

Licensing Committee

Tuesday 6 September 2022 at 10.00 am

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

The Press and Public are Welcome to Attend

Membership

Councillors David Barker (Joint Chair), Jayne Dunn (Joint Chair), Lewis Chinchen, Dawn Dale, Roger Davison, Denise Fox, Abdul Khayum, George Lindars-Hammond, Henry Nottage, Vickie Priestley, Maroof Raouf, Mick Rooney, Sophie Thornton, Cliff Woodcraft and Ann Woolhouse

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 474 1947 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
6 SEPTEMBER 2022**

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 31st January, 2022 and (b) the Licensing Sub-Committee held on 17th, 18th, 24th and 25th January, 1st, 7th and 22nd February, 7th, 8th, 21st, 22nd, 28th and 29th March, 4th, 5th, 11th, 12th, 19th, 25th and 26th April, 9th, 10th, 23rd, 30th and 31st May, 6th, 7th, 14th, 16th, 21st and 28th June and 11th, 19th, 25th and 26th July, 2022

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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 31 January 2022

PRESENT: Councillors David Barker (Chair), Karen McGowan (Chair), Angela Argenzio, Lewis Chinchen, Dawn Dale, Ruth Milsom, Joe Otten, Josie Paszek, Sioned-Mair Richards, Mick Rooney, Cliff Woodcraft and Ann Woolhouse

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Dawn Dale, Roger Davison, Neale Gibson and Vickie Priestley.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE FARES REVIEW

4.1 The Chief Licencing Officer submitted a report to consider requests to increase the fares for journeys in Hackney Carriage vehicles.

4.2 The report contained the current table of fares at Appendix A, which had been determined by the Council in April 2016. Representations had been received from Mr Ray Chappell (Driver), Mr Ibrar Hussain (Driver) and Mr Hafeas Rehman (Sheffield Taxi Trade Association), and were set out at Appendix B to the report. Mr Hussain and Mr Hafeas attended the meeting.

4.3 Also in attendance were Mr Irfan Khan and Mr Nasar Raof (GMB) who had submitted their representations after the close of the consultation period, but were given permission to attend and put forward their representations. Mr James Martin (Sheffield Transport for All) also attended. He had not submitted representations during the consultation process, but would be allowed to speak.

4.4 Ibrar Hussain stressed that the last fare increase for Hackney Carriage vehicles had been in August 2016, and explained the reasons for why he believed there should now be a further increase. This included increases in the costs of vehicle parts, with parts for Hackney Carriages generally being more expensive than standard vehicles, fuel charges, insurance and road tax. Mr Hussain also referred to the requirement on drivers to replace their vehicles due to the proposed Clean

Air Zone (CAZ) in September 2022. He made reference to the additional charge for drivers at Midland Railway Station, whereby those drivers opting to pick up fares from this location had to purchase an annual pass, which was managed by a private company, and the costs of which had increased over the years. Mr Hussain concluded by referring to an expected income for a Hackney Carriage driver, based on their income from fares, minus their outgoings, and indicated that with the current fares in operation, most were struggling to earn a living wage.

- 4.5 Hafeas Rehman referred to the proposal submitted by the Sheffield Taxi Trades Association (STTA), which represented a more detailed submission to the one planned for the meeting on 20th December 2021, at which the report was due to be submitted, but which had subsequently been cancelled. He referred to an increase in fuel charges and the rate of inflation, and stated that based on such increases, together with an increase in other associated costs, the STTA was requesting an overall increase in fares of 2.2%. Mr Rehman made reference to increases in rail and bus fares, and stated that the proposed increase was more about drivers being able to recover their running costs, and not about making a profit. The increase would also help to provide drivers with a level of stability and confidence in the Hackney Carriage trade going forward, particularly given the recent problems facing the trade following the Covid-19 pandemic, which had resulted in a large reduction in the number of vehicles. He believed the proposal represented a modest increase - approximately 80p more for a standard three-mile journey and £2.00 more for a journey over 10 miles, and would not have a major impact on the public.
- 4.6 Ifan Khan stated that the GMB had not submitted any representations prior to the meeting due to structure changes within the branch. He stated that whilst the Union concurred with the comments already made, it believed that the meter charge at the start of a journey should increase to a fixed charge of £3.50 during the day and £4.00 during the night. The Union also requested that the waiting time should be increased to 30p per drop, every 59 seconds, a further increase of £1.50 on Friday and Saturday evenings due to increased demand, an increase from £2.00 to £3.00 on all Christmas holidays and an increase in the start time, to £4.50 start on all bank holidays. Mr. Khan stated that such increases would not adversely affect the public, but would help drivers in terms of earning a decent living, as well as helping them in terms of the costs of purchasing newer vehicles in the light of the proposed Clean Air Zone.
- 4.7 James Martin stated that the Hackney Carriage trade was vital to a large number of disabled people in the city, particularly those vehicles having wheelchair access. Whilst agreeing that there were grounds for an increase in fares, he requested that the Committee be mindful of the fact that many disabled people were on benefits, and often took short journeys in taxis, therefore any sharp increase in the start fare would have a negative impact. He stated that the Committee needed to be mindful of the reduction in the number of Hackney Carriage vehicles in the city, particularly those having wheelchair access. Mr. Martin concluded by stating that whilst he appreciated the difficulties being faced by drivers, he requested that the Committee should be mindful that any fare increases should not result in any unfair disadvantages to disabled people.

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

- There had been a reduction of around 25% of the Hackney Carriage fleet over the last three to four years, with the Covid-19 pandemic having the biggest impact, mainly due to drivers being forced to find other employment, and not returning to the trade. There had also been increases in the costs of running vehicles which, in most cases, had resulted in a reduction in income for many drivers. In terms of a limit on the number of vehicles, the last unmet demand survey, which comprised a number of various assessments, had been undertaken in 2013/14, and had resulted in a limit of 857 vehicles being set. However, at present, the limit was not having to be applied due to the reduction to the size of the fleet, which currently stood at around 600 licenced vehicles.
- The amounts set out in the fares chart represented the maximum amounts drivers could charge. Whilst the Licencing Service was not aware of any drivers in Sheffield charging less than the maximum amount, officers were aware of this practice taking place in other areas.
- The role of the different taxi trades was to consult its own members, and the representatives would put forward their views on their behalf. Therefore, there had not been any cross-trade discussions on this issue, hence the different proposals. The GMB was currently in discussion with the STTA in connection with organising a unified trade. All the trades agreed to the principle of a fare increase.
- Those drivers offering the facility for customers to pay by credit or debit card would get charged approximately 1.69% for each transaction, and were not able to claim this back. Officers would look into the implications of drivers being charged in this way.
- There were currently two different tariffs - one daytime and one night-time, and any request for an increased charge at weekends, either at the start of the journey or on the drop, would require a further tariff, which would be displayed on the meter. The Council had tried to keep to a minimum of tariffs in order to avoid any confusion for both the driver and the customer.

4.9 The Chair (Councillor Karen McGowan) reported that (a) in response to concerns raised by the taxi trades with regard to the age limit of vehicles, officers had been requested to undertake research in terms of what action was being taken in this regard in other areas of the country, which would then inform the Council in terms of any decisions to be made going forward and (b) with regard to those drivers applying for extensions to their licences, officers had been requested to add further information on the application form, which would hopefully make it clearer for the driver to focus on providing more information regarding the exceptional circumstances of their vehicle, being the grounds on which the Licensing Sub-Committee, under current policy, based its decisions.

4.10 Councillor McGowan also expressed her personal thanks to the trade following two incidents where drivers had gone out of their way to assist her when travelling in

Hackney Carriage vehicles.

4.11 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) agrees the changes to the table of fares for Hackney Carriage vehicles, to take effect from 1st March, 2022, as follows:-

FIRST 100 YARDS (91.4 metres)

Tariff 1	(7.00 am until 7.00 pm) Day	£3.10
Tariff 2	(7.00 pm until 7.00 am) Night	£3.30
Tariff 3	(7.00 pm until 7.00 am) (Weekend) Fri Sat Sun	£4.30

Then 20p for every 195 yards (178.3 meters) up to 17600 yards (10 miles/16093 metres). Then 20p for every 176 yards (160.93 meters) thereafter.

WAITING TIME

For every 48 Seconds the cab is kept waiting - 20p

Waiting time is calculated once the vehicle is stood or travelling at less than 8 miles per hour (£15.00 per hour)

EXTRAS

Each hiring begun between 6.00 pm on 24th December - £2.50 - and 6.00 am on 27th December and between 6.00 pm on 31st December and 6.00 am on 2nd January.

Each hiring on any other official government Bank Holiday - £1.00 - (07.00am to 07.00am)

Fouling the vehicle - MAXIMUM charge £50; and

- (c) requests that (i) an annual review of Hackney Carriage fares and (ii) a review of current taxi ranks in the city, be undertaken.

5. MINUTES OF PREVIOUS MEETINGS

5.1 RESOLVED: That the minutes of meetings of (a) this Committee held on 11th October 2021 and (b) the Licensing Sub-Committee held on 14th, 20th, 21st and 28th September, 4th, 5th, 11th, 12th, 18th and 19th October, 1st, 2nd, 8th, 9th, 15th, 16th, 23rd and 30th November and 7th, 13th, 14th and 21st December, 2021 and 4th January, 2022, be approved as correct records.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 January 2022

PRESENT: Councillors Dawn Dale, Roger Davison and Ruth Milsom

1. APPOINTMENT OF CHAIR

- 1.1 RESOLVED: That in the absence of the Co-Chairs of the Sub-Committee (Councillors David Barker and Karen McGowan), Councillor Dawn Dale be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

- 2.1 There were no apologies for absence. Councillor Lewis Chinchin attended as a reserve Member, but was not required to stay.

3. EXCLUSION OF PUBLIC AND PRESS

- 3.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 6 and 7 on the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

4. DECLARATIONS OF INTEREST

- 4.1 There were no declarations of interest.

5. LICENSING ACT 2003 - BOSTON ARMS, 676 CHESTERFIELD ROAD, SHEFFIELD, S8 0SD

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Boston Arms, 676 Chesterfield Road, Sheffield S8 0SD (Ref No.02/22).
- 5.2 Present at the meeting were Robbie McDonald (Applicant), Chris Grunert (Solicitor for the Applicant), Jonathan Round (Environmental Protection Officer), Alison Riocreux (Local School Governor on behalf of Headteacher, Woodseats Primary School), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

- 5.3 Marie-Claire Frankie outlined the procedure that would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from three local residents, the Headteacher of Woodseats Primary School and the Environmental Protection Service and were attached at Appendix "B" to the report.
- 5.5 Jonathan Round stated that the application was to use the ground and first floor of the premises, the first floor being adjacent to residential accommodation and as such the recommendations outlined in his sound report should be carried out. He said that the applicant had engaged the services of consultants to carry out a sound report without consulting the Environmental Protection Service and as such there were a few issues that had not been addressed and that recommended works were only appropriate to control customer noise and not amplified sound. Mr. Round said that the applicant had indicated that there would be background music played at the premises, and therefore recommended that the applicant puts in place additional measures to ensure that the premises would be able to retain all sound during trading hours.
- 5.6 Alison Riocreux stated that to open a pub adjacent to the local primary school would be inappropriate as it could encourage parents to drop off their children at school and go into the pub and likewise when picking them up after school. Ms. Riocreux said there would be issues caused by additional rubbish and smells emanating from the premises and that people would stand outside the premises, blocking the pavement which was not very wide. She referred to the alleyway between the premises and the school which also was not very wide and was concerned that the bins would be left there and also there would be excessive noise coming from the rear doors when opened or propped open. Ms. Riocreux said that broken glass, urine and vomit from those using the premises would be left in the alleyway. Although it had been suggested in the operating schedule that clearing up would be carried out during the hours the premises were open, her concern was, would the alleyway be cleared by the morning when children were going to school and would it be safe. She also raised concerns about people stood outside the premises smoking as their smoke could drift into the playground. She felt that the privacy and safety of the schoolchildren could be compromised by the upstairs windows of the premises overlooking the playground. Finally, she asked whether there were any plans to extend the rear of the premises into an outside drinking area.
- 5.7 In response to questions from Members of the Sub-Committee, it was stated that the school was situated on a busy main road and the playground was not overlooked by any other premises. There was a small wall and railings around the school and should anyone passing by stand and look into the playground whilst the children were playing, members of staff would ask them to move on, purely on safety grounds.
- 5.8 Chris Grunert referred to the revised operating plan which had been circulated and stated that whilst conditions to the application had been agreed, in response to the representations made, the applicant had offered a compromise with regard to the

hours of opening which had been reduced to 10.00 a.m. to 11.00 p.m. Sundays to Thursdays and 10.00 a.m. to 11.30 p.m. on Fridays and Saturdays. He said that he had carried out research of the other licensed premises in Woodseats and felt that a licence for new premises should not be denied due to problems at other venues. Mr. Grunert confirmed that alcohol would not be served on the premises until after 4.00 p.m. on any school day during term time. Mr. Grunert confirmed that the area to the rear of the premises would not be used as a drinking area and there were no plans to extend the outside of the premises into an outdoor drinking area. With regard to clientele being able to look out onto the playground, Mr. Grunert stated that should someone be found doing this, they would be challenged but it had been agreed to install frosted glass to the upstairs windows. Mr. Grunert said that the applicant had engaged with the objectors in an attempt to address their concerns. With regard to refuse, the bins would be stored appropriately and placed outside the premises on the collection day in line with other premises, no commercial bins would be placed on the public highway. With regard to the issue of rubbish, a condition was already in place stating that the premises would conduct regular checks throughout trading hours and also at the beginning and end of the trading day.

- 5.9 In response to questions from Members of the Sub-Committee, the applicant stated that he was an independent operator with retail experience in the city and it was intended to open an artisan café during the day and a craft beer led pub during the evening, also selling wines and cocktails, offering something different to what was currently on offer in the local area. He said they were experienced operators and have been successful over the last five years. He said that the capacity downstairs would be 45 people and with the upstairs area, that would increase to 70 people, which could be roped off to provide a private function area if required. It was stated that a planning application would be submitted to change the glazing to the premises, which would address noise outbreak.
- 5.10 Jayne Gough outlined the options open to the Sub-Committee.
- 5.11 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.
- 5.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.13 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.14 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Boston Arms, 676 Chesterfield Road, Sheffield S8 0SD, subject to the amended Operating Schedule (Ref No.02/22).

6. LICENSING ACT 2003 - PITSMOOR HOTEL, 448 PITSMOOR ROAD, SHEFFIELD, S3 9AY

- 6.1 The Chief Licensing Officer submitted four reports to consider (a) the review of two premises licences under Section 53A of the Licensing Act, 2003, in respect of premises known as The Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY (Ref No.07/22) and the review of premises known as The Staffordshire Arms, 40 Sorby Street, Sheffield S4 7LB (Ref No.08/22) and (b) applications to vary a premises licence to specify an individual as a designated premises supervisor of the Pitsmoor Hotel (Ref No.11/22) and the Staffordshire Arms (Ref No.12/22).
- 6.2 Present at the meeting were Ian Armitage, Catherine Jarvis and James Ketteringham (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Partnership), Gareth Barrett (Licensing Strategy and Policy Officer), Ashley Greasby, Paige Greasby and Louise Leggitt (Applicants) Chris Weldon (local resident), Jayne Gough Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Advisor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 In view of the circumstances, the parties had agreed that the four cases in Items 6 and 7 on the agenda would be heard together.
- 6.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.5 Jayne Gough presented the reports to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership and the Licensing Service and were attached as Appendices to the report.
- 6.5 Catherine Jarvis and James Ketteringham reported on the objections of South Yorkshire Police to the applications, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Ms. Jarvis and Mr. Ketteringham stated that, as well as all the incidents now referred to, the police did not consider the applicants to be fit and proper persons to be granted a premises licence or a Designated Premises Supervisor (DPS) for the premises.
- 6.6 Julie Hague reported on the representations made by the Sheffield Safeguarding Children Partnership, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Ms. Hague stated that, as well as all the incidents now referred to, she did not consider the applicants to be fit and proper persons to be granted a licence.
- 6.7 Gareth Barrett reported on the representations made by the Licensing Service, referring to the information contained in the papers, and circulated prior to the meeting, which highlighted a number of issues with regard to the operation of the two premises. Mr. Barrett stated that, as well as all the incidents now referred to,

he did not consider the applicants to be fit and proper persons to be a Designated Premises Supervisor (DPS) for the premises.

- 6.8 The applicants put forward their case, providing an explanation as to the incidents now referred to, stressing that despite the issues, they were willing to work with the responsible authorities in connection with the operation of the premises.
- 6.9 The applicant responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee and by Jayne Gough, Julie Hague and James Ketteringham.
- 6.10 All the parties present summarised their cases.
- 6.11 Jayne Gough reported on the options available to the Sub-Committee.
- 6.12 RESOLVED: That the attendees involved in the applications 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 paragraphs 2 and 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the applications.
- 6.14 RESOLVED: That, in the light of the contents of the reports now submitted, together with the additional information circulated and the representations now made, including the responses provided to the questions raised:-
- (a) the interim steps imposed at the hearing held on 23rd December, 2021, be amended and the licence for the premises known as The Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY be revoked (Ref No.07/22);
 - (b) the licence for the premises known as The Staffordshire Arms, 40 Sorby Street, Sheffield S4 7LB be revoked (Ref No.08/22); and
 - (c) applications to vary a premises licence to specify an individual as a designated premises supervisor of the Pitsmoor Hotel (Ref No.11/22) and the Staffordshire Arms (Ref No.12/22) be refused.

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

7. LICENSING ACT 2003 - STAFFORDSHIRE ARMS, 40 SORBY STREET, SHEFFIELD, S4 7LB

- 7.1 This case was heard in conjunction with Item 6 on the agenda (Licensing Act 2003 - Pitsmoor Hotel, 448 Pitsmoor Road, Sheffield S3 9AY (Ref No.07/22)).

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 January 2022

PRESENT: Councillors David Barker (Chair) and Joe Otten

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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. 03/22 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 04/22 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 05/22 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 06/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.6 RESOLVED: That, after consideration of the information in the case papers, the information now reported and, where relevant, the further information circulated prior to the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
03/22	Application to Extend a Hackney Carriage Vehicle Licence	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.
04/22	Application to Extend a Private Hire Vehicle Licence	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.
05/22	Application to Extend a Private Hire Vehicle Licence	Agree to extend the licence for a period of 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
06/22	Application to Extend a Private Hire Vehicle Licence	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 24 January 2022

PRESENT: Councillors Neale Gibson, Ann Woolhouse and Josie Paszek (Chair)

1. APPOINTMENT OF CHAIR

1.1 **RESOLVED:** That in the absence of the Co-Chair of the Sub-Committee (Councillor Karen McGowan), Councillor Josie Paszek be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillor Karen McGowan.

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 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.

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.09/22 attended the hearing with a representative and they both addressed the Sub-Committee.

5.3 The applicant in Case No.10/22 attended the hearing with a representative and they both addressed the Sub-Committee.

5.4 **RESOLVED:** That, after consideration of the information obtained 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>
09/22	Application for the renewal of a Private Hire Vehicle Licence	(a) Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles and (b) the applicant be required to arrange three MOTs to be carried out during the 12-month period.
10/22	Application to extend a Private Hire Vehicle Licence	Grant a licence up to 31 May 2022 on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 January 2022

PRESENT: Councillors David Barker (Chair), Joe Otten and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Ruth Milsom 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 four cases relating to hackney carriage and private hire licensing.
- 4.2 The licence holder in Case No.13/22 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No.14/22 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.4 The applicant in Case No.15/22 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.5 The licence holder in Case No.16/22 did not attend the hearing and the case was heard in his absence.
- 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>
13/22	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder (a) be given a written warning as to his future conduct, to remain live for the term of the licence and (b) be required to complete the Council's Driving Competency course before the end of the licence.
14/22	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder (a) be given a written warning as to his future conduct, to remain live for the term of the licence and (b) be required to complete the 'The Introduction to the Role of Professional Private Hire and Taxi Driver' course before the end of his current licence.
15/22	Application for a Private Hire Vehicle Licence	Due to the bespoke nature of the business, the applicant be exempted from those conditions requiring the rear window tints to allow enough light through the vehicle with the exemptions only applying (a) if the vehicle does not become part of the taxi fleet and (b) bookings to hire the vehicle are made through City Connect for a minimum of one hour.
16/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, in view of the conviction now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 February 2022

PRESENT: Councillors David Barker (Chair), Lewis Chinchen and Ann Woolhouse

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Joe Otten.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No.17/22 attended the hearing with three representatives and they all addressed the Sub-Committee.

4.3 The applicant in Case No.18/22 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No.19/22 was unable to attend the hearing therefore the case was considered in his absence.

4.5 **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>
17/22	Review of a Hackney Carriage and Private	The licence holder be issued with a written warning with regard to his future

	Hire Driver's Licence	conduct, with such warning to remain live for the term of his current licence.
18/22	Application for an extension of a Private Hire Vehicle Licence	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.
19/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that the Sub-Committee do not consider the licence holder to be a fit and proper person.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 February 2022

PRESENT: Councillors Karen McGowan (Chair), Angela Argenzio and Neale Gibson

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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.20/22 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.21/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.22/22 did not attend the hearing and the case was heard in his absence.

4.5 The applicant in Case No.23/22 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>
20/22	Application to renew a Private Hire Vehicle Licence	Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
21/22	Application for the extension of a Hackney Carriage Vehicle Licence	Defer consideration of the case to enable the applicant to apply for the renewal of the licence rather than an extension to it.
22/22	Application for the extension of a Hackney Carriage Vehicle Licence	Refuse to grant a 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.
23/22	Application to renew a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 February 2022

PRESENT: Councillors David Barker (Chair) and Joe Otten

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 24/22 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 25/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 26/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information in the case papers, the information now reported and, where relevant, the further information circulated prior to the hearing, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
24/22	Application for the extension of a Private	Extend the licence until the 30 th June, 2022 as applied for, on the grounds that the

	Hire Vehicle Licence	applicant has 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.
25/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person in view of the incidents now reported, and there are therefore reasonable grounds to revoke the licence.
26/22	Application for a new Private Hire Vehicle Licence	That due to the configuration of the rear passenger seats, the vehicle is granted exemption from carrying the minimum required four passengers, and the applicant be granted a licence to carry three passengers.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 March 2022

PRESENT: Councillors Karen McGowan (Chair), Lewis Chinchon and Joe Otten

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 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.27/22 did not attend the hearing and the case was heard in his absence.

4.3 The applicant in Case No.28/22 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.29/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No.21/22 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>
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27/22	Application for the extension of a Private Hire Vehicle Licence	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.
28/22	Application for the extension of a Private Hire Vehicle Licence	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.
29/22	Application for the renewal of a Hackney Carriage Vehicle Licence	Grant a licence until the end of October, 2022 on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles
21/22	Application for the renewal of a Hackney Carriage Vehicle Licence	Refuse to renew a 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 8 March 2022

PRESENT: Councillors David Barker (Chair), Angela Argenzio and Ruth Milsom

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.30/22 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.3 The applicant in Case No.33/22 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No.35/22 did not attend the hearing as he was out of the country and his case be heard at a future date.

4.5 **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>
30/22	Application to renew a Hackney Carriage and	(a) Grant a licence for the term of three years, as requested, on the grounds that

	Private Hire Driver's Licence	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 and be informed that if there are any further offences during the term of the licence, the licence will be brought back to the Sub-Committee.
33/22	Application to renew a Hackney Carriage Vehicle Licence	Refuse to renew 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.

(Note: Councillor Angela Argenzio voted against the proposal to grant the licence in Case No. 30/22 and asked for her vote to be recorded.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 March 2022

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from the Co-Chair (Councillor Karen McGowan).

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 licence holder in Case No. 36/22 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 37/22 did not attend the hearing and, as no prior notice had been received from him, the Sub-Committee considered the case in his absence.
- 4.4 The applicant in Case No. 38/22 attended the hearing with a relative, and they both addressed the Sub-Committee.
- 4.5 The applicant in Case No. 39/22 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 either prior to or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
36/22	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Immediately suspend the licence for a period of three months or on completion of the Level 2 Certificate "The Introduction to the Role of a Professional Taxi and Private Hire Driver, whichever is the earliest, on the grounds that, in the light of the circumstances now reported, the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence and (b) the licence holder be given a formal written warning as to his future conduct, to remain live for the term of the re-instated licence
37/22	Application to Extend a Hackney Carriage Vehicle Licence	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.
38/22	Application to Renew a Private Hire Vehicle Licence	Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
39/22	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the circumstances now reported, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 March 2022

PRESENT: Councillors' David Barker (Chair), Ruth Milsom and Ann Woolhouse

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor 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 four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 40/22 did not attend the hearing and provided reasons to the Sub-Committee for his non-attendance. The Sub-Committee decided to proceed to consider the case in his absence.

4.3 The applicant in Case No. 41/22 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 42/22 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 43/22 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 either prior to or at the meeting, the cases now submitted be determined as follows:-

<u>Case No</u>	<u>Licence Type</u>	<u>Decision</u>
40/22	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold the licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.
41/22	Application to extend a Hackney Carriage Vehicle Licence	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.
42/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that the Sub-Committee no longer considers the licence holder to be a fit and proper person to hold a licence in view of the serious offence now reported.
43/22	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, in view of the incident now reported, until such time the licence holder completes the driving skills course and (b) the licence holder be given a written warning as to his future conduct, to remain live for the term of the current licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 March 2022

PRESENT: Councillors Karen McGowan (Chair) and Lewis Chinchon

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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 licencing.

4.2 The applicant in Case No. 44/22 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 45/22 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.4 The applicant in Case No. 46/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The licence holder in Case No. 47/22 did not attend the hearing and, as no prior notice had been received from him, the Sub-Committee considered his case in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
44/22	Request to extend a Hackney Carriage Vehicle Licence	Extend the licence up to 31 st July 2022, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
45/22	Request to extend a Private Hire Vehicle Licence	Extend the licence up to 31 st July 2022, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
46/22	Application for a Hackney Carriage and Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that, in light of the forthcoming policy review, which will allow factory fitted window tints, the Sub-Committee determined to grant the application.
47/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006 on the grounds that, in the light of the offence now reported, and other circumstances now referred to, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 March 2022

PRESENT: Councillors David Barker (Chair), Roger Davison and Vickie Priestley

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Sioned-Mair Richards.

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.48/22 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.49/22 did not attend the hearing as he was out of the country and the Sub-Committee agreed that his case be heard at a future date.

4.4 The applicant in Case No.50/22 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No.51/22 attended the hearing and 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>
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48/22	Application to renew a Private Hire Vehicle Licence	Refuse to grant a 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.
50/22	Application to extend a Hackney Carriage Vehicle Licence	Extend the licence until 28 th February, 2023 as applied for, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
51/22	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 April 2022

PRESENT: Councillors Karen McGowan (Chair), Joe Otten and Mick Rooney

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 three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No.52/22 attended the hearing with two representatives and they all addressed the Sub-Committee.
- 4.3 The applicant in Case No.53/22 had withdrawn his application prior to the meeting.
- 4.4 The licence holder in Case No.54/22 attended the hearing and addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported 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>
52/22	Application for the renewal of a Hackney	Grant a licence until the end of July 2022 on the grounds that the applicant has

	Carriage Vehicle Licence	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
54/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that, in view of the incident now reported, the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 April 2022

PRESENT: Councillors David Barker (Chair) and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 55/22 informed the Licensing Service that he was not able to attend the hearing and requested that the case be considered in his absence.

4.3 The applicant in Case No. 56/22 did not attend the hearing and, as no prior notice had been received from him, the Sub-Committee considered his case in his absence.

4.4 The applicant in Case No. 57/22 attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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55/22	Application to renew a Private Hire Vehicle Licence	Refuse to renew 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.
56/22	Application to renew a Private Hire Vehicle Licence	Refuse to renew 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.
57/22	Application for a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 April 2022

PRESENT: Councillors Karen McGowan (Chair), Angela Argenzio and Ruth Milsom

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No.58/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.59/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No.35/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
58/22	Review of a Hackney	Take no action.

Carriage and Private
Hire Driver's Licence

59/22	Application to renew a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
35/22	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) the licence holder be issued with a written warning with regard to his future conduct, such warning to remain live for the term of his current licence and for three years of his subsequent licence, (b) officers be requested to check on renewal of his licence for any further convictions and (c) due to the nature of the convictions, the licence holder be strongly advised to undertake an AA Driver Refresher Course.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 April 2022

PRESENT: Councillors David Barker (Chair), Lewis Chinchen and Sioned-Mair Richards

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 61/22 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 62/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 49/22 attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
61/22	Request to extend a Private Hire Vehicle	Refuse to extend the licence on the grounds that the applicant has not provided sufficient

	Licence	evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
62/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 1976 as, in the light of the evidence now presented, the Sub-Committee does not consider him to be a fit and proper person to hold a licence.
49/22	Application to renew a Private Hire Vehicle Licence	Refuse to renew 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 April 2022

PRESENT: Councillors David Barker (Chair), Roger Davison and Josie Paszek

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.63/22 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No.64/22 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.4 The applicant in Case No.65/22 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No.66/22 attended the hearing and 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 either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
63/22	Request to extend a Private Hire Vehicle Licence	Extend the licence for three months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
64/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	The licence holder be given a written warning as to his future conduct to remain on his licence for the next three years.
65/22	Application to renew a Private Hire Vehicle Licence	Refuse to renew 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.
66/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 April 2022

PRESENT: Councillors Karen McGowan (Chair), Dawn Dale and Neale Gibson

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 5 and 6 on the agenda (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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest

4. LICENSING ACT 2003 - TOP UP, 281 LONDON ROAD, SHEFFIELD, S2 4NF

4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield City Council Trading Standards, under Section 51 of the Licencing Act 2003, for a review of a premises licence in respect of Top Up, 281 London Road, Sheffield S2 4NF (Ref No. 34/22).

4.2 Present at the meeting were David Clutterbrook and Lisa Marsden (Trading Standards, Applicants), Gareth Barrett (Licensing Enforcement Officer), Maureen Hanniffy (Sheffield Children's Safeguarding Partnership), June Clarke (for the premises), the premises licence holder, an associate of the premises licence holder, Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Samantha Bond outlined the procedure to be followed during the hearing.

4.4 Jayne Gough presented the report, and it was noted that representations had been received from the Licensing Authority and the Sheffield Children's Safeguarding Partnership, and were attached at Appendix "C" to the report.

4.5 David Clutterbrook reported on the grounds as to why the application had been made by Trading Standards. As part of his representations, he circulated evidence to the Sub-Committee and showed covert video footage taken at the premises.

- 4.6 David Clutterbrook and Lisa Marsden responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, and June Clarke.
- 4.7 Maureen Hannify reported on the representations made by the Sheffield Children's Safeguarding Partnership, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 4.8 Gareth Barrett reported on the representations made by the Licensing Authority, and responded to a question raised by June Clarke.
- 4.9 June Clarke put forward the case on behalf of the premises, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, and Gareth Barrett.
- 4.10 All parties summarised their cases.
- 4.11 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made, the responses to the questions raised and the evidence and video footage viewed at the hearing, the premises licence in respect of the premises known as Top Up, 281 London Rd, Sheffield S2 4NF (Ref No. 34/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly the prevention of crime and disorder.

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

5. LICENSING ACT 2003 - NILE MARKET, 176-178 BARNSELY ROAD, SHEFFIELD, S4 7AF

- 5.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence in respect of Nile Market, 176-178 Barnsley Road, Sheffield S4 7AF (Ref No. 60/22).
- 5.2 Present at the meeting were David Clutterbrook and Lisa Marsden (Trading Standards, Applicants), Gareth Barrett (Licensing Enforcement Officer), Maureen Hannify (Sheffield Children's Safeguarding Partnership), the premises licence holder, Jayne Gough (Licensing Policy and Strategy Officer), Samantha Bond

(Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

- 5.3 Samantha Bond outlined the procedure to be followed during the hearing.
- 5.4 Jayne Gough presented the report, and it was noted that representations had been received from the Licensing Authority, South Yorkshire Police and the Sheffield Children's Safeguarding Partnership, and were attached at Appendix "C" to the report. The police had received an invite to the hearing, but were not able to attend.
- 5.5 David Clutterbrook reported on the grounds as to why the application had been made by Trading Standards.
- 5.6 David Clutterbrook and Lisa Marsden responded to questions raised by Members of, and the legal adviser to, the Sub-Committee.
- 5.7 Maureen Hannify reported on the representations made by the Sheffield Children's Safeguarding Partnership, and responded to a question raised by the legal adviser to the Sub-Committee.
- 5.8 Gareth Barrett reported on the representations made by the Licensing Authority, and responded to a question raised by the legal adviser to the Sub-Committee.
- 5.9 The premises licence holder put forward his case, and responded to questions raised by Members of, and the legal adviser to, the Sub-Committee, Gareth Barrett and Lisa Marsden.
- 5.10 All parties summarised their cases.
- 5.11 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.13 RESOLVED: That in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the premises licence in respect of Nile Market, 176-178 Barnsley Road, Sheffield S4 7AF Ref No. 60/22), be revoked on the grounds that the premises licence holder has consistently undermined the licensing objectives, particularly the prevention of crime and disorder.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 April 2022

PRESENT: Councillors David Barker (Chair), Ruth Milsom and Joe Otten

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 Councillor David Barker declared a personal interest in Case No.67/22 and left the room while the decision on the case was taken.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder, a representative and the complainant in Case No.67/22 attended the hearing and they all addressed the Sub-Committee.

4.3 The applicant in Case No.68/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No.69/22 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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67/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Take no action.
68/22	Application to renew a Private Hire Vehicle Licence	Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
69/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that, in view of the incident now reported, the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 May 2022

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Vickie Priestley

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No.70/22 did not attend the hearing and the case was heard in his absence.

4.3 The licence holder in Case No.71/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No.72/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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70/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that, in view of the incident now reported, the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence.
71/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence and for a further three years thereafter.
72/22	Application to Extend a Private Hire Vehicle Licence	Extend the licence until 30 th September, 2022, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 May 2022

PRESENT: Councillors David Barker (Chair), Lewis Chinchen and Sioned-Mair Richards

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Ruth Milsom 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 - THE DEVONSHIRE CAT, 49 WELLINGTON STREET, SHEFFIELD, S1 4HG

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 The Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG (Ref No. 74/22).

4.2 Present at the meeting were Liaquat Khan (Applicant), Tim Shields (John Gaunt and Partners, Solicitors) (for the applicant), Peter Sephton (Chair, ChangingSheff), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations had been received from Peter Sephton, a local resident, on behalf of ChangingSheff, and were set out at Appendix "C" to the report. Ms Gough added that representations had also been received from South Yorkshire Police, but had subsequently been withdrawn following the agreement of a number of conditions with the applicant, which were set out at Appendix "B" to the report.

- 4.5 With the approval of Mr Shields and the Sub-Committee, Peter Sephton circulated photographs of the premises and surrounding buildings, and stated that, as part of the development works currently taking place in the city centre, there were currently around 25,000 people living within the inner-ring road. Also, with further approval, he circulated a Changing Sheff information leaflet. Whilst ChangingSheff, the representative group for city centre residents, welcomed the development, and considered the city centre a great place to live, it considered that there was now an onus on the Council to listen to the concerns of local residents who were being adversely affected by noise nuisance in the early hours of the morning. Mr Sephton stated that the premises were surrounded by residential accommodation, and for this reason, he believed that they should not be allowed to open until 03:00 hours. Whilst he accepted that the premises had been allowed to open until 03:00 hours under the terms of the previous licence, which had since lapsed, this was a new application, and the circumstances, mainly relating to the increase in the city centre population, had changed. He stated that, as well as the existing residential accommodation surrounding the premises, Kangaroo Works, a new 364 apartment block, situated close by, was due to open later in 2022. Mr Sephton concluded by requesting the Council to consider implementing new licensing criteria regarding the night-time economy, given the large increase in the number of residents now living in the city centre.
- 4.6 In response to questions from Members of, and the legal adviser to, the Sub-Committee, and Tim Shields, Mr Sephton stated that whilst he accepted that the premises had opened until 03:00 hours under the previous licence, he considered that due to the increase in the number of residents in the surrounding area, there was now a need to consider the opening hours of such premises. He believed that 12:00 hours would be more reasonable, and would provide a better opportunity for local residents to have a reasonable night's sleep. ChangingSheff was a representative group of city centre residents, and had formerly been known as Sheffield City Centre Residents Action Group (SCCRAG), which had formed in 2012. The group, which received funding from the Council and the Business Improvement District, changed its name to ChangingSheff in 2017. The group met regularly to discuss residents' concerns and to look at projects and initiatives to improve the city centre. The main change in the area since the previous licence had lapsed was the development of Kangaroo Works, which was situated just under 100 metres down the road from the premises. Whilst the group had not objected to the original licence application for the premises, it now believed that given the fact that there was residential accommodation on three sides of the premises, as well as above, and with the new Kangaroo Works development opening later in 2022, the latest opening time should be 12:00 hours. The group had not been approached by any residents in terms of changes in the area within the vicinity of the premises since the lapse of the previous premises licence. However, residents were still suffering noise nuisance from people leaving restaurants, bars and nightclubs in the city centre. Mr Sephton stated that he had lived in the city centre for 17 years, and whilst the group had not received any specific complaints about The Devonshire Cat, it had received complaints of noise nuisance linked to the collection of industrial waste from other licenced premises nearby. Whilst the group welcomed the re-opening of The Devonshire Cat, it objected to the premises opening until 03:00 hours. The group wanted the Council to restrict

the opening hours of all new premises to 12:00 hours due to the expanding residential population in the city centre. Mr Sephton was aware of other licenced premises in the immediate vicinity, namely Corporation and The Washington, both of which opened until the early hours of the morning, but considered that, as this was a new application, this was the time for the Council to consider residents' right to a reasonable night's sleep.

4.7 Tim Shields, for the applicant, referred to the application set out in the report, specifically to page 16, which summarised the application for the premises licence. He stressed that the previous licence had not lapsed due to any enforcement action, but it was believed that it had been a victim of the Covid-19 pandemic. The premises had been constructed in 1999, with planning permission for residential accommodation above. The photographs circulated at the meeting highlighted the fact that there was residential accommodation above, as well as surrounding the premises, and that such accommodation had been there for a significant period of time. The premises had operated for many years without any issues, and whilst the applicant appreciated the problems being faced by some residents living within the immediate vicinity, there had been no concerns raised with regard to the premises. Mr Shields stated that the application was very similar to the previous premises licence, with the addition of further conditions, set out on pages 23 and 24 of the report. Mr Khan had significant experience in the licencing trade, owning other licenced premises in the city. All the responsible authorities had been informed of the application and apart from South Yorkshire Police, whose representations had been withdrawn following the agreement of conditions with the applicant, none of the other authorities had raised any concerns. Mr Shields referred to the representations from ChangingSheff, stating that they focused on the wider problems of noise nuisance in the city centre, and not on the premises themselves. He stressed that no residents of the flats, either above or surrounding the premises, had made any complaints of noise nuisance linked to The Devonshire Cat. He stated that there was therefore no evidence to suggest that the application would undermine any of the four licensing objectives. Mr Shields added that the opening hours would be no later than those of the Corporation or The Washington. He concluded by referring to the fact that he had sent a copy of the previous premises licence, which had been circulated to Members of the Sub-Committee.

4.8 In response to questions from Members of, and the legal adviser to, the Sub-Committee, and Peter Sephton, Mr Shields stated that whilst door staff may have been employed at the premises, this had never been a requirement of the premises licence. The other licenced premises owned by the applicant were the Wick at Both Ends, in the city centre, and the Cherry Tree, in the Carterknowle area. He also had unlicensed property interests in the city. Mr. Khan had held premises licences for over 30 years, so had significant experience in the licencing trade. The premises would be tenanted out, and there had been a number of expressions of interest from operators with good track records within the city. There had never been any issues regarding noise nuisance at the premises since it was constructed in 1999, with regard to both local residents or the responsible authorities. The applicant would ensure that the new tenants were reputable, and that consideration would be given to the termination of the

lease if any serious problems arose. Mr Shields was not aware of any other problems with the tenants at The Wick at Both Ends. The applicant would be willing to offer a contact phone number for residents to call with any problems. The applicant has requested the opening hours of up to 03:00 on the basis that other licenced premises in the surrounding areas had similar opening hours, and that it would provide him with flexibility in terms of financial viability. In addition, the premises had operated with similar opening hours under the previous licence, without any problems. It was likely that the premises would not remain open until 03:00 hours every night of the week, but the applicant wanted the flexibility if the demand was there. The only involvement of the Health Protection Service was that they had requested that the premises be deep cleaned, having been closed for a few years. Whilst anyone would be welcome at the premises, the applicant's other premises tended to attract a more mature clientele. Mr Shields did not agree that the city centre was becoming predominantly residential, indicating that, similar to other major cities, there was a mix of commercial and industrial businesses, office accommodation and leisure facilities, as well as residential accommodation. Jayne Gough confirmed that notices advertising all licence applications were required to be posted either on, or within the immediate vicinity of, the premises and Mr Shields confirmed that four or five notices had been posted by the applicant.

- 4.9 In summary, Mr Shields stated that the premises would be a welcome addition to the area, and that there had been no history of any problems at the premises since it opened. He referred to the fact that, despite the representations made by Mr Sephton, on behalf of ChangingSheff, which mainly referred to the cumulative impact of licenced premises in the city centre, the Council did not have a cumulative impact policy, therefore could not consider this as part of the application. Mr Shields then referred to various aspects of the licensing guidance, regarding the application and the powers of the Sub-Committee. He also referred to the Thwaites case, indicating that the Sub-Committee could not make judgement over "fear" of a premises causing nuisance.
- 4.10 Jayne Gough 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 Samantha Bond 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 at 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 accordance with the modified operating schedule, in respect of the premises known as the Devonshire Cat, 49 Wellington Street, Sheffield S1 4HG (Ref No. 74/22, subject

to the addition of the following condition:-

A direct telephone number for the manager, or other such person in charge at the premises, shall be made available to residents within the vicinity.

(NOTE: The full reason for the Sub-Committee's decision will be set out in the written Notice of Determination.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 May 2022

PRESENT: Councillors Karen McGowan (Chair) and Mick Rooney (for Case Nos. 75/22, 77/22 and 76/22) and Councillors Joe Otten and Angela Argenzio (for Case No. 78/22)

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 The Chair (Councillor Karen McGowan) and Councillor Mick Rooney declared personal interests in Case No. 78/22 and did not take part in the consideration of that case.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 75/22 requested a deferral on the grounds that he needed more time to prepare his case.

4.3 The applicant in Case No. 77/22 attended the hearing and addressed the Sub-Committee

4.4 The applicant in Case No.76/22 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No.78/22 attended the hearing with a representative, and they both addressed the Sub-Committee. In the absence of the Chair (Councillor Karen McGowan), this hearing was chaired by Councillor Joe Otten.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
75/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence holder a further opportunity to attend and present his case.
77/22	Request to Extend a Private Hire Vehicle Licence	Extend the licence to 31 st October 2022 on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
76/22	Request to Extend a Private Hire Vehicle Licence	Extend the licence to 30th September 2022 on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
78/22	Application to Renew a Hackney Carriage Vehicle Licence	Refuse to renew 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 23 May 2022

PRESENT: Councillors David Barker (Chair), Dawn Dale and Roger Davison

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.79/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.80/22 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.81/22 withdrew his application prior to the meeting.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
79/22	Application to Extend a Private Hire Vehicle	Extend the licence until 31 st March, 2023, on the grounds that the applicant has

	Licence	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.
80/22	Application to Extend a Private Hire Vehicle Licence	Extend the licence until 30 th September, 2022, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 May 2022

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Maroof Raouf

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 - OLIVIA'S, 173 - 179 WEST STREET, SHEFFIELD, S1 4EW

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 Olivia's, 173-179 West Street, Sheffield S1 4EW (Case No.83/22).

4.2 Present at the meeting were Sean Fogg (Applicant), Michelle Hazlewood (Applicant's Solicitor), Mark Booth (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that a representation had been received from a local resident and was attached at Appendix "C".

4.5 Mark Booth stated that exactly a year ago to the day he heard loud music outside the premises and tried to complain but didn't get any response and the music continued. He further stated that he had sent videos and photographs to the Licensing Service in November, 2021 evidencing his complaint. He said that licence conditions were consistently being breached, even after Licensing Enforcement Officers had visited the premises. He added that the front and rear

doors were frequently propped open so a considerable amount of noise breakout from amplified music could be heard until 3 a.m. which prevented him from sleeping or had woken him up. Mark Booth said that when the Environmental Protection Service had tested the acoustics inside the premises, they did so with the doors closed which, he believed, didn't give a true reflection of noise breakout from the premises. Mark Booth said that he had again complained to who he believed to be the applicant and was promised that the matter would be dealt with, but to date, nothing had been done. He said that the original planning application required an acoustic lobby with the doors leading out onto West Street opened outwards but in fact, they opened inwards and only had handles on the inside of the doors. Mark Booth stated that on 4th May, 2022, extremely loud music was played continuously for six to seven hours. He said he had raised the issue again with who he believed to be applicant, who had apologised to him, but he didn't feel that they were being proactive to his complaint. Mr. Booth felt that the applicant was unaware of what the manager of the premises was doing. In summarising his complaint, Mark Booth said that outside music being allowed near to residential premises was totally unacceptable and felt that premises should close before 3 a.m. He said the noise breakout from the premises was affecting his mental health due to not being able to sleep or having disturbed sleep. Finally, he said that he had lived in his apartment for 19 years and had never had any issues with previous owners of the premises.

- 4.6 In response to questions from Members of the Sub-Committee, Mark Booth confirmed that there were handles on the inside of the doors but not outside and there was evidence of doors being propped open on many occasions. He said he realised from the negative response he had received from the management of the premises that nothing was going to change, the music wasn't turned down and he and his partner had been told that the music would not be turned down, that the management of the premises could do what they wanted, and he was unaware of who, other than the Licensing Service, he needed to contact to try and resolve the matter. He said he didn't have an email or telephone contact for the applicant, he assumed that the applicant was the person who ran the bar. Mark Booth said that he was unaware that he could bring an application for a variation to the licence to be made. He also raised concerns that it was not always easy to see notices attached to lamp posts or in windows which would make people aware of applications being made.
- 4.7 At this point in the hearing, the Chair explained that, as the premises was already licensed to operate within the city centre and that the application was for a "shadow" licence of what was already in place and all terms and conditions of that licence was mirrored in the application. He said that should the licence lapse and was not transferred, the landlord would not have to go through the process of applying for a new licence.
- 4.8 Michelle Hazlewood stated that her client was the landlord for the site which was an investment property company who owned numerous properties around the city but had previously lost value in their investment when licences had lapsed for one reason or another and so one of the ways of ensuring the asset was safe, was to invest in commercial premises that already held a licence as a commercial landlord. She said that shadow licences were used all the time, especially in

London, as a way of securing an investment. She said that her client also owned Viper Rooms in the city centre and operated under a shadow licence. She said that the conditions of the licence for Olivia's were complied with and were robust and promoted the licensing objectives. Michelle Hazlewood stated that the next step, should the application be not granted today, was for the applicant to apply for a variation on the licence for the appointment of a Personal Licence Holder and a Designated Premises Supervisor should the existing licence fail, due to the fact that he wished to remain as landlord to the premises. She added that the applicant did not want to hold a licence in his own name but wanted to remain as landlord of the premises. Michelle Hazlewood said that the evidence provided by the objector was not relevant for the purpose of the application. She said that the issues raised regarding the door not opening outwards and being propped open had been dealt with by the Environmental Protection Service.

- 4.9 In response to questions from Members of the Sub-Committee and observations from the objector, Michelle Hazlewood stated that the application had been made from the position of a commercial landlord. She said the application had been before the Sub-Committee last year and had been granted and that there had not been objections received from any of the Responsible Authorities. She said that due to the fact that the licence does not currently have a Personal Licence Holder or a Designated Premises Supervisor in place, the business cannot operate without them. The applicant added that he would be happy to work with the objector and share contact details with him, adding that he had not received any complaints from other local residents.
- 4.10 Michelle Hazlewood summarised the case on behalf of the applicant.
- 4.11 Clive Stephenson outlined the options available to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.15 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 Olivia's, 173-179 West Street, Sheffield S1 4EW (Ref No. 83/22) in the terms requested.

(NOTE: 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 31 May 2022

PRESENT: Councillors David Barker (Chair) and Denise Fox

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 75/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 84/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 85/22 did not attend the hearing and, as no prior notice had been received from him, the Sub-Committee considered the case in his absence.

4.5 The licence holder in Case No. 86/22 requested a deferral on the grounds that he was not in the country.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
75/22	Review of a Hackney Carriage/Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of his current licence.
84/22	Review of a Hackney Carriage/Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for a period of three years.
85/22	Application for a new Hackney Carriage/Private Hire Driver's Licence	Grant a licence on the grounds that the Sub-Committee considers the applicant to be a fit and proper person, subject to him completing the Level 2 Certificate "The Introduction to the Role of a Professional Taxi and Private Hire Driver" within 12 months.
86/22	Review of a Hackney Carriage/Private Hire Driver's Licence	Grant the licence holder a further opportunity to attend and present his case.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 June 2022

PRESENT: Councillors George Lindars-Hammond (Chair)

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.87/22 had indicated he would not be attending the hearing and had asked that the case be heard in his absence.

4.3 The applicant in Case No.90/22 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.91/22 was unable to attend the hearing and had asked that his case be deferred to a future date.

4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
87/22	Application to Extend a	Refuse to extend the licence on the

	Private Hire Vehicle Licence	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.
90/22	Application to renew a Private Hire Vehicle Licence	Renew the licence for 12 months as requested, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
91/22	Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the applicant a further opportunity to attend and present his case.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 June 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Abdul Khayum

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 92/22 did not attend the hearing.

4.3 The applicant in Case No. 93/22 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 and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
92/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence holder one further opportunity to attend and present his case.
93/22	Application to renew a Private Hire Vehicle Licence	Grant a licence for 12 months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 June 2022

PRESENT: Councillors David Barker (Chair) and Lewis Chinchen

1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the 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.94/22 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No.95/22 was unable to attend the hearing and asked that his case be deferred to a future date.

4.4 The applicant in Case No.80/22 attended the hearing with his son and they both addressed the Sub-Committee.

4.5 The applicant in Case No.73/22 had withdrawn his application prior to the meeting.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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94/22	Application for a new Hackney Carriage and Private Hire Vehicle Driver's Licence	Grant a licence for the term of three years as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
95/22	Application to extend a Private Hire Vehicle Licence	Grant the applicant a further opportunity to attend and present his case.
96/22	Application to renew a Private Hire Vehicle Licence	Renew the licence for a shorter term than requested of nine months, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 June 2022

PRESENT: Councillors David Barker (Chair), Roger Davison and George Lindars-Hammond

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Abdul Khayum 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 four cases relating to hackney carriage and private hire licensing.
- 4.2 The licence holder in Case No.97/22 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No.98/22 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.4 The licence holder in Case No.99/22 did not attend the hearing and the case was heard in his absence.
- 4.5 The applicant in Case No.100/22 did not attend the hearing.
- 4.6 **RESOLVED:** That, after consideration of the information contained in the case papers, and the information now reported and, where relevant, circulated either prior to the meeting, but after publication of the agenda, or at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
97/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
98/22	Application for a new Hackney Carriage and Private Hire Driver's Licence	Refuse to grant the licence on the grounds that, in view of the convictions now reported, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.
99/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, on the grounds that the Sub-Committee considers the licence holder to be an immediate and ongoing risk to the public.
100/22	Application to extend a Private Hire Vehicle Licence	Defer consideration of the case to allow the applicant a further opportunity to attend to present his case.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 June 2022

PRESENT: Councillors David Barker (Chair), Roger Davison, Maroof Raouf and Cliff Woodcraft

1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Maroof Raouf declared a personal interest in Case No. 101/22 and did not take part in the consideration of that case.

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.101/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.92/22 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.102/22 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No.95/22 attended the hearing with his brother 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 either prior to the meeting, but after publication of the agenda, or at the meeting, the

cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
101/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Lift the suspension and the licence holder be issued with a written warning with regard to his future conduct, such warning to remain live for the term of his current licence.
92/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	The licence holder be (a) given a written warning as to his future conduct, to remain live for three years and (b) required to complete the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' prior to his next licence renewal date.
102/22	Review of a Hackney Carriage and Private Hire Vehicle Driver's Licence	Take no action.
95/22	Application to extend a Private Hire Vehicle Licence	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 11 July 2022

PRESENT: Councillors Jayne Dunn (Chair), Lewis Chinchon and Vickie Priestley

1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor David Barker attended 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 - 7 SEAS RESTAURANT, 285 ECCLESALL ROAD, SHEFFIELD, S11 8NX

- 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 7 Seas Restaurant, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.102/22).
- 4.2 Present at the meeting were Rob Collins (Manager), Jwan Butimar and Shiwan Butimar (Applicants), Ata Izadi (Premises Licence Holder), Elaine Cresswell (Environmental Health Technician/Health and Safety Inspector), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that the applicant had agreed to licence conditions from the Environmental Protection Service which were detailed at Appendix "C" to the report. An outstanding representation from the Health Protection Service had been received and was attached at Appendix "D" to the report.

- 4.5 Elaine Cresswell stated that she had visited the premises in May and said that public safety issues were prevalent and the premises design was not in accordance with the plan submitted. She said the access ramp to the premises, the sanitary provision and the flooring were all matters of concern to her. Ms. Cresswell stated that following discussions with the applicant, a new plan had been submitted. On inspection of the new plan, Ms. Cresswell said that the ramp was twice as steep as the relevant building regulations allowed and there was inadequate space to manoeuvre a wheelchair onto the landing. She said that the ramp led out onto a busy footway which was uneven and had a tree in the middle of it, which then led onto a busy road. She said that during inclement weather, there would be risk of slipping and that the handrails on the ramp were too narrow and did not meet the minimum width required of 1500mm. Ms. Cresswell then referred to the sanitary provision, stating that there was no internal sanitary provision for wheelchair users and that ambulant disabled persons would struggle due to there being limited space in the toilet area. She said that the applicant was proposing a wheelchair accessible toilet to the rear of the premises, which would be accessed by leaving the front of the premises via the ramp and turning down the walkway at the side of the premises, before proceeding up another ramp to the toilet in the back yard of the premises. She said the walkway and yard had shared access with residential flats on the top floor of the premises which raised public safety concerns and the area was uncovered which would be slippery in wet weather. Finally, with regard to the flooring, Ms. Cresswell said that the tiles fitted were not slip resistant.
- 4.6 In response to questions from Members of the Sub-Committee, the Legal Adviser and the General Manager of the premises, Elaine Cresswell said that ideally there should be steps as well as a ramp in order to meet the required standards. She circulated a map which showed the access to the premises, and the fire escape from the residential flats and which showed that it would be impossible to cover the area. She said that since the application had been received, which was some time ago, she had been made aware that the flooring had been replaced, but her main concern was the ramp and said that in order to comply with building regulations, either steps or a ramp or both should be installed.
- 4.7 Rob Collins confirmed that the floor had been levelled and non-slip tiles had been replaced to the highest standards at some considerable costs to the applicants. He said that in the basement of the premises, the walls and floor which was not currently fit for purpose, have now been replaced, a risk assessment carried out and it was intended that this area would be used as a dry store and for overflow bar drinks. He said the applicant had held discussions with Shield Safety, who work closely with the hospitality industry, to deal with concerns such as wheelchair access, emergency lighting, and other related issues at the premises. Mr. Collins said that, following comments made by Ms. Cresswell and in consultation with the applicant, there was a proposal for the ramp currently in place to be removed and replaced with steps and a foldable ramp would be kept at the premises and used by wheelchair customers as and when required. He said that when customers made a booking for the restaurant, staff would ask whether assistance would be required, and staff would be on hand to provide that assistance. He said that staff would be on hand to assist customers to the outside

toilets if required. He said that there was a proposal to build an inlet to the entrance of the premises which would provide a larger landing area for wheelchair users which was similar to the premises next door. With regard to the indoor toilet provision, Mr. Collins stated that consideration had been given to moving the sink in the internal bathroom in order to create more space for ambulant disabled persons, as well as removing the internal door, however the toilet wall itself was now fitted with sockets and thousands of pounds had been spent on special plastering, so moving it was not really an option, as it would also reduce seating capacity and cause access issues for serving. Mr. Collins felt that the applicants had gone above and beyond what was required, especially in comparison to other premises along Ecclesall Road, to ensure public safety.

- 4.8 In response to questions from Members of the Sub-Committee, Mr. Collins stated that the third party to the application were no longer in occupation and the office space was empty. He said that the premises would be offering something not currently seen in Sheffield and feel they would be a good addition to the city. There was no intention to apply for a licence to sell alcohol and the premises would not allow customers to 'bring your own' alcohol onto the premises. Ms Butimar explained that her father is an amputee and so they have fully considered issues surrounding accessibility and inclusivity. Mr. Collins said that the removable ramp would be secured with a bracket inside the rear of premises where there was plenty of storage space, to prevent it from getting wet or stolen, and this would be brought round to the front as and when required. With regard to opening hours at the premises, Mr. Collins said last seating would be at 10.30 p.m. to finish at midnight. He said that he had always been open to discussion with the Responsible Authorities to resolve any matters that may arise.
- 4.9 At this stage in the hearing, the meeting was adjourned to allow the parties to discuss the issues raised.
- 4.10 The meeting was reopened to all interested parties.
- 4.11 Elaine Cresswell said that the applicant had put forward two new designs regarding the access ramp and she had suggested that they contact their architect to put forward new plans. She said that there were still some issues to be resolved regarding sanitary provision at the premises.
- 4.12 Elaine Cresswell summarised the case on behalf of the Health Protection Service.
- 4.13 Rob Collins summarised the case on behalf of the applicants.
- 4.14 Jayne Gough reported on the options available to the Sub-Committee.
- 4.15 **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.

- 4.16 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.18 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, the Sub-Committee agrees to vary the premises licence in respect of the premises known as 7 Seas Restaurant, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.102/22), in the terms requested, subject to the conditions agreed with Environmental Protection Services, and with the following additional conditions:-
- (a) a Local Authority Building Regulation Completion Certificate for the premises, including the front access ramp, to be submitted to and approved by the Health Protection Service prior to the opening of the business; and
 - (b) the internal toilet must comply with the Part M Building Regulations Standard to be wheelchair accessible and be approved by the Health Protection Service prior to the opening of the business.

(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 19 July 2022

PRESENT: Councillors David Barker (Chair), Abdul Khayum and Maroof Raouf

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Roger Davison 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 - CORNER SHOP, 253 GLOSSOP ROAD, SHEFFIELD, S10 2GZ

4.1 The Chief Licensing Officer submitted a report to consider an application, under section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 107/22).

4.2 Present at the meeting were Rebwar Okhrati (Applicant), Ian Rushton (Applicant's Representative), Ruth Johnson and Steve Lee (Local Residents), Jayne Gough (Licensing Strategy and Policy Officer), Paul Barber (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

4.3 Paul Barber 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 Councillors Douglas Johnson and Brian Holmshaw, and from 11 local residents, and were attached at Appendix "C" to the report. Ms Gough added that representations had also been received from the Public Health Service and Changing Sheff, but had subsequently been withdrawn following the agreement of conditions with the applicant.

4.5 Steve Lee, who attended on behalf of a number of local residents, stated that whilst the residents welcomed the use of the currently vacant unit, there was a considerable level of concern regarding the application. The premises were located to the rear of a terrace of housing, at the top of a private alleyway, where Mr. Lee lived with his family. Mr. Lee stated that the local community comprised

families, with children of all ages, as well as elderly people, and was very close-knit. The residents were concerned as it appeared, from both the application and the signage in the shop window, that it was going to comprise an alcohol-led retail unit. He referred to the existing problems caused by alcohol in the city centre, and particularly on West Street, and to previous efforts of Changing Sheff to request the Council to undertake a cumulative impact assessment of licensed premises in the city centre area. Mr. Lee referred to the extensive research undertaken by one of the local residents, which was detailed in the report, and which highlighted the significant difference in the number of reported violent crimes at licenced premises on and around West Street, as compared with the Gell Street area, where the premise were located. Mr. Lee stated that whilst residents appreciated the steps taken by the applicant with regard to the installation of CCTV and the installation of a gate stopping people accessing the alleyway leading to the rear of their properties, he believed that this was mainly to safeguard the security of the premises, and wouldn't reduce levels of anti-social behaviour in the area. Mr. Lee stated that, whilst he was aware that such applications could not be refused on the grounds of the likelihood of there being trouble, he believed that evidence pointed to the fact that the availability of alcohol, particularly cheap alcohol, and especially where there were a number of vulnerable people living in the area, would lead to an increase in crime and disorder, public nuisance and be a threat to public safety. He referred to problems of anti-social behaviour in the area, and that residents had worked closely with the local authority and the local neighbourhood police team, which had resulted in the installation of a gate at the end of the alleyway leading to the rear of their properties, and which had resulted in a reduction in anti-social behaviour. Further to a query by Mr Lee regarding the opening hours, Jayne Gough stated that whilst the Licensing Service had to include the original premises licence application in the report, the agreement regarding the reduction in the opening hours had been formally documented. Further to a query regarding the ownership of other licenced premises by the applicant, Mr Rushton confirmed that Mr Okhrati had been the premises licence holder of licenced premises at 272 South Road, but had since transferred this licence. Mr. Lee stated that he had visited the premises on South Road, and had observed that the store had been very sparsely stocked with dry goods, which raised concerns as to the potential of the premises on Glossop Road being similar, and thereby alcohol-led. Mr. Lee concluded by stating that there were many established retail and commercial premises in the area, including licenced premises which closed at 23:00 hours, with no late night licenced premises. Residents were concerned that the premises, given the late opening hours, and the fact that it was apparently alcohol-led in terms of sales, would create noise nuisance and anti-social behaviour in the area.

- 4.6 Ruth Johnson pointed out that 50% of the advertisements the shop window were alcohol-related.
- 4.7 In response to questions from Members of the Sub-Committee, Mr. Lee stated that he had lived in the area for over 16 years, with some of his neighbours having lived there for much longer. He stated that it was a very close-knit, well-established community, and that there were children aged between one and 17 living with their families in the terrace to the rear of the premises. The majority of

residents in the area were in support of, and used, the local shops, restaurants and cafes which served the local community, and would support the Corner Shop if it sold a wide variety of produce, and not predominantly alcohol. The owners and staff of the local enterprises in the area were very much part of the local community. Mr. Lee believed that it would have been helpful if Mr Okhrati had made contact with the residents living within the immediate vicinity of the premises, such as asking them what they would like to see being sold in the shop but, unfortunately, this hadn't been the case. The residents would like to see a traditional convenience store, having a wide range of produce for sale, and not predominantly alcohol, as appeared to be the case at present. Mr. Lee confirmed that he had seen the Operating Schedule set out in the application, and which comprised a comprehensive list of rules and regulations which the premises had to adhere to. He stated that whilst it was not possible to pre-empt any issues, he wasn't convinced that all such rules and regulations safeguarded local residents as much as the premises itself. There were six off-licences between Gell Street and the bottom end of West Street, as well as a number of restaurants and bars. The nearest off-licence to Gell Street was Bargain Beers, which was situated around 200/300 metres away. He referred again to the research highlighting the number of alcohol-related incidents that had occurred within 100 metres of Bargain Beers, as compared to the number within a similar area surrounding the Corner Shop.

- 4.8 Ian Rushton, for the applicant, stated that the premises, which had been fitted out and refurbished to a good standard, would operate as a convenience store, selling a range of goods, including bread, milk, sweets and cigarettes, as well as alcohol. He stressed that it would not be operating as a "bargain booze"-style establishment, and that sales would not be predominantly alcohol-led. Mr Okhrati had taken out a 10-year lease on the premises, and wanted to invest, long-term, in the local community. Mr Rushton referred to the floor plan of the premises, and explained where the various goods on sale would be located, stressing that the alcohol would be secured safely and/or easily supervised by staff. There would be two to three members of staff in addition to Mr Okhrati, and he would always ensure that there was a sufficient number of staff on duty, particularly during the expected busier times. Mr Okhrati had over 18 months experience in the retail trade, which had included alcohol sales, and had a clean record. He was previously the premises licence holder of a licensed convenience store on South Road in the city. He had since transferred this licence, and was now focusing on the Corner Shop. Mr Okhrati had lived reasonably close to the premises, for four years, and was getting to know the local area. He held a premises licence, and would be the Designated Premises Supervisor of the Corner Shop. Mr Rushton referred to the opening hours, indicating that following concerns expressed by local residents, the applicant had reduced the hours regarding alcohol sales to 08:00 to 23:00 hours, Monday to Sunday. Whilst the shop may open earlier and/or close later, he would only be able to serve alcohol between these times. Mr Rushton referred to the Operating Schedule, highlighting those conditions regarding CCTV and staff training, and stressing that all such conditions had been accepted by the responsible authorities. Mr Rushton referred to a further condition added to the licence, following residents' concerns, to the effect that no more than 20% of the shelf space in the shop should contain alcohol. With regard to the representations made in respect of the

application, it was highlighted that, following the agreement by the applicant to reduce the licenced hours in terms of the sale of alcohol, following objections received from the Public Health Service, there were currently no outstanding objections from any of the responsible authorities. Regardless of this, Mr Okhrati appreciated the residents' concerns and, to allay any fears, he had worked closely with the responsible authorities, which had resulted in the agreement of the two additional conditions. Further to concerns regarding access to the alleyway at the rear of the terrace on Gell Street, Mr Okhrati had installed a gate, with the approval of his landlord, to the side of the premises, which was covered by CCTV. Mr Rushton referred to the concerns raised regarding anti-social behaviour linked to other premises in the surrounding area, pointing out that this wasn't relevant for consideration by the Sub-Committee as part of this application.

- 4.9 In response to questions raised by Members of the Sub-Committee and Jayne Gough, Mr. Lee, on behalf of Mr Rushton, explained the precise location of the premises, pointing out that the rear of the shop overlooked the alleyway to the rear of the terrace on Gell Street, which was well-used by residents. Mr Rushton stated that, as far as he was aware, there had been no issues with the installation of the gate to the side of the premises, and he confirmed that the installation had been approved by the landlord of the premises. The gate was currently open, but there were plans, subject to the approval of local residents, to have a padlock, with residents being given keys. He added that a "Private" sign could be fixed to the gate and that details regarding the gate would be formally documented as part of the application. Further to comments raised regarding anti-social behaviour in the alleyway, which included drug dealing, Mr Rushton stated that whilst Mr Okhrati would do everything in his powers, including sharing CCTV images with the police, to help deal with this, this was not a relevant consideration as part of the application. The signage in the shop window would be changed to reflect the condition regarding the percentage sales of alcohol, and such condition would be enforceable. It was likely that the shop would open at 07:00 hours and close later than 23:00 hours in order to provide Mr Okhrati with some flexibility in terms of the sale of non-alcoholic goods. During the hours when alcohol was not being sold, it would be screened off, and there would be a sign in the window publishing the hours when it could be sold. The 20% alcohol sales and 80% other goods sales would be worked out based on available shelf space, and this would be regularly monitored, particularly as it was an enforceable condition. If staff witnessed a violent incident in or around the premises, they would contact the police, make a log of the incident and maintain any CCTV images. If there were issues regarding low level anti-social behaviour, such as young people hanging around outside the premises, staff would approach them and politely ask them to move on. All staff would receive appropriate training to enable them to deal with such incidents. Mr Okhrati chose the premises because he viewed it as a good business opportunity, and that he liked the local area. The late opening hours would provide an opportunity for local residents or anyone else passing by to purchase any essentials, such as bread and milk, and provide Mr Ohkrati with an opportunity to assess whether there was a demand at such times. There would be a range of alcohol for sale, which could include a small range of strong beers.

- 4.10 Mr Rushton summarised the case on behalf of the applicant.
- 4.11 Jayne Gough outlined the options available to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Paul Barber reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the Sub-Committee agrees to grant the premises licence in the terms requested, in respect of the premises known as Corner Shop, 253 Glossop Road, Sheffield, S10 2GZ (Ref No. 107/22) subject to the conditions agreed with the Public Health Service and Changing Sheff, as follows:-
- (a) the sale of alcohol be only allowed between 08:00 and 23:00 hours, Monday to Sunday; and
 - (b) alcohol stock levels on display will not exceed 20% of the overall shelf space at any time.

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

5. LICENSING ACT 2003 - GUYSHI, 180 WEST STREET, SHEFFIELD, S1 4ET

- 5.1 The Chief Licensing Officer reported that the representations made by Environmental Health had been withdrawn prior to the hearing, therefore the application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Guyshi, 180 West Street, Sheffield, S1 4ET (Ref No. 108/22) had been be allowed, subject to the agreed conditions, as follows:-
- (a) there shall be a written safe system of work for the transportation of food on the public staircase throughout opening hours to control risks from slips, trips and falls. This written system is to be put in place prior to opening for business and a copy submitted to the responsible authority for public safety. (Examples of issues to consider include deep trays to minimise spillage, 'stop/go' system on the staircase, suitable footwear for staff, mirror/s to prevent blind spots, staff training, written spillage policy.

This list is not exhaustive.);

- (b) a written scheme of maintenance is to be put in place for areas of flooring requiring slip-resistant treatments to ensure the equivalent of a pendulum wet test rating of 36 or above is achieved in public areas and thoroughfares. This scheme is to be put in place prior to opening for business;
- (c) a Building Regulation Completion Certificate shall be submitted to the responsible authority for public safety prior to opening for business; and
- (d) a satisfactory Electrical Installation Certificate shall be submitted to the responsible authority for public safety prior to opening for business. (If an electrical condition report is provided it should cover 100% of the premises).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 July 2022

PRESENT: Councillors Jayne Dunn (Chair) and Dawn Dale

1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.91/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.100/22 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No.86/22 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No.104/22 had contacted the Licensing Service and asked that his case be deferred to a future date.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
91/22	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, subject to him undertaking and passing the Certificate in the Role of the Professional Taxi and Private Hire Driver before issue.
100/22	Application to Extend a Private Hire Vehicle Licence	Extend the licence until 31 st January, 2023, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
86/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence in view of the offence now reported.
104/22	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow the licence holder a further opportunity to attend to present his case.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 July 2022

PRESENT: Councillors David Barker (Chair), Denise Fox and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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 licence holder in Case No. 105/22 attended the hearing with a friend, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 106/22 did not attend the hearing, and no prior notice had been received from him.

4.4 The applicant in Case No. 109/22 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 110/22 did not attend the hearing, and no prior notice had been received from him.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
105/22	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning as to his future conduct, to remain live on his licence for a period of three years.
106/22	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant the applicant one further opportunity to attend and present his case in person.
109/22	Application to Renew a Private Hire Vehicle Licence	Grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
110/22	Application to renew a Private Hire Vehicle Licence	Grant the applicant one further opportunity to attend and present his case in person.