the advice of the responsible authorities.
- 4.10 Claire Bower outlined the options available to the Sub-Committee.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 RESOLVED: That, in the light of the information contained in the report now submitted, and the additional information circulated prior to the hearing, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as 44 Garden Street, Sheffield, S1 4BJ (Ref No. 62/ 20), subject to:-
- (a) the conditions agreed with the Environmental Protection Service prior to the hearing, as follows:-
 - (i) the application for regulated entertainment should be amended so the terminal hour outdoors is 22:00 hours;
 - (ii) no amplified sound shall be played on the premises, except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior approval of

the Environmental Protection Service;

- (iii) outdoor amplified music shall cease at 22:00 hours on all days of the week;
 - (iv) the use of the outside area shall be in accordance with measures detailed in the Noise Management Plan; and
 - (v) a 'Noise Management Plan' shall be submitted and approved in writing by the Environmental Protection Service. The approved Plan shall include details of suitable arrangements to control amplified sound, management of people outside the venue, details measures for managing arrivals and departures, including any waiting/queueing system and a solution to manage smokers. The use shall, at all times, be managed and maintained in accordance with the approved Plan. A copy of the approved Plan shall be retained on site and be made available upon request by the Environmental Protection Service; and
- (b) the additional conditions, as follows:-
- (i) the movement of vehicles and barrels during bar opening hours are to be risk assessed, and customers separated from any moving/lifting activities; and
 - (ii) a risk assessment, focussed on toilet provision, must be undertaken for events involving licensable activities and/or regulated entertainment taking place in the yard identified on the plan, and submitted to the Health Protection Service where attendees exceed the premises agreed capacity, at least 14 days prior to the event.

(NOTE: The decision will be relayed to all interested parties following the meeting, and 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 13 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 Andy Bainbridge (Chair), Roger Davison and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jim Steinke.

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. 79/20 attended the hearing and addressed the Sub-Committee.

4.3 The licence-holder in Case No. 80/20 attended the meeting 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 prior to the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
79/20	Application to renew a	(a) Grant a licence for two years, as requested, on the grounds that the Sub-Committee considers the

	Hackney Carriage and Private Hire Driver's Licence	applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.
80/20	Request to licence a Private Hire Vehicle beyond nine years	Refuse to extend the licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 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 Karen McGowan (Chair), Dawn Dale and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Douglas Johnson.

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 CASE

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

4.2 The applicant in Case No. 81/20 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, (a) a licence be granted for one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence, and (b) the applicant be given a 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 20 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 Andy Bainbridge (Chair), Ruth Mersereau and Mick Rooney

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Adam Hurst.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - THE BEER HOUSE, 623 ECCLESALL ROAD, SHEFFIELD, S11 8PT

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as The Beer House, 623 Ecclesall Road, Sheffield, S11 8PT (Ref No. 82/20).

4.2 Present at the meeting were John Harrison and Chris Sinclair (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from three members of the public, and were attached at Appendix 'D' to the report. They had been invited to the meeting, but were not in attendance. It was also noted that during the consultation, the applicants had agreed a condition with Environmental Health.

4.5 John Harrison stated that he had made the application for the variation, which comprised the use of the external area to the rear of the premises, mainly to protect the viability of the business, following the measures imposed due to Covid-19. Chris Sinclair added that the licenced premises next door to them already had a similar permission, and they simply wanted to be treated the same.

- 4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee and the Licensing Strategy and Policy Officer, it was stated that staff would remind customers, around 20:30 hours, that they needed to drink up and be ready to leave the area by 21:00 hours. The garden area was very enclosed, with a high wall and a bush to the rear, with its boundary with Neill Road. As a result of this, and due to the bar's clientele, it was not envisaged that there would be any issues regarding noise nuisance. The bar comprised a microbrewery, that attracted a mainly older clientele, who rarely caused any problems. No objections had been received from residents of Neill Road, which backed onto the premises, and the residents who had submitted objections lived some distance away. The accommodation on Neill Road comprised mainly student lets. The application involved the provision of three tables, one seating six and two seating four each. The premises were situated some distance from the Porter Brook public house, and the premises next door were Le Patisserie, a cafe/restaurant/bar, which were licenced to sell alcohol up to 21:00 hours. It was believed that the licence for Le Patisserie had been granted around two years ago. Mr Harrison stated that, at such time the current restrictions were lifted, whilst it was difficult to say what their plans were, there was little standing room in the bar, so the majority of customers would sit down anyway. He added that they would not insist that customers sat down.
- 4.7 Mr Harrison summarised the case on behalf of the applicants, stressing that the proposals were critical for the viability of the business.
- 4.8 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.9 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, approval be given for the grant of an application for the variation of a premises licence in respect of the premises known as The Beer House, 623 Ecclesall Road, Sheffield, S11 8TP (Ref No. 82/20), in the terms requested and, subject to the condition agreed with Environmental Health, as follows:-

“Customers shall not be permitted to use the rear outdoor area after 21:00 hours on all days”.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 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 Andy Bainbridge (Chair), Bob Pullin and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Douglas Johnson attended as 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 a case relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.83/20 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 **RESOLVED:** That, after consideration of the information contained in the case papers and information reported at the meeting, the licence be immediately revoked, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, as the Sub-Committee considers that, in the light of the offences and incidents now reported, the licence holder is no longer a fit and proper person to hold a licence (Case No.83/20).

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 November 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), Dawn Dale and Joe Otten

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Douglas Johnson attended as 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 licence holder in Case No.83/20 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No.84/20 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 where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
83/20	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, with such warning to remain

84/20

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

live for the term of his current licence.

(a) the licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence and (b) he be required to pass "the introduction to the role of a professional private hire and hackney carriage driver" test before the term of his current licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 November 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 Andy Bainbridge (Chair), Adam Hurst and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 Apologies were received from Councillors Ruth Mersereau and Josie Paszek.

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 - DOROTHY PAX, ARCH 17, WHARF STREET, SHEFFIELD, S2 5SY

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence made under Section 37 of the Licensing Act 2003 in respect of the premises known as Dorothy Pax, Arch 17, Wharf Street, Sheffield S2 5SY, (Ref No.86/20).

4.2 Present at the meeting were Patrick Robson (John Gaunt and Partners, Solicitors, for the Applicant), Heather Anson (Digital Law, for the Applicant), Richard Henderson (Applicant), Marie-Claire Frankie (Solicitor to the Sub-Committee), Clive Stephenson (Licensing Strategy and Policy Officer) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that objections had been received, and were attached at Appendix 'C' to the report

4.5 Patrick Robson referred to the additional information which had been circulated prior to the hearing, which had contained a number of positive comments

regarding the premises. He stated that the applicant had been in the hospitality industry for a number of years, and that he lives on a boat on the Canal and therefore would never wish for his business to have an adverse impact on the local area. He said that the interior of the premises was not going to be changed but due to the impact that Covid-19 was having on his business, the applicant was looking to extend the outside areas around his premises. He stated that the applicant had applied for a number of Temporary Event Notices (TENs), for other events, and there had been no objections from any of the responsible authorities to these applications, or any concerns raised by them, or any complaints raised by local residents. It was also pointed out that none of the responsible authorities had made representations with regard to this application. Mr. Robson said that an event on the fringe of Tramlines had been held over a number of years and a risk assessment of this event had been carried out and said that the Canal River Trust and the landlords had always been aware of these events. He said that the applicant was experienced in planning events and that local live music would add to the vibrancy of the area. Mr. Robson stated that the applicant was happy to regulate to the holding of musical events to five days per year, and that alcohol be served in the external areas also for five days per year. He added that the events would start at midday and end at 10.00 p.m. He further added that the area was not inherently dangerous, that issues around roadways, footpaths vehicular access etc., had all been addressed. Finally, Mr. Robson stated that the applicant was willing to consult with the Canal Trust and the landlord over any issues that might arise.

- 4.6 In response to questions from Members of, and the legal advisor to, the Sub-Committee, it was noted that the lease does permit the use of the outside space and that the Challenge 25 scheme was in operation at the premises. The applicant stated that he had attended child protection courses and the stringent safeguarding procedures were in place.
- 4.7 Patrick Robson summarised the case on behalf of the applicant.
- 4.8 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.10 RESOLVED: That, in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, agrees that the application to vary the premises licence in respect of Dorothy Pax, Arch 17, Wharf Street, Sheffield, S2 5SY (Ref No. 86/20), be granted.

(NOTE: The decision will be relayed to all interested parties following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 November 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), Douglas Johnson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Bob Pullin attended as reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Douglas Johnson declared a personal interest as the premises are located within his Ward.

4. LICENSING ACT 2003 - SAW GRINDERS UNION, G19 AND G20, GLOBE WORKS, PENISTONE ROAD, SHEFFIELD, S6 3AE

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a premises licence made under Section 37 of the Licensing Act 2003 in respect of the premises known as Saw Grinders Union, G19-G20 Globe Works, Penistone Road, Sheffield S6 3AE (Ref No.88/20).

4.2 Present for this item were Neal Pates (Objector, Environmental Protection Officer), Elaine Cresswell (Objector, Environmental Health Technician, Health and Safety Officer), Chris Grunert (Solicitor, John Gaunt and Partners, for the Applicant) Heather Anson (Digital Law, on behalf of the Applicant), James Rodgers (Applicant), Clive Stephenson (Licensing), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that two objections had been received and were attached at Appendix 'C' to the report.

- 4.5 Neal Pates stated that the Environmental Protection Service had agreed certain conditions with the applicant, but they were seeking agreement for a 10.00 p.m. terminal hour for music. He said there were complaints about the premises when it first opened in 2019, mostly around dispersal of customers, and with the enhanced external area it was felt that 10.00 p.m. was more suitable considering the residential properties that surround it. Neal Pates stated that the courtyard area opened directly onto the street and the nearby residential area. He referred to the lack of consistency between planning and licensing conditions and said that as a local authority there was a need to give advice and information on this. He said that the planning conditions described the premises as a “café” rather than a “bar”. Mr. Pates felt that the later into the night that a premise closes, the risk to noise outbreak to neighbouring premises.
- 4.6 Elaine Cresswell stated that she had no objection to the external area but with increased numbers there needed to be an increase in toilet provision. The solution offered to this was by using the toilets in Globe Works. She added that she has concerns about the old Victorian staircase with short and narrow steps especially when people might have been consuming alcohol. Ms. Cresswell said that following a site visit, the applicant had agreed that there was a need to mark the rise and drop of the steps and use them on a risk assessed basis. She said that the Globe Works was an office block and staff use the toilets during office hours but didn’t consider them to be at risk. She felt that there should be the provision of additional toilets.
- 4.7 Chris Grunert stated that, since the country was placed into lockdown in March due to the pandemic, the business, like many more, had been struggling, however in June 2020, use of the existing outside space had been granted and the premises had operated through the summer with no complaints and the use of the toilets had been well managed. He said that the business was a food led establishment offering gourmet burgers, which had been voted second best in Sheffield and that during August 1,600 per week burgers had been served. He said that the premises were well managed and that the enhanced external area was serviced by the toilet provision already in place and Covid restrictions had not posed any problems to customers wishing to use the toilet. He added that the Globe works toilets were available to them if needed but the preference was not use them. Chris Grunert said that the complaints received had been on the opening weekend of the premises in July 2019 and actions were put in place so that there would not be a repeat of this. To date, no further complaints have been made. He further stated that a courtyard policy was in place which would be reviewed post-Covid and it was proposed that gradual dispersal from the premises would be encouraged, with the use of door staff on Friday and Saturday nights if necessary. 11:30 p.m. was the requested terminal hour for the external area to allow staggered dispersal with the internal area.
- 4.8 In response to questions from Members of, and the legal advisor to, the Sub-Committee, Chris Grunert said that the nearby pub was exactly that, not a café, and it was not unprecedented for businesses within an area to have differing closing times. He added that so far, customers of the premises had not had to use the toilets within Globe Works.

- 4.9 Chris Grunert summarised the case on behalf of the applicant.
- 4.10 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 RESOLVED: That, in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, agrees to vary the licence in respect of the premises known as Saw Grinders Union, G19-G20 Globe Works, Penistone Road, Sheffield S6 3AE (Ref No.88/20).

(NOTE: The decision will be relayed to all interested parties following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 December 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 Andy Bainbridge (Chair) and Jim Steinke
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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Josie Paszek.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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. 91/20 did not attend the hearing, and no explanation had been provided.

4.3 The applicant in Case No. 92/20 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>
91/20	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the circumstances, the licence holder be granted one further opportunity to attend a hearing.
92/20	Application for the	(a) Grant a licence for two years, as

renewal of a
Hackney Carriage
and Private Hire
Vehicle Driver's
Licence

requested, on the grounds that the Sub-Committee now considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 December 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), Roger Davison, Cliff Woodcraft and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - TRAXX MARKET, MARKET PLACE, CHAPELTOWN, SHEFFIELD S35 2UU

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 Traxx Market, Market Place, Chapeltown, Sheffield S35 2UU (Ref No.94/20).

4.2 Present at the meeting were Clare Gilberthorpe (Objector), Councillors Anthea Brownrigg and David Ogle (Ecclesfield Parish Councillors, Objectors), Karen Beighton (Chapel Green Community Enterprise on behalf of the applicants), Brad Smith (Designated Premises Supervisor) and Barry Turvill (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that relevant representations in respect of the application had been received from 31 interested parties objecting to the application, which were attached at Appendix "B" to the report, and from eight parties in support of the application, which were attached at Appendix "B1" to the report. Clive Stephenson reported that the applicant had agreed conditions with South Yorkshire Police, which were detailed in

the report.

- 4.5 Clare Gilberthorpe stated that local residents became aware of the application when notices were posted on lamp posts outside their homes and subsequently started a petition. When they queried the application, they were told that the application was of no concern to them. She said that she had no objection to the market being held or a bar, she just didn't want it on her doorstep. She stated that her main concern was that she lives opposite this site and felt that there would be an increase in noise levels. Ms. Gilberthorpe feared there would be an increase in anti-social behaviour caused by people being intoxicated. She said there were problems with parking along her road and people urinating in the street. She said that school children walk up and down the road and could possibly come into contact with people who are sat outside drinking. She said taking into account these issues, she couldn't understand why the application was for seven days a week when currently the market opened on Fridays and Saturdays and didn't cause any real problems. She said that background music played did not cause a noise nuisance but feared there would be a problem if live music was allowed.
- 4.6 Councillor Anthea Brownrigg said that most of her objections had been raised but wished to reiterate that the Parish Council did not support the application.
- 4.7 In response to questions from Members of the Sub-Committee, Clare Gilberthorpe stated that there had been a stabbing incident a couple of years ago at the end of Smith Street and there were problems with parking and cars being damaged.
- 4.8 Karen Beighton stated that Traxx Market was a community enterprise and operated by volunteers. She said that the application was intended to extend the market opening hours from Fridays and Saturdays to include Sundays and bank holidays. In response to objections received, she feels that there should have been better communication between the enterprise and local residents and for their intentions to be made clearer. Karen Beighton stated that the occasions to have live music at the site would be very rare. She said that since the market had re-opened in June, the site had been cleaned, rubbish removed, the drains cleared and two portable toilets made available on market days. Contracts were in place for rubbish collection from the site every week and there would not be any deliveries to the market through Smith Street. The gates to the site were kept closed but not locked as they provided emergency access to the area. She said the Traxx team had ensured that the market was a safe environment and strict processes had been put in place with regard to Covid.
- 4.9 Brad Smith said the application for a seven day licence was to allow for the flexibility of bank holidays falling on different days of the week, with no intention of operating for seven days. He said that since the building previously on site had been removed, the area was much cleaner and the background music was kept low so as not to disturb residents. Brad Smith said other businesses in the area have welcomed the market, saying that it is good for their businesses and attracts more custom. He said it had never been his intention to alienate residents, and had intended to communicate with them explaining the situation. He said that in a letter sent to residents dated 14th November, 2020, he had included his personal details should any resident wish to contact him regarding their concerns.

- 4.10 In response to questions from Members, Karen Beighton stated that the brass band that had been playing at the market in the lead up to Christmas were positioned on the Smith Street side of the area, which was due to the siting of a gazebo put in place should there be inclement weather. She said that she had no previous experience in applying for a licence and in hindsight has learned that it would have been better to consult with residents first and has learned from this. Ms. Beighton stated that the current market licence was owned by the Workingmen's Club and the market has been operating with Temporary Event Notices (TENs). She said the current licence has no restrictions on it, but application was made due to the market opening earlier on Friday mornings.
- 4.11 In summing up, the applicants said that they had learned the importance of communication and will communicate with residents in future. They said it was never their intention to operate seven days per week and turn the area into a party venue or live music area. Brad Smith said that he and his partner were responsible business owners, heavily involved in the Chapeltown area and felt that the market had brought the community together in what had been a very difficult year for many people.
- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 RESOLVED: That the Sub-Committee, in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, agrees to grant the licence in respect of the premises known as Traxx Market, Market Place, Chapeltown, Sheffield S35 2UU (Ref No.94/20) subject to the following conditions:-
- (a) to grant the licence in the terms requested in accordance with the modified operating schedule;
 - (b) during the hearing, the applicant agreed to the following condition being added:
 - the premises will not operate for seven consecutive days
 - (c) Members determined to add the following conditions:
 - The licence is to be granted for Friday, Saturday and Sundays, English bank holidays and up to ten additional dates per calendar year;
 - The 10 additional dates to be notified in advance to SYP,

Environmental Protection Service and to the clerk to the Parish Council no less than six weeks in advance of the event;

- The Smith Street gate will not be used for deliveries; and
- The Smith Street gate will be closed when music is played at the premises.

(NOTE: The decision will be relayed to all interested parties following the meeting and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 December 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 Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jim Steinke.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 5 and 6 (items 4 and 5 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 CASE

4.1 The Chief Licensing Officer submitted a report on a case relating to a review of a Hackney Carriage and Private Hire Driver's Licence (Case No. 96/20).

4.2 The licence holder attended the hearing and addressed the sub-Committee.

4.3 RESOLVED: That after consideration of the information contained in the case papers relating to a review of a Hackney Carriage and Private Hire Driver's Licence, and the information reported at the meeting, the Sub-Committee determines that the licence be immediately revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that it considers the licence holder to be an immediate and ongoing risk to the public.

(NOTE: Councillor Cliff Woodcraft voted against the proposal to revoke the licence.)

5. LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE

5.1 RESOLVED: That the application now mentioned be not considered by the Sub-Committee on the grounds that the applicant had withdrawn the application since

the publication of the agenda for the meeting.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 December 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 Andy Bainbridge (Chair), Roger Davison and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Ruth Mersereau attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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 a case relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.97/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and any additional information submitted to, or reported at, the meeting, the Sub-Committee determines that the case be deferred until the next available date, to allow for a legal adviser to be present at the hearing.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 January 2021

(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 Andy Bainbridge (Chair), Roger Davison and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Ruth Mersereau 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 a case relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.97/20 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and any additional information submitted to, or reported at, the meeting, the Sub-Committee determines that the suspension of the Hackney Carriage and Private Hire Driver's Licence in Case No.97/20, be lifted.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 January 2021

(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 Andy Bainbridge (Chair), Bob Pullin and Mick Rooney

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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 - PICTURE HOUSE SOCIAL, 383 ABBEYDALE ROAD, SHEFFIELD, S7 1FS

- 4.1 The Chief Licensing Officer submitted a report on an application, made under Section 17 of the Licencing Act 2003, for the grant of a premises licence in respect of the premises known as Picture House Social, 383 Abbeydale Rd, Sheffield, S7 1FS (Ref No. 01/21).

- 4.2 Present at the meeting were James O'Hara (Applicant), Marion Gerson (Objector), Clive Stephenson (Licencing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

- 4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from a local resident, and were set out at Appendix "C" to the report. It was also noted that a number of suggested conditions made by South Yorkshire Police had been agreed with the applicant prior to the hearing.

- 4.5 Marion Gerson stated that her main objection to the application focused on the opening hours, in that allowing the premises to remain open until 00:30 hours

Sunday to Thursday, and 03:00 hours Friday and Saturday, would have a detrimental effect on the surrounding area. It was likely to result in an increase in noise, parking, crime and disorder and vehicle movements, and could potentially result in other bars and restaurants in the area applying for similar extended opening hours. Miss Gersen stated that a high proportion of local residents in the area comprised families with young children, with many being from Asian backgrounds, and not wanting their children to grow up in such an environment. She stated that, unlike other, more affluent areas, the local residents were less likely to have the financial means to move away from the area if being adversely affected by the problems. Ms Gerson referred to the increase in the number of bars in the immediate vicinity over the last few years, and expressed her concern that the opening hours could encourage other activities in the area. She believed that this could result in a further increase in noise nuisance and crime and disorder, of which there had been increased problems in the last few years.

- 4.6 In response to questions, Ms Gerson stated that she had lived in the area for two years and that, whilst admitting that she hadn't asked those residents living within the immediate vicinity of the premises whether they had experienced any problems, she herself had not as she lived slightly further away. Ms Gerson confirmed that the main concerns focused on the late opening hours, and the associated problems this could bring.
- 4.7 James O'Hara stated that his company had been the owners and tenants of the premises for the past seven years, and that the application had been necessary due to the previous company going into liquidation. He confirmed that there had been no issues or complaints regarding the operation of the premises during the past seven years. The issue of the extended opening hours had been discussed and approved by the Council's Planning Department, based on the evidence of there being no problems in the past. The licensed area was situated in the basement of the former Abbeydale Picture House, meaning that there was not likely to be any problems with noise breakout. In addition to this, the sound system operated by using a sound limiter, which resulted in music being cut off if it went over the set limit. He confirmed that this had never happened to date. Mr O'Hara read through the conditions suggested by the South Yorkshire Police, indicating that he had no objections to them being applied to the premises licence. He concluded by stating that the General Manager of the premises lived locally, and was active in the local community, therefore would not wish to cause any problems. He also stated that his company run two other well-established bars in the City, at which there had been no problems. He stated that his company were responsible owners and adhered to all the licencing regulations.
- 4.8 In response to questions from Members of the Sub-Committee, Clive Stephenson and Marion Gerson, Mr O'Hara stated that the capacity of the premises was 120, of which all could be seated, and that the application had been necessary due to the previous company who managed the premises going into liquidation as a result of the Covid-19 pandemic. Whilst he was aware of the adverse effects Covid-19 had had on the hospitality sector, he believed that the flexibility of the later opening hours may well help the business to survive. He had found that the later hours were generally busier due to a change in drinking habits, and that locals had actually asked for later drinking hours. The average age of the

clientele ranged from late 20's to late 30's. Many customers visited the premises later on, after having visited one of the other bars in the area. There was rarely any trouble, both on these premises and at the other bars in the area, and all the bar owners had a good record in dealing with such problems. Mr O'Hara stated that he understood residents' concerns given the increase in the number of bars in the area over such a short, but indicated that they were all very well managed, and the managers would meet regularly to discuss any matters of concern. There had been no requirement for a membership scheme at the premises since its use had changed from a snooker club some years ago. One of the other bars nearby (Hagglers Rest) had a licence to open until 04:00 hours. Whilst it was very difficult to predict whether the application would result in an increase in traffic and/or parking, it was confirmed that around 60/70% of the clientele lived within the surrounding area. In terms of parking, there was a car park at the side of the building, as well as a car park at the Tesco Extra nearby. It was envisaged that the majority of customers would walk to and from the premises, therefore would not drive or would not require a taxi. The main entrance to the premises was on Abbeydale Road. Part of the plans going forward involved ending live music at the premises, given the costs involved, and using this area as a games room. It was expected that wet sales, which comprised around 60% of all sales, would increase later on, a similar pattern at other bars in the City. The 03:00 opening was likely to result in dispersal from the premises being more spread out, thereby resulting in a reduction in noise nuisance and vehicle the movement.

4.9 Mr O'Hara summarised his case.

4.10 Clive Stephenson outlined the options available to the Sub-Committee.

4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

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

4.13 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the grant of a premises licence in respect of the premises known as Picture House Social, 383 Abbeydale Road, Sheffield, S7 1FS (Ref No.01/21), subject to the conditions agreed with South Yorkshire Police prior to the hearing, as follows:-

(a) The use of door staff will be risk assessed on an ongoing basis by the licence holder or premise supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.

(b) Clear and legible notices shall be displayed at all exits requesting that the public respect the needs of local residents and to leave the premises and

area quietly.

- (c) The Designated Premises Supervisor or a delegated member of staff, shall take a pro-active approach to noise control, checking outside the premises to ensure that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause a nuisance to occupiers of nearby residential properties.
- (d) Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. Records of such training will be kept and made available for inspection by the authorities.
- (e) Persons under the age of 18 years are not permitted after 21:00 hours unless accompanied by a responsible adult and attending a pre-booked family type function or dining.
- (f) All pre-booked functions must have a nominated children's safeguarder on site for the duration of the event.
- (g) The Designated Premises Supervisor, or other such responsible person, should be assigned to act as the Co-ordinator for safeguarding systems at the premises. This person must act in compliance with the guidance and training provided by the Sheffield Children's Safeguarding Partnership.
- (h) No sales of alcohol for consumption off the premises except in sealed containers.
- (i) A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with specification July 2019). The CCTV images will be stored for 30 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder, in line with GDPR guidance. Members of the management team will be trained in the use of the system; and
- (j) Incident and refusal book maintained, such records to be retained for at least 12 months and available for inspection on request.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written notice of determination.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 January 2021

PRESENT: Councillors Andy Bainbridge (Chair), Roger Davison, Ruth Mersereau, Josie Paszek and Andy Bainbridge (Chair)

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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 (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 CASE

4.1 The Chief Licensing Officer submitted a report on a case relating to a review of a hackney carriage and private hire driver's licence (Case No. 91/20).

4.2 The licence holder did not attend the hearing, and as he had offered no explanation for his absence and, on the grounds that this was the second time he had been invited to attend a hearing, the Sub-Committee agreed to consider the case in his absence.

4.3 RESOLVED: That after consideration of the information contained in the case papers , the determines that the licence be suspended under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that it considers the licence holder to be an immediate and ongoing risk to the public.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 January 2021

(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

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - BUDGENS, 110 WESTON STREET, SHEFFIELD S3 7NQ

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of premises known as Budgens, 110 Weston Street, Sheffield S3 7NQ (Ref. No.04/21)

4.2 Present at the meeting were Robert Botkai (Solicitor representing the Applicant), Tina Vlahovic (Licensing Assistant to the Applicant's Solicitor), Ashokkumar Kaliannan (Business Development Manager, Samy Limited), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received and were attached at Appendix "C" to the report. Clive Stephenson reported that the objector had submitted her apologies to the meeting saying that she was unable to attend.

- 4.5 Robert Botkai, representing the applicants known as Sami Limited, stated that the application to vary the licence was made to extend the opening hours to trade for 24 hours. He referred to the fact that there had been no objections from the Responsible Authorities. Mr. Botkai added that this was not a new application, the premises were not new to the area and that there had never been any causes for concern. He referred to the objection received which stated that the area was a lovely quiet area and the objector feared that anti-social behaviour would migrate to the area should the hours of opening be extended, but he stated that there hasn't been any evidence of that. He said that Budgens have 35 licensed stores around the country, all of which trade for 24 hours a day and are very experienced operators, adding that none of those premises have experienced any problems.
- 4.6 In response to questions from Members of the Sub-Committee, for the sake of community cohesion, the applicants said they would be prepared to provide contact details to the objector, should any problems arise during the night.
- 4.7 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given to vary the premises licence in respect of the premises known as Budgens, 110 Weston Street, Sheffield S3 7NQ (Ref No.04/21).

(NOTE: The decision will be relayed to all interested parties following the meeting, and 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 26 January 2021

(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 Andy Bainbridge (Chair), Vickie Priestley and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jim Steinke.

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 - COSTCUTTER, 111 ST. MARY'S GATE, SHEFFIELD S2 4BE

4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of premises known as Costcutter, 111 St. Mary's Gate, Sheffield S2 4BE (Ref No.02/21).

4.2 Present at the meeting were Robert Botkai (Solicitor representing the Applicant), Tina Vlahovic (Licensing Assistant to the Applicant's Solicitor), Mohan Palani Samy (Applicant), Councillor Douglas Johnson (Ward Councillor), Magdalena Boo (Public Health), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from three local Ward Councillors and Public Health and were attached at Appendix "C" to

- the report. Robert Botkai, representing the applicants, referred to additional information which had been circulated the previous day and questioned its relevance as the objection did not form part of the licensing objectives. He said there was a lot of information contained in the report and felt that it was important to be clear what was relevant and what was not. Following discussion, the Sub-Committee agreed that the information circulated the previous day should be disregarded.
- 4.5 Magdalena Boo stated that, to increase the existing licence to a 24-hour off-licence would increase the risk of alcohol attributable deaths in an area which has 83% more deaths due to alcohol than the city as a whole. Ms. Boo felt that the name of the store, Costcutter, implies that cheaper, affordable alcohol was sold there. She said that from the vast array of clinical evidence, one of the contributory factors to alcohol-related harm was the availability of take away alcohol.
- 4.6 In response to questions from Members of the Sub-Committee, Magdalena Boo stated that the objection had been based on public safety grounds, as public health was not a licensing objective, but something that contributes to death was part of public safety.
- 4.7 Councillor Douglas Johnson stated that from a Ward Councillor point of view, the request to open for 24 hours could cause substantial harm. He referred to issues he and his fellow Ward Councillors were presented with in terms of early morning street drinkers and suggested that it was not a good idea to sell cheaper alcohol at 6.00 a.m. Councillor Johnson said that other businesses in the city centre and on the outskirts of the city have agreed to not sell alcohol before 8.00 a.m., as it tended to be street drinkers who bought alcohol early in the morning and the issues that arose from this continued into the day. He felt that problems arose when alcohol was sold between 3.00 a.m. and 8.00 a.m. Councillor Johnson referred to the number of students who lived in the area and the occasional deaths from within the student community caused by binge drinking. However, the main focus of the objection was the effects of alcohol on the street culture, the rough sleepers on the outskirts of the city centre who were awake early. He said problems were reported to him through agencies who dealt with the street drinkers, who stated that when the drinkers had an early start, problems would escalate throughout the day. The knock-on effects were anti-social behaviour and violence often towards the frontline workers, employed to respond to public safety, crime and disorder and public nuisance. He stated that the City Council, the Police and many voluntary agencies expend a lot of resources in dealing with this. He suggested that a condition could be placed on the licence that alcohol should not be sold between 3.00 a.m. and 7.00 a.m.
- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Councillor Douglas Johnson stated that it was well known that the voluntary agencies, different Council Departments and the Police were involved in dealing with the same street people on a daily basis, who consume a huge amount of resources. He stated that there was a constantly fluid movement of street drinkers and experience of people moving in and out of the city centre towards the ring road, so there wasn't one single outlet used to buy alcohol.

- Also, given the location of the ring road to the city centre, people who had been out for the evening in the city centre, could call at the premises to buy and consume more alcohol if they wished. In response to a question regarding ID at the premises, Members were informed that the owner currently operated the Challenge 25 scheme, although due to the wearing of masks during the pandemic, this required staff to be more vigilant and photographic or holographic evidence was required. Councillor Johnson stated that the paragraph in letter of objection from local Ward Councillors, regarding discrimination, related to discrimination against disabled people, but this had now been withdrawn. No complaints regarding the premises have been received from constituents.
- 4.9 Robert Botkai, representing the applicants known as Sami Limited, stated that the current licence for the premises was 7.00 a.m. to 11.00 p.m. The application was to extend those hours to 24 hours per day for alcohol and limited take-away food. He said that the applicant currently held licences for 34 premises around the country. He stated that there was no evidence of any problems arising from this premise, adding that the Police had considered the application, the applicant had held discussions with them and no objections had been received. Mr. Botkai said that there was no evidence of street drinkers buying alcohol from this location, nor evidence that they gathered at the store early in the morning to buy alcohol. He referred to the submissions made by Public Health, and commented that the evidence contained within the report was to change Government and local authority policies and were not relevant at this meeting. Mr. Botkai stated that he had asked the Public Health Department for evidence and felt that it was offensive for the Public Health Officer to say that the name of the store, Costcutters, implied that the premises sold cheap alcohol. He said the store was part of a franchise and the name of the premises was due to change in the near future. He said he understood the concerns about buying alcohol late at night and that this store will operate with a night pay window. One of the reasons for the application to extend the operating hours was for a member of staff to be on the premises to stock the shelves in readiness for the store opening the next morning. The store was situated in a quiet location and there was no evidence of harm that could be caused if this premise was open for 24 hours a day.
- 4.10 In response to questions from Members of the Sub-Committee, it was stated that the store opened at 6.00 a.m. and served alcohol from 7.00 a.m. The reason for opening 24 hours was so that staff were on the premises overnight to stack the shelves, provide a service and also prevent burglaries and break-ins. At present, it was proposed that there would be one member of staff during the night, but more could be employed if it was felt necessary. Mr. Botkai said that all night store windows operated with just one member of staff present. The night shift complied with the employment laws which were 10 p.m. to 6.00 a.m. The public would be served when they pressed the button for assistance. With regard to proof of age, every licence holder must have an age policy in place and the applicant of these premises operates the Challenge 25 scheme, asking for proof of age by a passport or driving licence with a photograph. With regard to the migration of street drinkers, there was no evidence of this at present, there have been no issues with the street drinking community, and there was no reason for them to travel outside the city centre. However, should problems arise, these would be reported and then the premise would come under review. Mr. Botkai

said that the premises do not sell high alcoholic volume beers or lagers, the highest strength being 6.5%. He said single cans of beers were occasionally sold, but more often were sold in multi packs. He said the premises were not situated in the Cumulative Impact Area and therefore the onus was on the objectors to provide evidence that the application would cause an impact on the area. The applicant stated that all stores were risk assessed and the doors to these premises would be locked at 10.00 p.m. and the night hatch installed.

4.11 In summing up, Mr. Botkai said that Members should consider the evidence in front of them and disregard the generic comments made by Public Health. He said that the points made about fluidity could be relevant to every premise and problems do arise and are dealt with. There have never been any complaints about this store, and the owner was a sensible, responsible retailer.

4.12 Clive Stephenson outlined the options open to the Sub-Committee.

4.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

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

4.15 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given to vary the premises licence in respect of the premises known as Costcutter, 111 St. Mary's Gate, Sheffield S2 4BE (Ref No.02/21), with the three conditions already agreed and contained within the report and two additional conditions as offered during the hearing:

- (a) no beer, cider or lager over 6.5%ABV will be sold at the premises; and
- (b) between the hours of midnight and 06:00 hours, the front door to the premises will be closed to customers and all sales will be made through the night pay window.

(NOTE: The decision will be relayed to all interested parties following the meeting, and 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 9 February 2021

(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 Andy Bainbridge (Chair), Roger Davison and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - DRINK STOP, 375 ECCLESALL ROAD, SHEFFIELD, S11 8PF

4.1 The Chief Licensing Officer submitted a report on an application, made under Section 34 of the Licensing Act 2003, for the variation of a premises licence in respect of the premises known as Drink Stop, 375 Ecclesall Road, Sheffield, S11 8PF (Ref No. 05/21).

4.2 Present at the meeting were Abrah Shah (Applicant), Abbas Shah (Applicant's agent), Councillor Neale Gibson (in support of the Applicant), Mike West (Objector), Marie-Claire Frankie (Solicitor to the Sub-Committee), Clive Stephenson (Licensing Strategy and Policy Officer) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from a member of the public, and were set out at Appendix 'C' to the report.

4.5 Mike West, who was representing the Botanical Gate Community Association (BGCA), stated that the BGCA wished to oppose the variation of the premises

licence, which would permit the sale of refreshments and the supply of alcohol until 03:00 hours Monday to Saturday and 02:00 hours on Sunday. He stated that there was likely to be an increase in litter on Ecclesall Road, and that whilst it was not envisaged that there would be any problems of noise nuisance during the day, given the ambient background noise of the traffic, the increased opening hours were likely to result in noise nuisance in the early hours of the morning. Mr West stated that it was common for residents to find empty and half-empty containers of food on the pavements along Ecclesall Road, and this was likely to result in an increase in such litter. He concluded by requesting that the premises be required to close at 23:30 hours all week.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr West stated that whilst he could not provide a precise number, he was aware of a number of other similar licenced premises on Ecclesall Road which closed at 23:30 hours, and that whilst the BGCA did not consider this premises to be any more problematic than any other similar premises, it considered that the extended opening hours would result in an increase in litter and noise nuisance in the early hours of the morning. He stated that whilst the BGCA did not envisage any problems being created by people hanging outside the premises, it was concerned about customers purchasing food from there, walking along Ecclesall Road and dropping litter on the pavements.
- 4.7 Abbas Shah, on behalf of the applicant, confirmed that the premises was a convenience store and not a takeaway, therefore there would not be any issues regarding customers purchasing hot food or drink, and throwing any waste on the pavements. He added that the premises was approximately 350 metres from the four roads represented by the BGCA, therefore the residents were unlikely to be affected directly by noise nuisance from the premises. The premises would simply cater for passing trade, with customers purchasing goods and taking them straight home. He stated that he was aware of a number of other similar licensed premises on Ecclesall Road which opened late, including The Spar, the petrol station and Seven Hills off licence, as well as a number of late night bars. Mr Shah stressed that there had been no objections to the proposed increase in the opening hours from the police, and concluded by stating that Mr Abrar Shah had managed the premises for around 15 years, and was a responsible licensee, and had not had any problems regarding the operation of the premises during this time.
- 4.8 In response to questions from Members of the Sub-Committee, Mr Shah stated that The Spar was currently only opening until 23:30 hours due to the Covid-19 pandemic, and would more than likely resort back to its usual opening hours of 24 hours, seven days a week, when the pandemic was over. The current premises licence for Drink Stop required the store to close at 23:30 hours, Monday to Saturday and 22:30 hours Sunday. The main reason for the application to extend the opening hours was simply to maximise revenue, which was particularly required in the current climate. Mr Shah stated that Section 12 – Provision of Late Night Refreshment, had been included in the application in error, and confirmed that this was not part of the application, and had been withdrawn on 26th January, 2021.

- 4.9 Councillor Neale Gibson stated that he had known the applicant for a number of years, and that the premises was well used by local residents, with the locals themselves requesting the increase in the opening hours. Mr Gibson confirmed that there had been no problems or complaints with regard to the operation of the premises, and that the business represented an excellent local enterprise, which the Council should be supporting.
- 4.10 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph five 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, in the light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, approval be given for the variation of the premises licence in respect of the premises known as Drink Stop, 375 Ecclesall Road, Sheffield, S11 8PF (Ref No. 05/21) in the terms requested.

(NOTE: The decision will be relayed to all interested parties following the meeting, and the full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 February 2021

(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), Dawn Dale, Joe Otten 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 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 reports on two cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 03/21 informed the Licensing Service that he was not able to attend the meeting and requested that consideration of his application be deferred.

4.3 The applicant in Case No. 06/21 attended the meeting 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>
03/21	Application to renew a Hackney Carriage and Private Hire	Defer consideration of the application to enable the applicant to attend a future hearing.

Driver's Licence

06/21	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence but, given the circumstances now reported now reported, the licence be granted for the shorter term of one year and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.
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(Note: Councillor Joe Otten voted against the proposal to grant the licence in Case No. 06/21, and asked for his vote to be recorded.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 February 2021

(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 Andy Bainbridge (Chair), Adam Hurst and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Cliff Woodcraft attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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 a case relating to hackney carriage and private hire licensing.

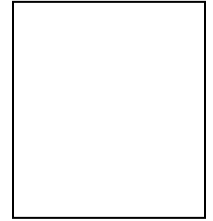
4.2 The licence holder in Case No.07/21 attended the hearing and addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and information reported at the meeting, the Sub-Committee determined that the suspension on the licence was to remain in place and that consideration of the review of the licence be deferred to allow the licence holder the opportunity to obtain information from the DVLA and bring that information to a future meeting.

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SHEFFIELD CITY COUNCIL Licensing Sub Committee Report



Report of: Chief Licensing Officer and Head of Licensing

Date: 29th March 2021

Subject: Determination of Licence Fees

Author of Report: Steve Lonnia

Summary: To determine the licence fees for the 2021/22 financial year

Recommendations: The Chief Licensing Officer and Head of Licensing following detailed consultation with the Councils Legal and Finance officers recommends that the committee accept the proposed “no Increase or change” in any fees.

Background Papers: None

Category of Report: OPEN

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

No: 10/21

Licensing Fees Review

Determination of Licence Fees for the 2021/22 Financial Year

1.0 PURPOSE AND OUTCOMES

1.1 The purpose of this report is for members to determine all the fees that are set by the Licensing Authority an example of the systems impacted includes but is not a comprehensive list:

- Taxis (hackney carriage & private hire vehicles / drivers and operators)
- Animal Health (pets shops, animal boarding establishments, dangerous wild animals; riding establishments and breeders of dogs);
- Street Trading (football, static, mobile, schools, and short term consents);
- Scrap Metal Dealers;
- Sex Establishment Licensing (sex shops and sexual entertainment venues);
- Gambling Premises (casino, bingo, betting and track premises etc.);
- Approved Marriage Premises (secular and religious);
- Pavement Café Licences;
- Second Hand Dealers Registration;
- Skin Piercing / Tattooists; and
- Safety of Sports Grounds (Part)
- Commons Act 2006 – Landowner Statements.

1.2 To note, the following fee(s) are prescribed by the Secretary of State. These are “Statutory” fees and cannot be changed by the Local Authority. These are:

- Licensing Act 2003
- Gambling Act 2005 (certain fees).

1.3 To inform members of the systems that are administered by the Licensing Service, where the legislation states we are unable to charge a fee:

- Safety of Sports Grounds (Part);
- Street Collections;
- House to House Collections;
- Hypnotism; and
- Commons Registration / Town & Village Greens
- Children’s Permits

1.4 The intended outcomes of this report are to ensure that:

- That the Council is aware of, recognises and works with businesses of all types to ensure that they have ample time to recover from the financial impact of the current pandemic;
- That all fees are determined on an annual basis whether they remain the same, increase or decrease;
- That members approve no increase or change in any fees at this moment in time; and
- That a fees report is placed before the Licensing Committee in September 2021 to review the current fees moving forward.

2.0 FAIR CHARGING POLICY

2.1 It is agreed that fees and charges should be set in a consistent way across the Council and that we are transparent about the fees we expect people to pay.

2.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations. Members should note that some systems do not fall within the scope of these regulations, one particular system is Taxi Licensing (licensing of vehicles, drivers and operators) and another is the Gambling Act (Premises licences etc.) system.

2.3 To ensure consistency of approach we have decided to deal with all fees in the same way, using the same process. Adopting the same process as set out in the Provision of Service Regulations 2009 for all fees will make it easier for our customers to understand.

2.4 The fees have been set so that they enable the service and the Council to deliver on our priorities and also on the principle of the polluter pays where it is appropriate.

2.5 The Council intends to recover the reasonable costs of the Licensing Service with regards to the administration and enforcement of the terms and conditions of each of the above individual licensing systems where permitted. Each licensing system has its fee calculated separately to ensure we are only recovering the costs in relation to that individual system.

3.0 CASE LAW

3.1 In order for the service to equalise revenue and expenditure, it is not sufficient to make an estimate of costs in the forthcoming year and see to equalise them with revenue. We must also ensure that any surpluses and deficits are brought forward. This was established in two cases, that deficits can be brought forward in R (Hutton) v

Westminster City Council in 1985 and that surpluses can be brought forward in R (Hemming and Others) v Westminster City Council.

- 3.2 It is clear from R v Manchester City Council. Ex p. King, The Times, April 3, 1991 that the power to set fees does not permit the Council to raise revenue generally. The Council must only recover the reasonable costs of that individual system to which the fee relates.
- 3.3 It has also been established in many cases such as R-v-The Greater London Council Ex Parte The Rank Organisation Limited where it was stated “the level of fees was a matter of policy and as long as the total fee income did not exceed the cost of the licensing system the court should not and could not see to interfere”.
- 3.4 The case of R (Hemming and Others) v Westminster City Council has changed the way we must consider setting fees and what legitimate costs we can recover.

Keith J upheld that the procedures the costs of which could be recharged to licensees are;

“.... the steps which an applicant for a licence has to take if he wishes to be granted a licence or to have his licence renewed, and when you talk about the cost of those procedures, you are talking about the administrative costs of vetting the application and the costs of investigating their compliance with the terms of the licence. There is simply no room for the costs of authorisation procedures to include costs which are significantly in excess of those costs...”

- 3.5 Members should note that the Council can only recover the actual costs of delivering each individual system from the fees it charges applicants / licensees. It cannot make a surplus from fees and must not use fees to cross subsidise any other licensing system or to offset other budgets or raise income generally.
- 3.6 The overarching principle and starting point for the setting of fees is that the Local Authority must only recover its reasonable costs of administering that individual system and enforcing the terms and conditions of those licences where applicable and that no irrelevant factors are taken in to account when setting such fees.

4.0 PROVISION OF SERVICES REGULATIONS 2009

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

4.2 The regulations suggest that all fees within the scope of the directive be separable in to two parts. Firstly the pre application costs, mainly the administrative costs incurred when dealing with the application from when it is first received up until it being determined (issued/refused). Secondly the on-going costs of monitoring and enforcing the terms and conditions of that licence where applicable. This is to show clearly which part of the fee is repayable should an application (applicant) be unsuccessful.

5.0 ADOPTION OF LEGISLATION

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

5.2 The following pieces of legislation are imposed on the Council by statute:

- Licensing Act 2003
- Gambling Act 2005
- Pet Animals Act 1951
- Animal Boarding Establishments Act 1963
- Riding Establishments Act 1964
- Breeding of Dogs Act 1973
- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981
- Marriages Act 1949
- South Yorkshire Act 1980 – Second Hand Dealers
- Safety at Sports Grounds Act 1975 (As Amended)
- Town Police Clauses Act 1847 – Hackney Carriages

5.3 The following pieces of legislation are adopted by the council;

- Local Government (Miscellaneous Provisions) Act 1976 – Part II, Private Hire and Hackney Carriage Licensing
- Local Government (Miscellaneous Provisions) Act 1982 – Street Trading
- Local Government (Miscellaneous Provisions) Act 1982 – Sex Establishments / Sexual Entertainment Venues
- Local Government (Miscellaneous Provisions) Act 1982 – Acupuncture, Ear Piercing, Tattooists, Electrolysis and Semi Permanent Skin Colouring
- Highways Act 1980 – Pavement Café Licences
- Scrap Metal Dealers Act 2013

5.4 Those that are adopted by the council must follow strict procedural requirements including:

- Specifying the day and date the provisions come into effect
- Placing a public notice in a local newspaper

Please note: the above is only an example of the procedural requirements and are not an exhaustive / detailed list.

- 5.5 The City Councils Director of Legal & Governance has confirmed that the Council has properly adopted the above pieces of legislation where necessary and evidence is retained in the Councils archives (minutes etc.).

6.0 FEES STRUCTURE

- 6.1 Members should note that the licensing budget has now been split in to four separate accounts, Taxi Licensing, Licensing Act, Safety at Sports Grounds and General Licensing.

- 6.2 As members are aware from previous reports it is a legal requirement under the European Services Directive to show application fees in two parts. These are the pre application costs in dealing with the application itself and post application costs which are the ongoing costs of managing the licence and enforcing the terms and conditions.

- For example: a licence fee that is £100 would show the fee in two parts - £75 pre costs and £25 post costs

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

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

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

- 6.4 The service has calculated the fees and income based on the potential of receiving both paper and electronic applications so that we understand the financial impact upon the service of proposing no increase.
- 6.5 If a deficit and/or surplus is achieved at the end of the financial year then this may be carried forward in to following year's budget, or the relevant fees reduced accordingly and / or the money re-invested within the service if it is required / necessary.

7.0 PROPOSED NO INCREASE OR CHANGE IN ANY FEES

- 7.1 Due to the financial impact of the ongoing pandemic it is felt that this is not the right time to propose any increase or change in any licence fees. Many licensed businesses have been severely impacted upon by Covid-19 and find themselves under significant financial pressures.
- 7.2 Although we are proposing no increase or change at this time we have still undertaken a budget / fee setting process, so that we can understand the financial impact upon the council in the short term.
- 7.3 We propose to undertake a further review of all fees in September 2021 at which time it will be assessed as to whether a proposed increase or change in fees is appropriate and / or required at that moment in time.

8.0 FINANCIAL IMPLICATIONS

- 8.1 Members should be aware that there has been no increase in staffing costs (pay award) this year, and as long as the projected numbers of licences / applications remain roughly the same then there should no significant financial impact.
- 8.2 If members decide that they wish to increase or change fees then they should instruct the Chief Licensing Officer & Head of Licensing to prepare a separate report that will be submitted as soon as possible.
- 8.3 This report has been signed off by Corporate Finance on the 18th March 2021

9.0 LEGAL IMPLICATIONS

- 9.1 There are no legal implications for the Council arising from this report.
- 9.2 Members should always be aware that the setting of fees can be legally challenged by way of Judicial Review.
- 9.3 This report has been signed off by Legal Services on the 18th March 2021.

10.0 RECOMMENDATIONS

- 10.1 The Chief Licensing Officer and Head of Licensing following detailed consultation with the Councils Legal and Finance Officers recommends that the Committee accept the proposed no increase or change in any fees. This position is to be reviewed in September 2021.

10.2 Members must carefully consider all the information provided in this report and any written or verbal information received at the meeting before determining that there will be no increase or changes in fee(s).

11.0 OPTIONS OPEN TO THE BOARD

11.1 To determine (approve) this report that no increase or change in fees is required at this moment in time taking into consideration the current pandemic.

11.2 To determine that following a review of the fees a further report is required to consider any proposed increase or changes in fees in September 2021.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Business Strategy & Regulation, Place
Staniforth Road Depot, Staniforth Road
March 2021