

**SHEFFIELD CITY COUNCIL'S**

**STATEMENT OF LICENSING POLICY**

**Under the Licensing Act 2003**

**2021**

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## PART 1 - FOREWORD

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

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

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

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

## Introduction

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

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

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

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

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

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

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

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

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

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

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

## Ambition of the City and other linked strategies.

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

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

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

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

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

## PART 2 - OVERVIEW

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

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

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

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

### Legislative Background (The Act)

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

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

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

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

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

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

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

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

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

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

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

## Key Definitions

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

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

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

## Scope of Licensing Policy

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

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

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

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

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

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

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

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

## Process of applying for a licence

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

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

### Applying

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

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

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

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



### Processing

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



### Determining

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

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

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

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

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

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

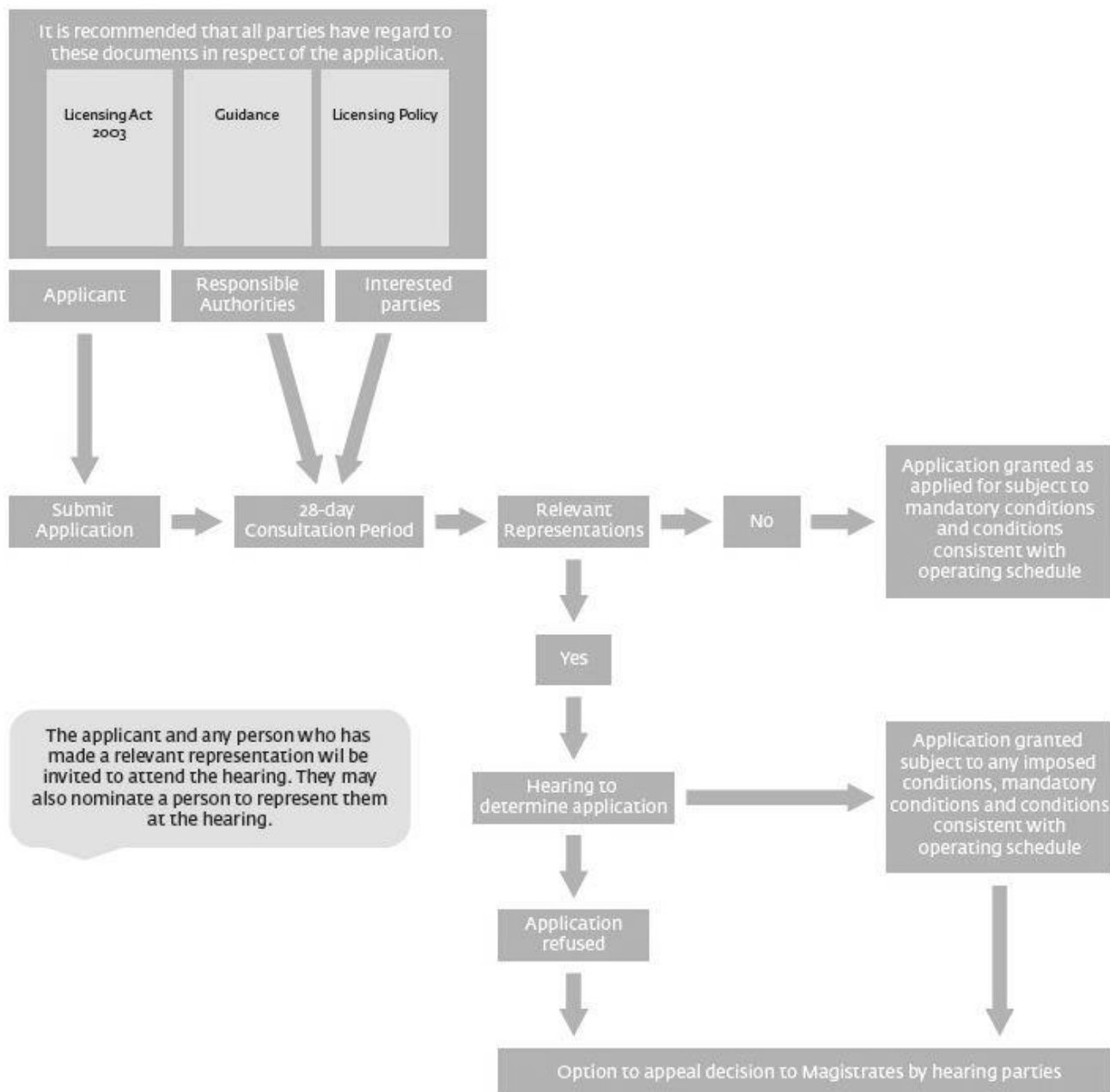
An opposed application which complies with this policy will not necessarily be granted and an opposed application which does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere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

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



## Quick Reference Licensing Application Flow Chart

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



## Relationship with Planning

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

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

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

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

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

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

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

### **The Development Plan**

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

## Night Time Uses – Interim Planning Guidance

### **Guideline 1: Controlled Areas**

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

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

### **Guideline 2: City Centre and Neighbourhoods**

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

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

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

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

## City Centre Living Strategy – Supplementary Planning Guidance

### Guideline 11

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

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

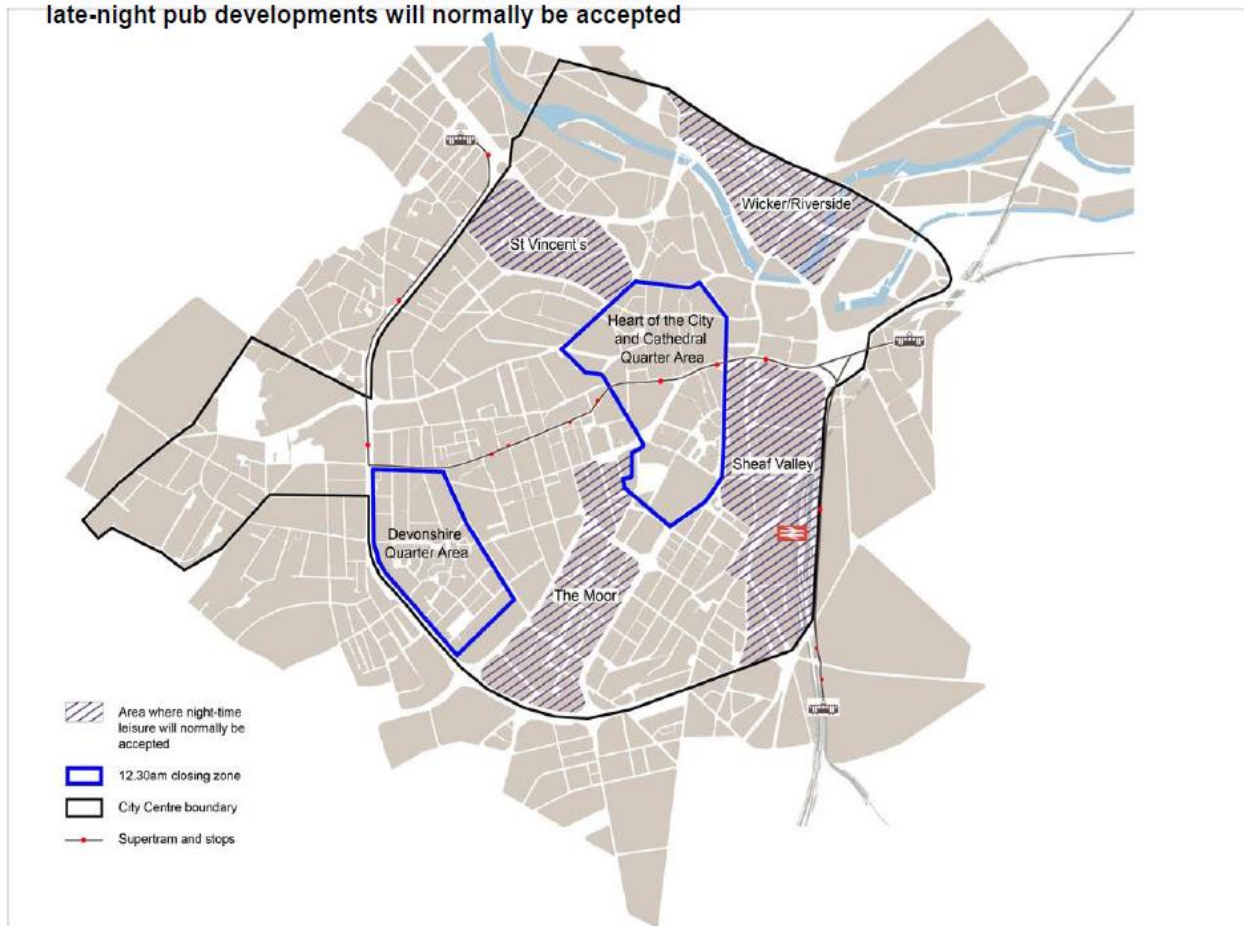
We want the city to be attractive to a wide range of activities, visitors and residents. This includes a vibrant, healthy and safe night time economy. We recognise that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this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

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

## Sheffield City Centre

### PLAN 1

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



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

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

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

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

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

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

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

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

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

## The Licensing Objectives

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

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

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

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

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

### General steps for applicants to promote the licensing objectives

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

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

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

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

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

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

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

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

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

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

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

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

### **Pre-Application Advice and Consultancy Service**

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

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

DRAFT

# THE PREVENTION OF CRIME AND DISORDER

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

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

## **Crime and Disorder Policy**

### **Applications**

#### **CCTV**

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

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

#### **City Retailers Against Crime**

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

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

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

#### **Management Practices**

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

#### **Drugs**

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

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

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

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

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

#### **Door Supervisors**

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

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

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

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

### **Sale of Illicit Goods**

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

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

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

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

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

### **Sale of high strength beers and ciders**

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

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

### **Dispersal / End of Evening Policy**

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

### **Winding Down Time**

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

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

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

### **Use of Glassware**

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

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



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

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

### **Determining an Opposed Application**

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

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

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

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## **PUBLIC SAFETY**

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

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

### **Public Safety Policy**

#### **Applications**

#### **Risk Assessments**

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

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

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

#### **Specified Uses of the Building**

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

#### **Plans**

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

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

#### **Ensuring Safe Departure of those using the premises**

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

Consideration should be given to:

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

#### **Venue Safety**

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

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

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

The most relevant design standards are –

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

(The BS is more thorough and provides a more inclusive environment but the approved document is more readily available at [https://www.planningportal.co.uk/info/200135/approved\\_documents/80/part\\_m\\_-\\_access\\_to\\_and\\_use\\_of\\_buildings/2](https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2) .)

## **Drugs**

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

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

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

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

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

## **Alcohol Harm**

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

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

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

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

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

## **Determining an Opposed Application**

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

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

## **PREVENTION OF PUBLIC NUISANCE**

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

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

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

### **Public Nuisance Policy**

#### **Applications**

##### **Noise Breakout from Regulated Entertainment**

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

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

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

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

##### **Closing Times**

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

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

##### **Light Pollution**

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

##### **Outside Areas and Smoking/Vaping Shelters**

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

## **Tables and Chairs**

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

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

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

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

## **Fly posting, flyering and other nuisance advertising**

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

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

## **Determining an Opposed Application**

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

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

# **PROTECTION OF CHILDREN FROM HARM**

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

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

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

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

## **Protection of Children from Harm Policy**

### **Applications**

#### **Children and Young People's Risk Assessment**

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

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

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

#### **Access for Children to Licensed Premises**

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

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

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

#### **Proof of Age / Age Verification Scheme**

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

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

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

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

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

## Underage Sales

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

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

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

### **Test Purchase Strategy Process**

#### **1<sup>st</sup> Failure**

Option of:

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

#### **2<sup>nd</sup> Failure (within 3 months of first failure – considered persistent)**

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

#### **2<sup>nd</sup> Failure (after 3 months of first failure within 12 months of first failure)**

Option of:

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

#### **3<sup>rd</sup> Failure (within 12 months of first failure)**

- **Automatic review application**

#### **3<sup>rd</sup> Failure (after 12 months of first failure)**

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

## **Gambling and Gaming:**

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

## **Child Exploitation**

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

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

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

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

## **Events**

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

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

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

## **Proxy Sales**

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

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

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

## **Safeguarding Coordinator**

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

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

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



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

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

### **Determining an Opposed Application**

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

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

Conditions restricting access will be considered in the following circumstances:

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

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

## Representations made by 'other persons'

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

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

### Representations made by 'other persons' policy

#### Making a representation

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

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

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

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

#### Responsible Authorities

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

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

#### Petitions

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

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

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

#### Processing a representation

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

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

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

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

#### Petitions

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

## **Determining an Opposed Application**

### **Attendance at Licensing Committee Hearings**

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

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

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

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

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

### **Petitions**

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

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

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

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

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

### Premises Licences/Club Premises Certificates/Provisional Statements Application Policy

#### Applications

##### Considering the Local Community

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

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

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

##### Processing

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

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

##### Determining an Opposed Application

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

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

The licensing authority will give appropriate weight to:

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

## Premises Licences for Alcohol Delivery Services

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

These tend to fall into three main groups:

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

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

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

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

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

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

## Applications for: Personal Licences

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

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

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

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

### Personal Licence Application Policy

#### Applications

In order to apply for a personal licence you must:

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

#### Processing

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

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

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

#### Determining an Opposed Application

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

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

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

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

## Designated Premises Supervisors (DPS)

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

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

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

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

### Designated Premises Supervisor (DPS) Application Policy

#### Applications

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

#### Processing

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

#### Determining an Opposed Application

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

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

## Temporary Event Notices (TENs)

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

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

### Restrictions on TEN's

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

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

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

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

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

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

## Temporary Event Notice (TEN) Policy

### Applications

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

### Processing

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

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

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

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



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

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

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

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

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

### **Determining an Opposed Application**

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

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

## Applications for: events to be held of Council land

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

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

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

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

### **Event to be held of Council land Policy**

#### **Applications**

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

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

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

#### **Processing**

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

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

#### **Determining an Application**

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

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

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

## Applications for: Large Scale Events

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

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

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

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

### Large Scale Events Policy

#### Applications

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

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

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

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

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

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

#### Processing

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

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

#### Determining an Application

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

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

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

## Applications for: Minor Variations

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

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

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

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

### Minor Variation Application Policy

#### Applications

Minor variations generally fall into four categories:

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

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

#### Processing

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

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

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

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

#### Determining an Opposed Application

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

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

## Application for: Review

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

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

### Review Application Policy

#### Applications by Responsible Authorities

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

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

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

#### Applications by 'Other Persons'

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

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

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

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

#### Applications – General

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

#### Processing

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

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

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

## Determination of a Review Application

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

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

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

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

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

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

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

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

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

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

### Summary Review Application Policy

#### Processing

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

#### Determining Interim Steps

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

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

The steps available to the sub-committee are:

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

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

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

#### Making Representations against the Interim Steps

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

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

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

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

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

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

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

#### Determination of a Review Application

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

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

Any summary review application received will be seriously considered on its own individual merits and by reference to the four licensing objectives.

## Annual Fees and Suspensions

Once granted, holders of premises licences and club premises certificates must pay an annual fee to the Licensing Authority each year on the anniversary of the date that the licence was first granted, which is directly linked to the non-domestic rateable value of the premises.

It is the sole responsibility of the licence holder to ensure the annual licence fee is paid on time, with no obligation on the Licensing Service to ensure they are reminded to do so.

In Sheffield, the Licensing Service tries to assist licence holders by issuing two reminder letters in the month leading up to the annual fee renewal date in an attempt to help licence holders and club premises certificate holders to pay their fees on time, but this is not something that is a statutory requirement so it is required that all licence holders know when their annual fee is due. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

If the annual fee has not been paid by the renewal date, the licensing authority will write to the licence holder or club premises certificate holder and advise of the exact date that the suspension will come into effect.

A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder.

### Exemptions from Fees under the 2003 Act

Certain premises are exempt from fees and these are set out Licensing Act 2003 (Fees) Regulations 2005 and the Licensing Act 2003 (Transitional conversion fees) Order 2005.

These provide that where an application relates to the provision of regulated entertainment only and that application is by or on behalf of: -

- a) an Educational Institution (a school or college) for and on behalf of the purposes of the educational institution or,
- b) a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building,

no fee is payable on application or annually.



## Cumulative impact and Areas Nearing Stress

The term '*Cumulative Impact*' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The "need" for premises is a commercial matter and cannot be considered by a licensing authority.

In some areas, where the number or type of premises is high or exceptional, serious problems of crime, nuisance and disorder may arise outside or some distance from those premises.

Where in such circumstances the licensing authority receive representations from a responsible authority or other person that an area has become saturated with licensed premises, they may, if not satisfied that the imposition of conditions would address the issue, consider the adoption of a "Cumulative Impact Policy" whereby applications for new licences may be refused because the granting of any further licences would undermine one or more of the licensing objectives.

In some areas of Sheffield, a concentration of licensed premises or activities exist which have led to problems of public nuisance and disorder, causing 'stress' but it has not yet been determined, in the opinion of the licensing authority, at the level where a formal cumulative impact policy has been required. These are referred to as '*areas nearing stress*'.

At the time of writing this policy, Sheffield does not have any cumulative impact policy in place however; the need for the designation of Cumulative Impact Areas will be kept under review.

The absence of a cumulative impact policy does not prevent any responsible authority or any other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Moving forward, the future design and development of Sheffield will positively contribute to the review of areas nearing stress in order to influence the acceptance and decision making for different types of businesses being licensed to operate in the most relevant areas of the city. It is a goal of the Licensing Service to encourage the most appropriate level of licensing provision in order to strike a fair balance between the promotion of the economy in Sheffield, and the maintenance of the quality of life to all who live, work, study and visit the city.

## Other methods of controlling Cumulative Impact

Once away from the licensed premises, a minority of consumers will behave badly or unlawfully.

Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).

## Early Morning Restriction Orders (EMROs)

The power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

Before a licensing authority makes a determination to recommend to the full council that it makes a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

At the time of writing this policy, Sheffield City Council has no plan to implement an EMRO.

## PART 4 - LICENSING COMMITTEE

Sheffield City Council, as the licensing authority, has established a licensing committee in accordance with the Act, consisting of fifteen Councillors.

Sub-committees consisting of three members of the licensing committee have been established to carry out many of the functions, however, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

### Hearings

If representations are received in respect of an application, a hearing is scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits, with strong encouragement for both applicants and interested parties to submit accurate, up to date and relevant evidence to support their case.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

A hearing will not be held if ALL persons who made representations have had these concerns addressed, after discussion with the applicant, and therefore agree that a hearing is no longer necessary.

### Delegations of Functions

The table sets out the agreed delegation of decisions and functions to the licensing sub-committee and officers.

| Application / matter to be dealt with   | Decision delegated to:          |                 |
|---|---------------------------------|-----------------|
|   | Licensing Sub-Committee         | Officers        |
| Personal licence  | If police representation made   | All other cases |
| Personal licence with relevant unspent convictions  | All cases                       |                 |
| premises licence/club premises certificate  | If relevant representation made | All other cases |
| Provisional statement   | If relevant representation made | All other cases |
| Premises licence / club premises certificate variation  | If relevant representation made | All other cases |
| Vary designated premises supervisor (DPS)   | If police representation made   | All other cases |
| Request to be removed as DPS  |                                 | All cases       |
| Transfer of premises licence  | If police representation made   | All other cases |
| Interim authority   | If police representation made   | All other cases |
| Review of premises licence / club premises certificate  | All cases                       |                 |
| Decision on whether a complaint is irrelevant, frivolous or vexatious etc.  |                                 | All cases       |
| Decision to object when Local Authority is a consultee and not the relevant authority considering the application | All cases                       |                 |
| Representation to a standard temporary event notice   | All cases                       |                 |
| Minor variation application   |                                 | All cases       |

### Appeals

With the exception of appeals in relation to closure orders, there is a right of appeal to the Magistrates Court against licensing authority decisions.

Appeals may, depending on the nature of the application, be instigated by an applicant, a responsible authority or any other person who made representations against the application.

Appeal applications must be commenced within a period of 21 days of receipt of the decision notice.

On determining an appeal the court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

## PART 5 - EQUALITY, DIVERSITY AND INCLUSION

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

### The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation and Marriage & Civil Partnership.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2017.

For further information, please see details on the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

### Equality Impact Assessment (EIA)

An EIA is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy (EIA number 546). If you are interested in viewing this document, please contact the Licensing Service.

## **PART 6 - RELATED LEGISLATION & GUIDANCE**

### **Planning**

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority".

It is preferred that applicants for premises licences and variations should have already obtained any necessary planning consent before making their application under the Licensing Act 2003 however a licence application can and will be considered in the absence of planning.

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

Applicants for premises licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

### **Smoking & Vaping**

Smoking remains the leading cause of illness and early death in Sheffield and is a significant cause of inequalities in health outcomes. National legislation is in place to ensure premises that are open to the public, or are used as a place of work by more than one person or where members of the public might attend to receive or provide goods or services are smokefree in areas that are enclosed or substantially enclosed.

The latest evidence published by Public Health England (PHE) (2015/18) and Royal College of Physicians Nicotine Without Smoke report (2015) found that vaping is significantly safer for users than smoking and that there is no evidence of harm to bystanders from exposure to e-cigarette vapour and the risks to their health are likely to be extremely low.

Although vaping is not covered by smokefree legislation and electronic-cigarettes (e-cigarettes) present a real opportunity to contribute to a reduction in smoking prevalence in Sheffield and reduce harm from combustible tobacco, e-cigarette vapour can be a nuisance and unpleasant for some people and those with asthma and other respiratory conditions can be sensitive to a range of environmental irritants, which could include e-cigarette vapour.

Licence holders are strongly advised to implement their own policy that takes into account professional etiquette and consideration to others who do not vape when determining where vaping will be allowed.

### **Weights and Measures**

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities.

### **Gambling**

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the licensing authority of their intention to make gaming machines available for use.

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to their local licensing authority for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

### **Sexual Entertainment Venues**

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Please contact the licensing service if you intend to have adult performances at your premises or seek your own legal advice.

## **Pavements Café Licences**

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

If the area of land which the tables and chairs are to be sited is within the curtilage of the premises, there is no requirement to gain a Pavement Café Licence in this manner.

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

## **Door Staff**

Section 21 of the Act states that if a premises licence is granted with a condition that there must be door/security staff present, the staff must be licensed by the Security Industry Authority (SIA).

See page 48 for details of how to contact the SIA.

## **Duplication**

The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives, and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.

## PART 7 - CONTACT DETAILS

### Responsible Authorities

| Licensing Service   |                  |   |
|---|------------------|---|
| Block C, Staniforth Road Depot<br>Staniforth Road<br>Sheffield<br>S9 3HD  | <b>Telephone</b> | 0114 2734264  |
|   | <b>Email</b>     | licensing@sheffield.gov.uk                          |
|   | <b>Website</b>   | www.sheffield.gov.uk/licensing                      |
| South Yorkshire Police – Licensing Team   |                  |   |
| South Yorkshire Police Licensing Dpt<br>Moss Way Police Station<br>Moss Way<br>Sheffield<br>S20 7XX.                        | <b>Telephone</b> | 0114 2523617  |
|   | <b>Email</b>     | sheffield.liquor-licensing@southyorks.pnn.police.uk |
|   | <b>Website</b>   | www.southyorks.police.uk                            |
| South Yorkshire Fire and Rescue – Licensing   |                  |   |
| Sheffield Technical Fire Safety<br>Fire Safety Office (Licensing)<br>197 Eyre Street<br>Sheffield<br>S1 3FG                 | <b>Telephone</b> | 0114 2736753  |
|   | <b>Website</b>   | www.syfire.gov.uk                                   |
| Sheffield Children’s Safeguarding Partnership   |                  |   |
| Floor 3, Howden House<br>Union Street<br>Sheffield<br>S1 2JQ  | <b>Telephone</b> | 0114 2734450  |
|   | <b>Email</b>     | sscb@sheffield.gov.uk                               |
|   | <b>Website</b>   | www.safeguardingsheffieldchildren.org/sscb          |
| Environmental Protection Service (Noise Nuisance)   |                  |   |
| Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH                                | <b>Telephone</b> | 0114 2734609  |
|   | <b>Email</b>     | epsadmin@sheffield.gov.uk                           |
|   | <b>Website</b>   | www.sheffield.gov.uk/environment                    |
| Health Protection Service (Health and Safety)   |                  |   |
| Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH                                | <b>Telephone</b> | 0114 2734415  |
|   | <b>Email</b>     | healthprotection@sheffield.gov.uk                   |
|   | <b>Website</b>   | www.sheffield.gov.uk/environment                    |
| Planning  |                  |   |
| Licensing Applications<br>Howden House<br>1 Union Street<br>Sheffield<br>S1 2SH   | <b>Telephone</b> | 0114 2039183  |
|   | <b>Email</b>     | planningdc@sheffield.gov.uk                         |
|   | <b>Website</b>   | www.sheffield.gov.uk/planning                       |
| Weights and Measures Authority  |                  |   |
| Sheffield Trading Standards<br>Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH | <b>Telephone</b> | 0114 2736286  |
|   | <b>Email</b>     | tradingstandards@sheffield.gov.uk                   |
|   | <b>Website</b>   | www.tradingstandards.gov.uk/sheffield               |

| <b>Home Office</b>  |                  |                               |
|---|------------------|-------------------------------|
| Alcohol and Licensing Team<br>Home Office<br>Lunar House<br>40 Wellesley Road<br>Croydon<br>CR9 2BY | <b>Telephone</b> | 0114 2071414                  |
|   | <b>Email</b>     | alcohol@homeoffice.gsi.gov.uk |
|   |                  |                               |

| <b>Public Health</b>   |                  |                            |
|--|------------------|----------------------------|
| The Public Health Officer<br>Office of the Director of Public Health<br>Sheffield City Council<br>Town Hall<br>Pinstone Street<br>Sheffield,<br>S1 2HH | <b>Telephone</b> | 0114 2734152               |
|  | <b>Email</b>     | DPHoffice@sheffield.gov.uk |
|  |                  |                            |

**In relation to a vessel:**

| <b>The Navigation Authority</b>   |                  |              |
|---|------------------|--------------|
| Association of Inland Navigation<br>Authorities (AINA)<br>Fearn's Wharf, Neptune Street<br>Leeds<br>LS9 8PB | <b>Telephone</b> | 0113 2433125 |
|   |                  |              |
|   |                  |              |

| <b>The British Waterways Board</b>   |                  |              |
|--|------------------|--------------|
| British Waterways<br>Yorkshire Office<br>Fearn's Wharf, Neptune Street<br>Leeds<br>LS9 8PB | <b>Telephone</b> | 0113 2816800 |
|  |                  |              |
|  |                  |              |



## Other useful contacts

### Ward Councillors

Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

For contact details of your Ward Councillor, please refer to

[www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors)

Or by telephoning 0114 2734096.

### Sheffield Drugs and Alcohol Coordination Team (DACT)

A strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.

|                  |  |
|------------------|--|
| <b>Telephone</b> | Drugs: 0114 2721481<br>Alcohol: 0845 3451549   |
| <b>Website</b>   | <a href="http://www.sheffielddact.org.uk/drugs-alcohol/">www.sheffielddact.org.uk/drugs-alcohol/</a> |

### Sheffield Licence Watch

An association of Sheffield licensees with a constituted committee - encouraged by Sheffield City Council and backed by South Yorkshire Police, Sheffield Drug & Alcohol Co-ordination Team and Sheffield's Pub Watch.

|                  |  |
|------------------|--|
| <b>Telephone</b> |  |
| <b>Email</b>     | <a href="mailto:sheffieldlicencewatch@outlook.com">sheffieldlicencewatch@outlook.com</a> |
| <b>Website</b>   |  |

### Best Bar None

A recognised scheme that accredits premises for carrying out responsible licensing practice in line with the four core licensing objectives, which is led by DACT.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0114 273 6851.   |
| <b>Email</b>     | <a href="mailto:BBN@sheffield.gov.uk">BBN@sheffield.gov.uk</a>                 |
| <b>Website</b>   | <a href="http://www.sheffieldbestbarnone.com">www.sheffieldbestbarnone.com</a> |

### Business Sheffield

Business Sheffield is the business facing arm of Sheffield City Council, who offer a comprehensive service designed to help all kinds of businesses thrive and grow, whether they are new or established.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0114 224 5000  |
| <b>Email</b>     | <a href="mailto:businesssheffield@sheffield.gov.uk">businesssheffield@sheffield.gov.uk</a>       |
| <b>Website</b>   | <a href="http://www.welcometosheffield.co.uk/business">www.welcometosheffield.co.uk/business</a> |

### Security Industry Authority

The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0844 8921025   |
| <b>Website</b>   | <a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a> |

### Club Soda

An initiative to encourage premises to offer a wider range of no and low alcohol beverages to support those who choose not to drink alcohol on some days or all days to enjoy the night time economy.

|  |                |  |
|--|----------------|--|
| 61 Philpot Street<br>Whitechapel<br>London<br>E1 2JH | <b>Website</b> | <a href="http://www.joinclubsoda.com">www.joinclubsoda.com</a> |
|--|----------------|--|

**Sheffield Treatment and Recovery Team (S.T.A.R.T)**  
Free NHS alcohol support service for anyone over the age of 18 who lives in Sheffield

|  |                  |  |
|--|------------------|--|
| Alcohol Service<br>44 Sidney Street<br>Sheffield<br>S1 4RH | <b>Telephone</b> | 0114 3050500   |
|  | <b>Email</b>     | sct-ctr.fitzwilliamcentrereferrals@nhs.net   |
|  | <b>Website</b>   | <a href="http://www.shsc.nhs.uk/services/alcohol-service-sheffield-treatment-and-recovery-team">www.shsc.nhs.uk/services/alcohol-service-sheffield-treatment-and-recovery-team</a> |

DRAFT

# PART 8 – GENERAL DATA PROTECTION REGULATIONS (GDPR) AND THE UK DATA PROTECTION ACT 2018

## How we will use your information?

Any information provided to the Licensing Service will be used to help us process your application.

Your personal data is processed under a contract to which you are party to through your application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data including criminal records, your information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

## Who will we share your information with?

We may share your information with the following third parties in order to inform decision making:

- Responsible Authorities
- South Yorkshire Police
- South Yorkshire Fire and Rescue
- Public Health
- Sheffield Children's Safeguarding Partnership
- Environmental Protection
- Health Protection
- British Waterways Board / Navigation Authority
- Home Office
- Trading Standards
- Other Licensing Authorities relevant to your application
- Other Council Services
- Bodies Responsible for auditing or administering public funds

## How long will we keep your information for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

## What are your rights?

You have rights under Data Protection law. For further details about your rights, the contact details of our Data Protection Officer and your rights to make a complaint please see our Privacy Notice web page:

<https://www.sheffield.gov.uk/privacy>

If you do not have access to the internet, please contact us and we will be able to provide paper versions of the information you require.

## APPENDIX 'A' - GLOSSARY OF TERMS

This section explains the key terms used in the Licensing Policy. These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### Adult entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

### Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

In Section 20, for the purposes of the exhibition of film, 'children' means any person under 18 years of age.

### Combined use premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

### Cumulative Impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

### Designated Premises Supervisor (DPS)

If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.

He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.

### Other Persons

People who live or are involved in a business in the relevant licensing authority's area.

### Late night refreshment premises

A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises (Schedule 2, Licensing Act 2003)

## Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

## Licensing Authority

For the purposes of this statement, Sheffield City Council is the body responsible for licensing under this Act.

## Licensing objectives

The objectives are the basis of all licensing decisions. They are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

## Operating schedule

The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.

## Personal licence

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a personal licence (Part 6, Section 120). Any individual is only permitted to hold one personal licence (Part 6, Section 118, Licensing Act 2003).

## Provisional Statement

Where premises are being or are about to be constructed, extended or otherwise altered, investors may be unwilling to commit funds unless they have some assurance that a premises licence would be granted when the work is completed.

A provisional statement can ensure some degree of certainty that a premises licence would be granted once the premises is completed to the satisfaction of all responsible authorities.

## Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed"; they have registered with the Magistrates' Courts having established that they qualify to be treated exceptionally. The Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

## Regulated entertainment

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 are:

- a performance of a play;
- an exhibition of a film\*\*;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

As a result of amendments to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between **08:00 and 23:00 on any day**:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
  - a performance of unamplified live music;
  - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
  - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

\*\* A mandatory condition attached to all premises licences and club premises certificates authorising the exhibition of films requires that all films should have been classified by a body designated under Section 4 of the Video Recordings Act 1984 (the British Board of Film Classification (BBFC) is the only body designated as such) or by the Licensing Authority itself. Where the Licensing Authority itself is to classify a film, the Authority expects that:

- A synopsis of the exhibition shall be sent to the Licensing Authority 21 days in advance, where possible, of any exhibition, detailing any potentially controversial issues which could affect the classification given to the film such as theme, swearing, violence, imitable techniques, horror, drugs, nudity, and in particular anything considered over 18 – R18 for example. The Licensing Authority will then follow guidelines stipulated in the BBFC Guidance in applying the relevant classification of the exhibition.
- Applicants will provide the Licensing Authority with comprehensive details of the measures which will be implemented throughout the exhibition of film to ensure that the correct audience is able to view the film, including any child safeguarding and age verification measures which will be applied.

## Representation

A comment submitted on the likely effect of the grant of an application or the operation of an existing licence.

Representations can include positive / supportive comments as well as adverse / negative.

Representations must be ‘relevant’ i.e. they must refer to one or more of the licensing objectives.

## Restaurant

Restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine at those premises.

## Safer Clubbing

‘Safer Clubbing’ is guidance published by the Home Office. The key issues identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water
- further measures to combat overheating
- overall safety
- Proactive offer of advice from DACT

## Safety Advisory Group (SAG)

The Safety Advisory Group is made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.

SAG's do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place.

They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event

## Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Sexual Entertainment Venue Licences

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

## Sex establishment licences

These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003.

## Designated Public Place Order (DPPO)

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer's requirements.

## Temporary event

An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:

- a maximum of 499 people can attend;
- The event can have a maximum duration of 168 hours (7 days);
- The premises user (usually the organiser) must be aged 18 or over.

## Temporary event notice (TEN)

The notice submitted to the Licensing Authority, Police, Environmental Protection Service and Health Protection Service, before the event, which informs them about:

- The date/s the event will be held;
- The licensable activities that will be carried out.
- How the licensing objectives will be achieved.

## Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

## Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a "premises" situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire

safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

## Vicinity

The vicinity test was removed from the Act in 2012, however Sheffield City Council had previously chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach is to consider each matter individually, taking into account whether any individual's residence or business is being, or likely to be, directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.



## APPENDIX 'B' - CONSULTATION/CONSULTEES

In developing this Licensing Policy, Sheffield City Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

The Council also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.

The City Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy or any amendments in accordance with the Licensing Act 2003.

The Licensing Authority must in any case consult with the following:-

- (e) the Chief Officer of Police in the area;
- (f) the Fire Authority;
- (g) persons / bodies responsible for local holders of premises licences;
- (h) persons / bodies responsible for local holders of club premises certificates;
- (i) persons / bodies responsible for personal licensees; and
- (j) persons / bodies responsible for businesses and residents in its area.

The Act requires the Council to consult representatives of those persons who have a special interest in the Licensing Policy. In this Licensing Policy those with a special interest are called "stakeholders".

The Council is, however, able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Licensing Policy by way of writing to / emailing all consultees, providing relevant information on its website and publishing a statement in the local press,...

The views of all our consultees will be considered and given proper weight when writing and / or reviewing the Licensing Policy.

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