

Licensing Committee

Thursday 23 February 2017 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

**Councillors David Barker, Alan Law, Andy Bainbridge, Jack Clarkson,
Neale Gibson, Kieran Harpham, Adam Hurst, George Lindars-Hammond,
Anne Murphy, Moya O'Rourke, Josie Paszek, Vickie Priestley, Bob Pullin,
Gail Smith and Cliff Woodcraft**

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

If you require any further information please contact Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

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

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

**LICENSING COMMITTEE AGENDA
23 FEBRUARY 2017**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-
 - 8 September 2016
 - 13 September 2016
 - 20 September 2016
 - 27 September 2016
 - 29 September 2016
 - 4 October 2016
 - 11 October 2016
 - 18 October 2016
 - 25 October 2016
 - 1 November 2016
 - 3 November 2016
 - 8 November 2016
 - 15 November 2016
 - 17 November 2016
 - 22 November 2016
 - 24 November 2016
 - 29 November 2016
 - 6 December 2016
 - 8 December 2016
 - 13 December 2016
 - 15 December 2016
 - 20 December 2016
 - 22 December 2016
 - 5 January 2017
 - 17 January 2017
 - 19 January 2017
 - 24 January 2017
 - 26 January 2017
 - 31 January 2017

6. Hackney Carriage Provision Survey (Unmet Demand)
Report of the Chief Licensing Officer

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Licensing Sub-Committee

Meeting held 8 September 2016

PRESENT: Councillors Alan Law (Chair), George Lindars-Hammond and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Andy Nash attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) - VILLA MERCEDES, 4 SUFFOLK ROAD, SHEFFIELD, S2 4AG

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 10 of the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Sexual Entertainment Venue Licence in respect of the premises known as Villa Mercedes, 4 Suffolk Road, Sheffield, S2 4AG.

4.2 Present for Part One of the hearing were Paddy Whur (Woods Whur, Solicitors, for the Applicants), Andreas Baskoutas (Manager, Rockwave Leisure, Applicants), Michelle Webster, Bridget Kelly, Rosalind Wollen, Justin Rowntree, Nikki Bond (on behalf of Louise Haigh, MP), Helen Phillips-Jackson, Shelley Roches-Jacques, Lizzie Ellen (on behalf of Paul Blomfield, MP), Pam Marshall, Meera Kulkarni, a representative of Zero Option Sheffield, Kevin Fitzpatrick, Lisa Markham, Steve Slack, Rob Unwin, Lizz Tuckerman, Carolyn Leary, Councillor Douglas Johnson, Jonathan Cook, Clare Turner, Jonathan Macaskill, Elyse Peacock, Claire Williams, Rebecca Walker, Andy Tucker, Chris Scarlett, Kath Housley, Kate Whittaker, Martine Taube, Harriet Johnson (barrister on behalf of Women's Equality Party, Sheffield), (Objectors), Georgina Hollis and Matt Proctor (Licensing Enforcement and Technical Officers), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Georgina Hollis presented the report to the Sub-Committee, and it was noted that

written representations had been received from 181 interested parties, 29 of whom were in attendance, and who addressed the Sub-Committee, and details of all the representations were attached at Appendices 'B' and 'C' to the report. Reference was also made to the additional information sent by Woods Whur, Solicitors, on 22nd August 2016, in support of the application, which had been circulated to members of the Sub-Committee.

4.5 Paddy Whur, on behalf of the applicants, stated that there was an error in Question 20 of the application questionnaire, in that the opening times of the premises should read 24:00 hours to 08:00 hours, Monday to Sunday, and not 12:00 hours to 08:00 hours. Mr Whur also wanted to point out that there was no connection between Mr Baskoutas and the licensee who lost his licence in Harrogate.

4.6 The interested parties who attended the hearing made representations as follows:-

4.6.1 Michelle Webster

Ms Webster stated that the application should be refused on the grounds that the opening of a sexual entertainment venue at this location would have an adverse effect on the character of the locality, which was a gateway to the City, and the first thing that visitors and Sheffield residents saw when driving into the City, or leaving the train station. The locality comprised student housing, creative small businesses, a nationally recognised and admired local music venue, charities working with a range of diverse and sometimes vulnerable clients and volunteers, as well as a college for young people with special educational needs and disabilities. The premises closing at 08:00 hours would result in people arriving for work in that area seeing employees and customers leaving the premises. Ms Webster also believed that a sexual entertainment venue directly discriminates against women by normalising the sexualisation and objectification of women, and that this contributed to their sexualisation and objectification in other areas of society. Reference was made to the decision of Harrogate Borough Council to refuse an application by Villa Mercedes to renew a Sexual Entertainment Venue Licence in Harrogate, for reasons including physical contact with the dancers and allowing audience participation. Ms Webster also pointed out that there was another sexual entertainment venue within 200 yards of the proposed venue.

4.6.2 Bridget Kelly - Chief Executive, Sheffield Independent Film and Television (SHIFT)

Ms Kelly stated that SHIFT objected to the application on the grounds that the venue was very close to a number of educational institutions, including SHIFT, who worked with young people aged 16 to 18 years of age, and very close to the City's railway station, which could possibly define the area as a destination for sexual tourism. A second sexual entertainment venue in the Cultural Industries Quarter represented further poor modelling of adult sexual behaviour and its location was in the gateway to the City, which would give a bad impression for people arriving in the City. Ms Kelly referred to the City Council's 'statutory obligations in relation to disability, race and gender', and indicated that she believed that a sexual entertainment venue discriminated directly against women by normalising the sexualisation and objectification of women, and that this

contributed to their sexualisation and objectification in other areas of society.

4.6.3 Rosalind Wollen

Ms Wollen believed that the locality of the premises would be totally unsuitable given that it was in the gateway to the City Centre, and where there was already another sexual entertainment venue. She added that the venue was also very close to student accommodation, Sheffield Hallam University, and was directly next door to Scotia Works, some tenants of which provided help and advice to vulnerable young people. Also next door to the venue was The Leadmill which, as well as the 200 club nights, hosted over 100 events a year for young people between 14 and 18 years of age, with the queues of both types of events running past the Villa Mercedes venue's doors.

4.6.4 Justin Rowntree

Mr Rowntree stated that he objected to the application on the grounds of the inappropriate locality of the venue, both in terms of the character of the area and its close proximity to a number of educational establishments, student accommodation, the Showroom Cinema, The Leadmill, and a number of charities and organisations in the area, which supported vulnerable children and adults. Mr Rowntree also made the point that the venue was located in the gateway to the City, and would be one of the first things that visitor and Sheffield residents would see upon leaving the train station and those driving into the City, from the Parkway. He stated that some women would be made to feel nervous when walking near the venue, and may be forced to choose different routes so they didn't have to walk past it. With Spearmint Rhino nearby, this may deter some women from accessing this area of the City. Mr Rowntree also referred to the decision of Harrogate Borough Council to refuse the application to renew Villa Mercedes' Sexual Entertainment Venue (SEV) Licence.

4.6.5 Nikki Bond

Ms Bond stated that the venue was in the gateway to the City, and not the kind of place that the Council should want visitors to have as their first impression of Sheffield. It was also next door to The Leadmill, which was frequented by young people from 14 years of age. There were a number of projects for vulnerable women in the area, as well as the Showroom Cinema and the Hallam Students' Union. Ms Bond made the point that by granting the application, this would breach the Council's public sector equality duty, and would therefore contradict all the good work the Council had done to promote equality and celebrate women in the City.

Ms Bond spoke on behalf of Louise Hague, MP, who had been contacted by a number of her constituents who were extremely concerned about the application, and had requested her to represent their views by submitting an objection. Ms Hague had made reference in her objection to the location of the venue, indicating that it was situated in the gateway to the City, there were a number of organisations in the area which supported vulnerable children and adults, it was very close to student accommodation, Sheffield Hallam University buildings and

the Showroom Cinema, and was next door to The Leadmill, which hosted a number of events for young people from 14 years of age. Reference was made to the fact that Spearmint Rhino had recently had its licence renewed, which could potentially mean that some women would feel nervous walking about the area, and may be forced to take a different route, which they should not have to do in their own City. Ms Hague believed that granting a licence for such a venue in a very active part of the City could possibly give the impression that the City condoned both sexualisation and objectification of women, which would be in complete contradiction to the Council's equality policies.

4.6.6 Helen Phillips-Jackson

Ms Phillips-Jackson, who was objecting both as a private individual but also in her capacity as a Commissioning Manager within the Drug and Alcohol/Domestic Abuse Co-ordination Team, stated that the location for the venue was totally inappropriate as it was in an area with a number of counselling and charitable services, and as the venue would be open until 08:00 hours, there was a potential for both employees and clients visiting such establishments to come into contact with employees or customers coming out of the Villa Mercedes venue.

4.6.7 Dr Shelley Roches-Jacques

Dr Roches-Jacques, a lecturer at Sheffield Hallam University, stated that she was objecting to the application for a SEV licence on the grounds of its grossly inappropriate location, namely with it being within the Cultural Industries Quarter, and close to the train station, a number of charities and organisations supporting vulnerable women, The Leadmill, which hosted events for young people aged 14 years of age and over, and the Sheffield Hallam Student Union building and student accommodation. She stated that the Students' Union had recently objected to the application to renew the SEV Licence for Spearmint Rhino, and that the granting of a further SEV Licence would be met with anger and dismay. Dr Roches-Jacques, and the Sheffield Hallam Students' Union officers, considered that the presence of such venues contradicted the ethos of Sheffield as a City, and undermined the safe, friendly and inclusive environment that people had strived to create for the young people who came to live and study here.

4.6.8 Lizzie Ellen

Ms Ellen, who was representing Paul Blomfield, MP, stated that granting the application would contradict the Council's own SEV policy, namely with regard to the inappropriate location of the premises. The premises were in close proximity to a number of charitable and counselling services, one of which provided confidential support and advice to victims of sexual abuse and rape and another being a sexual health charity, which offered sexual health care and education to young people. The premises were also very close to Sheffield Hallam University, the University Technical College, Christ Church Central and Freeman College, as well as being in the gateway to the City. Ms Ellen also made reference to the decision of Harrogate Borough Council, in refusing a similar application by Villa Mercedes for a SEV Licence in Harrogate.

4.6.9 Pam Marshall

Ms Marshall, who was speaking on behalf of Judith Dodds, Sheffield Council's Equality Hub Network Board, objected to the application on the grounds that the location was totally inappropriate. The organisations/establishments which were in close proximity to the premises included All Saints Catholic High School, the University Technical College, The Leadmill, the Sunday Church in the Workstation on Brown Street, and a counselling and advice service that supported women and girls from 13 years of age who had been raped or otherwise sexually abused. The premises were also very close to the cultural hub of the City and in a central gateway to the City. Ms Marshall also made reference to the fact that another sexual entertainment venue, Spearmint Rhino, was only a few minutes' walk away on Brown Street, and also in the Cultural Industries Quarter, and that the impact of having two such venues so close together, was likely to be associated with an increase in anti-social behaviour as users moved between the two. It was stated that the Sheffield Council's Equality Hub Board would ask whether the Council has carried out an Equality Impact Assessment when considering the application, and ensured that it was compliant with its duties under the Equality Act.

Ms Marshall stated that hiring women to strip or lap dance was a form of sexual abuse, which society was just beginning to openly analyse and understand more profoundly, given our greater understanding of the many ways women and girls were abused. As such, sexual entertainment venues involve the sexual abuse of women, and there was no place in Sheffield, or anywhere else in the world, where this could be viewed as acceptable.

4.6.10 Meera Kulkarni

Ms Kulkarni stated that her organisation had recently relocated to premises very close to the proposed sexual entertainment venue, on the basis that it met all the relevant criteria, mainly relating to the confidentiality and the safety of its clients. The organisation had spent around £40,000 on refurbishing the premises. If the application was granted, this would completely change the view of the organisation's clients in terms of the suitability of the premises. In terms of the proposed location for the sexual entertainment venue, Ms Kulkarni also referred to the existing venue, Spearmint Rhino, on Paternoster Row, and that the locality was a gateway to the City, being the first thing that visitors and Sheffield residents saw upon driving into the City, or leaving the train station. In the locality, there was student accommodation, creative small businesses, a nationally recognised and admired local music venue, various charities and counselling organisations which worked with a range of diverse, and sometimes vulnerable, clients and volunteers, as well as a college for young people with special educational needs and disabilities. Reference was also made to the decision of Harrogate Borough Council, to refuse to renew Villa Mercedes' licence in Harrogate for reasons including physical contact with the dancers and allowing audience participation. Ms Kulkarni also stated that she believed that a sexual entertainment venue directly discriminated against women, by normalising the sexualisation and objectification of women and that this contributed to their sexualisation and objectification in other areas of society.

4.6.11 *Zero Option Sheffield*

A representative from Zero Option Sheffield gave a presentation highlighting its objections to the application. The representative referred to the inappropriate location for the premises, indicating that a number of groups and organisations were in close proximity, including charities or counselling services providing support and social opportunities for young people who are lesbian, gay, bi-sexual and transgender (LGBT) or who are affected by HIV, and which supported survivors of rape, sexual violence and abuse of all ages. Also within close proximity was the University Technical College, The Leadmill, Sheffield College, All Saints Catholic High School, Christ Church Central and Freeman College, as well as the premises being located within a central gateway to the City and close to other city landmarks, historic buildings and tourist attractions.

The representative reported on the potential impacts of such a venue on equality and the Council's public sector equality duty, referring specifically to gender equality issues and a number of testimonies made by former dancers at such venues. Issues such as the cumulative adverse impact of existing sex establishment related activities in the vicinity of the proposed premises were also raised. The representative also referred to an extract from Villa Mercedes' website, which highlighted slogans used to attract customers within their tailor-made packages, such as "Your Mother-in-Law Passing" and "Your Girlfriend Being on That Time of the Month".

4.6.12 *Kevin Fitzpatrick (City Manager, Unite Students in Sheffield)*

Mr Fitzpatrick raised objections on the basis that granting the application would not promote the Council's licensing objectives, namely the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance, and the protection of children from harm. In terms of public nuisance he stated that around 600 students, typically aged between 18 and 21, were housed within 15 metres of The Leadmill, which was directly next door to the proposed venue, and which provided regular music entertainment, which impacted on the students' home life and study. With this and a further licensed premises in close proximity, the proposed venue would exacerbate the University's concern for students being able to maintain a peaceful home life. In terms of public safety, the venue was located on a very busy City Centre corner, opposite the student accommodation, and it was believed that this posed a safety concern as there would be increased traffic through vehicle drop-offs and waiting taxis. With regard to the protection of children from harm, there were many young students in the area, as well as a college catering for 14 to 19 year olds, and the application was viewed as inappropriate for the immediate area. Mr Fitzpatrick stated that granting the licence would also lead to an increase in crime and disorder, and he referred to the fact that police in other areas of the country had submitted objections to similar applications on the grounds of the potential risk of an increase in crime and disorder.

4.6.13 *Lisa Markham (Safeguarding Co-ordinator, Hallam Pastoral Centre)*

Ms Markham stated that she objected to the application in the strongest possible

terms, indicating that, due to its location, she would not be able to recommend the use of the important charitable and counselling services that were located nearby. Due to the location of such facilities, as well as a number of educational establishments and other venues frequented by children from 14 years of age, she had expected the applicants to have visited the area and identified what organisations and services were located there prior to submitting the application. Ms Markham referred to the policies and guidance in terms of the conduct of sexual entertainment venues, indicating that they differed considerably from most other workplaces. She also referred to the abusive/compromising behaviour connected to the operation of sexual entertainment venues, and stated that she believed that such venues directly discriminated against women by normalising the sexualisation and objectification of women, and that this contributed to their sexualisation and objectification in other areas of society.

4.6.14 Steve Slack - Sheena Amos Youth Trust (SAYiT)

Mr Slack stated that his objection to the application related to the close proximity of the proposed venue to the Sheena Amos Youth Trust (SAYiT). SAYiT was a young people's charity established in 1999, and had a history of working with young people around sexual health, HIV and sex and relationships, with a particular emphasis on the needs of young LGBT people. He stated that it would be outrageous that such an establishment should be sited next to Scotia Works, where young people attend at all times of the day, and pointed out that there were other organisations within the building who worked with very vulnerable people. Reference was also made to the fact that The Leadmill was next door to the proposed venue, which held over 100 events throughout the year aimed specifically at young people between 14 and 18 years old. Mr Slack made reference to a questionnaire, which parents and users of the Service had been asked to complete, with a large number of people indicating that they would be less likely to attend, and some indicating that they would never attend again if there was a sexual entertainment venue so close. He stated that some parents/users would feel uncomfortable attending sessions if there were likely to be employees/customers leaving the Villa Mercedes venue at the same time.

4.6.15 Rob Unwin

Mr Unwin stated that he wished to object to the application on the grounds of the prevention of crime and disorder, including fear of crime, noise pollution, anti-social behaviour or disturbance to residents, and the protection of children from harm. As an employee at Scotia Works, the tenants of which included many third sector organisations who worked with vulnerable adults and teenagers, Mr Unwin was concerned that the sexual entertainment venue would increase the fear of crime that the clients of these charities experience. He was also concerned that the venue portrayed that it was acceptable that women act as sexual objects for the gratification of men, which contributed to society's violence against, and harassment towards, women and girls.

In addition, in connection with the location, Mr Unwin stated that there were a number of young students living in the area, many from overseas, who may be

especially vulnerable, and was also very close to Freeman College. Interaction between students at the College and customers frequenting Villa Mercedes would almost be daily in some cases. It was also next door to The Leadmill, and in a gateway to the City, therefore being one of the first things people would see as they were driving into Sheffield and walking out of the train station in this direction. He also pointed out that Spearmint Rhino, which was very close by, on Brown Street, had just had its licence renewed.

4.6.16 Lizz Tuckerman

Ms Tuckerman stated that she objected to the application on the grounds that it would be inappropriate, having regard to the character of the relevant locality and to the use to which premises in the vicinity were put. She stated that the area was of considerable significance to the history of Sheffield and given the range and nature of the groups and organisations in the surrounding area, including charitable and counselling services, educational establishments and entertainment venues frequented by young people and families, the proposed location of the venue was totally inappropriate. She added that the venue was also located in one of the gateways to the City, which would give a bad impression for people arriving in the City, at the train station, and heading in the direction of the venue.

4.6.17 Carolyn Leary - Conflict Resolution Education in Schools Training (CREST)

Ms Leary worked for an organisation which provided training to primary and secondary schools in connection with supporting children in achieving positive resolutions to conflict. She had serious concerns that people would not attend the mediation sessions as a result of the venue being in close proximity. Ms Leary also made reference to comments made by the Police and Crime Commissioner for South Yorkshire (Alan Billings) regarding potential links between sexual entertainment venues and child sexual exploitation, and to the dancers' welfare policy, which she believed to be misleading and confusing.

4.6.18 Councillor Douglas Johnson

Councillor Johnson referred to the high level of objections to the application, indicating that there were a number of people in attendance, with widespread knowledge, which highlighted the strong level of feeling against the application. He stated that it was very important that the Council complied with its Public Sector Equality Duty. Councillor Johnson went on to question and/or dispute the information set out in the application, namely regarding comments that there was very little residential accommodation in the areas, the comments about there being no windows in the premises and the applicant's statement that he had not been involved in any other licensing applications that had been refused, referring specifically to the decision of Harrogate Borough Council. He stated that, whilst there was no guidance in terms of the number of sexual entertainment venues in a given area, it was considered that, with Spearmint Rhino having recently had its licence renewed, two such venues so close to each other was not appropriate, and could potentially result in a 'venue crawl' effect.

Mr Johnson referred to the location of the venue, indicating that there would

shortly be a large number of young, vulnerable students arriving in the City, many of whom would be accommodated in the UNITE building, directly opposite the venue. He also referred to the fact that All Saints Catholic High School, Sheffield College and The Leadmill, which hosted a number of 14 to 18 year old nights, were all in very close proximity.

4.6.19 Jonathan Cook

Mr Cook, who lived and worked in Sheffield, and whose workplace was very close to the venue, objected strongly to the application on the grounds of its close proximity to a central gateway to the City or other City landmark, historic building or tourist attraction, all of which were relevant in this case. Mr Cook's objections relevant to the licensing objectives referred to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. In connection with the prevention of crime and disorder, Mr Cook referred to the adverse effects of such a venue on young female students, many of whom were accommodated directly opposite the proposed venue, and could, by implication or misunderstanding, be viewed as prostitutes and the club could induce women to work in acting as objects of male sexual gratification, contributing to the atmosphere and attitudes conducive to harassment and violence against women and girls. Reference was also made to the ability of Andreas Baskoutas to operate within the terms of his licence, in view of the closure of one of his clubs in Harrogate and one of his previous companies being compulsorily struck off the Companies House register in 2009.

In terms of public safety, Mr Cook expressed concerns that the existence of such a venue would be damaging to the safety of the LGBT community and that by having two sexual entertainment venues in this area would contradict the idea of the 'Purple Flag' City Centre, which was supposed to designate Sheffield as a safe city for all to use in the evening/night-time. He added that lap dancing clubs exploited vulnerable women, reinforced negative, outdated and dangerous gender stereotypes and behaviours, as well as having a negative effect on the environment surrounding them. With regard to the prevention of public nuisance, Mr Cook considered that, by having two similar venues within close proximity, would be entirely inappropriate and possibly dangerous, and could foreseeably lead to groups of men 'cruising' the area expecting to find street prostitutes, and parties of men traversing the area in search of further sexual entertainment venues. In terms of the protection of children from harm, Mr Cook referred to a number of educational establishments, including the University Technical College and All Saints Catholic High School, as well as a number of charitable and community sector organisations within the immediate vicinity of the venue, some of which worked with vulnerable adults, teenagers and school children. The venue was also next door to The Leadmill, a well-respected music venue, which held a number of events for 14 to 18 year olds.

4.6.20 Clare Turner

Ms Turner stated that the application should be refused under the discretionary grounds for refusal in the City Council's Sexual Entertainment Venues Licensing Policy on the grounds that 'the number of sex establishments in the relevant

locality at the time the application is made is equal to, or exceeds the number which the Authority consider is appropriate for that locality' and 'the grant or renewal of a licence would be inappropriate, having regard to the character of the relevant locality or the use to which any premises in the vicinity are put or the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made'. She also made reference to the City Council's statutory obligations in relation to disability, race and gender, indicating that she believed that sexual entertainment venues directly discriminated against women by normalising the sexualisation and objectification of women, and that this contributed to their sexualisation and objectification in other areas of society. In terms of the venue's location and the character of the surrounding area, Ms Turner stated that the venue was situated in the gateway to the City, and that there were a number of organisations in the area which supported vulnerable children and adults. Ms Turner stated that the close proximity of the venue would create a barrier for children and young people using the services and education facilities in the area. Also nearby was student accommodation, Sheffield Hallam University, the Showroom Cinema and The Leadmill, which hosted 100 events for 14 to 18 year olds every year, the queues for which would run past the Villa Mercedes venue's doors. Reference was also made to the fact that Spearmint Rhino had just had its licence renewed. Ms Turner considered that women would feel nervous walking around the area because of the existing sexual entertainment venue, which would be made worse if this application was granted. It was also considered that granting a licence would be contradictory to all the good work the Council undertook, funded and promoted, with regard to the recent SheFest, the Equality Hub within the community bringing communities of identity together to tackle equality issues within the Council and the City.

4.6.21 Jonathan Macaskill

Mr Macaskill was objecting on behalf of Ethical Property Company, who owned and managed Scotia Works, and which was committed to providing office and meeting space to charities and voluntary groups, retail space which supported small businesses and social enterprises and workshops for organisations in creative industries. He made reference to a number of the charities and community groups, some of which were located in close proximity to the premises. He considered that the venue was located on a prominent corner, and was highly visible, and would have a detrimental impact on the appearance of the whole area. He made reference to The Leadmill, which was next door to the proposed venue, which held regular events for young people aged between 14 and 18 years, the queues of which would pass the proposed venue. Reference was also made to the Freeman College, which provided support to vulnerable adults, while many of the flats nearby were occupied by students. Mr Macaskill also made the point that Spearmint Rhino was very close by, and had just had its licence renewed, and that a second such venue in the area would not only have a negative impact on the immediate neighbours, but also on the neighbourhood as a whole.

4.6.22 Elyse Peacock (The Leadmill)

Ms Peacock stated that the application should be refused under the discretionary grounds for refusal in the City Council's Sexual Entertainment Venues Licensing

Policy on the grounds that ‘the number of sex establishments in the relevant locality at the time the application is made is equal to, or exceeds the number which the Authority consider is appropriate for that locality’ and ‘the grant or renewal of a licence would be inappropriate, having regard to the character of the relevant locality or the use to which any premises in the vicinity are put or the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made’. Ms Peacock stated that the Council had statutory obligations in relation to disability, race and gender, and to ensure that these factors were not used to discriminate against anyone. She also believed that a sexual entertainment venue directly discriminated against women by normalising the sexualisation and objectification of women, and that this contributed to their sexualisation and objectification in other areas of society. In terms of her objections regarding the location of the premises, Ms Peacock stated that the venue was situated in the gateway to the City, being one of the first things that visitors and Sheffield residents would see upon leaving the train station and those driving into the City from the Parkway and from the south of the City into town, Meadowhall and beyond. There were a number of businesses and organisations in the area, some which provided support for vulnerable children and adults, and the venue was located within close proximity to a number of educational establishments, including Sheffield Hallam University, the University Technical College, All Saints Catholic High School and Freeman College.

The venue would also be in very close proximity to the Showroom Cinema and Workstation, which was a cultural hub in Sheffield and next to The Leadmill, which hosted over 100 events for 14 to 18 year olds, the queues of which would run in that direction so would potentially see under 18 year olds queuing past the Villa Mercedes venue’s doors. The Leadmill also hosted over 200 club nights a year, with the majority of its customers at peak times being very young students, who, again, would be queuing past the proposed venue’s doors. The Leadmill also hosted events from ‘Under the Stars’, which was a local social enterprise, and welcomed customers with disabilities and learning difficulties, giving them a safe and secure environment to experience a club atmosphere and to socialise. There was concern that The Leadmill could experience a loss in attendance and business if the SEV licence was granted due to its customers feeling vulnerable and intimidated, and no longer wanting to attend. Reference was also made to Spearmint Rhino, which had just had its licence renewed, and which was less than five minutes walking distance from the proposed venue. Ms Peacock considered that a sexual entertainment venue in the heart of the City, or indeed anywhere in the City, was completely contradictory to everything that the Council says it stands for.

4.6.23 Claire Williams

Ms Williams stated that she agreed with all the comments raised by the other objectors, and considered that, for all the reasons stated, the application should be refused.

4.6.24 Kate Whittaker (On behalf of Michelle Turner)

Ms Whittaker, attending the meeting to put forward Michelle Turner’s objections,

stated that the application should be refused under the discretionary grounds for refusal in the City Council's SEV Licensing Policy, in relation to the number of sexual establishments in a given locality and that it would be inappropriate given the character of the locality. Ms Turner also considered that such a venue would discriminate against, and be intimidating to, women, and objected strongly on the grounds of its proposed location, specifically its close proximity to a number of organisations providing support for vulnerable adults and children, student accommodation, Sheffield Hallam University, schools, the Showroom Cinema and The Leadmill. She considered that granting the licence would contradict all the excellent equality-related work the Council had undertaken, and made reference to the reasons behind the decision in Harrogate, to refuse to renew Villa Mercedes' SEV Licence.

4.6.25 Rebecca Walker (The Leadmill)

Ms Walker, who was responsible for promoting events at The Leadmill, stated that she had received a number of calls from parents, expressing concerns in terms of their children attending the club for the first time. She would reassure such parents that their children would be safe on the grounds of the club's excellent safeguarding policies/arrangements, but indicated that having a sexual entertainment venue next door to the club, would make it much more difficult to convince parents. Ms Walker stated that The Leadmill has a Performing Right Society (PRS) Heritage Award, and that local artists showcased their work there, which attracted tourists from all over the world to this area of the City.

4.6.26 Andy Tucker (Chair of Governors, All Saints Catholic High School)

Mr Tucker stated that he wished to register a strong objection to the proposed application, as Chair of Governors, and that he totally agreed with the comments made in the objection by Claire Scott, Headteacher of the School. He stated that having such a venue at this location would be harmful for students attending the school, who needed to walk through this area to access transport to and from the school. Staff spent a considerable amount of time working with students to alert them to the dangers of sexual exploitation and yet, by agreeing to this proposal, the Council will effectively be condoning this. He considered that the Council should refuse the application under the discretionary grounds for refusal in its Sexual Entertainment Venues Licensing Policy on the grounds that 'the number of sex establishments in the relevant locality at the time the application is made is equal to, or exceeds the number which the Authority consider is appropriate for that locality' and 'the grant or renewal of a licence would be inappropriate, having regard to the character of the relevant locality or the use to which any premises in the vicinity are put or the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made'. Mr Tucker also considered that the Council had statutory obligations in relation to disability, race and gender, and ensuring that these factors were not used to discriminate against anyone, and believed that a sexual entertainment venue would directly discriminate against women by normalising the sexualisation and objectification of them, which contributed to their sexualisation and objectification in other areas of society.

In terms of objections regarding the venue's location, Mr Tucker stated that the venue was situated in the gateway to the City, and was also on an access route for young people travelling to and from Sheffield College, the University Technical College and All Saints Catholic High School. There were also a number of counselling and charitable organisations in the area, which supported vulnerable children and adults, as well as the venue being in very close proximity to Sheffield Hallam University buildings, the Showroom Cinema and The Leadmill which, as well as hosting over 200 club nights a year, held over 100 events for 14 to 18 year olds, the queues for which would run in the direction of the Villa Mercedes venue's doors. Mr Tucker stated that some women felt nervous walking around this area due to the existing sexual entertainment venue, Spearmint Rhino, and having a further such venue would make the situation worse, by forcing them to take a different route, which they should not have to do. He considered that the Council had a duty under the Equality Act to work to eliminate unlawful discrimination, harassment and victimisation and that granting a licence would be contradictory to other work that the Council undertook, funded and promoted, including the recent SheFest, the Equalities Hub within the community bringing communities of identity together to tackle equalities issues within the Council and the City.

4.6.27 Chris Scarlett

Ms Scarlett, Chair of one of the organisations providing support and advice for vulnerable adults and children in the area, stated that she objected to the application on the grounds that her organisation had recently increased its opening hours in order to provide more flexibility in terms of pre-school appointments, resulting in parents and clients seeing employees and customers leaving the Villa Mercedes venue, when it closed at 08:00 hours. It had taken her organisation a number of years to find suitable premises, with the current premises being ideal, and meeting all the relevant criteria, but its close proximity to the proposed venue would create major problems if the application was granted. The siting of such a venue so close would not only raise concerns for parents and clients visiting her organisation, but would also result in funding issues, which could ultimately result in the organisation folding, which would be tragic for both the organisation and the City as a whole.

4.6.28 Kath Housley

Ms Housley stated that, in her opinion, it beggared belief that a sexual entertainment venue could be located in an area with so many educational establishments and charitable and counselling services, some of which provided support for vulnerable children and adults. She considered that the applicants should apologise to all the individuals and groups and organisations who had objected to the application on the grounds of the inconvenience and upset caused in terms of the apparent lack of research undertaken by them, as well as the incorrect declarations in the application questionnaire.

4.6.29 Martine Taube

Ms Taube, who was in the final stages of transgender surgery, expressed concerns for the safety and wellbeing of young people having similar surgery,

mainly in terms of their ability to walk round this area. She stated that Sheffield was proud of its diversity, and considered that transgender and LGBT people would no longer feel safe, or could possibly be subject to verbal or physical assaults by people attending the sexual entertainment venues. She stated that people who visited sexual entertainment venues were most likely to be drunk, therefore more likely to be abusive to people they considered different to themselves. Ms Taube stated that she was speaking from experience, having been subject to a violent assault on Corporation Street, and was very concerned that such assaults could increase if there was a further sexual entertainment venue in this area. She stated that the location of the proposed venue was totally inappropriate in that people arriving in the City, at the rail station, were directed straight towards the venue.

4.6.30 Harriet Johnson (Barrister, on behalf of the Women's Equality Party, Sheffield)

Ms Johnson stated that the Sub-Committee had the power to refuse the application, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, on the grounds of its location. She stated that the points and arguments in terms of the inappropriate location of the venue had already been made eloquently, and in great detail, by the other objectors who either worked for, or were linked in some way to, the various organisations, establishments or services within close proximity to the venue. Ms Johnson referred to the possibility of employees of, or parents and clients visiting, the various organisations, establishments or services within close proximity to the venue, coming into contact with customers of the venue on the basis of the venue closing at 08:00 hours. She referred to a survey of people in the queue at The Leadmill, on a recent club night, the results of which indicated, in general, that they considered the application to be a bad idea, in terms of what organisations and services were in the surrounding area, a high number of people indicated that they would be worried when leaving the venue, and would feel uncomfortable queuing, with the sexual entertainment venue so close, and a high percentage of people indicated that they would like to see the application refused. Ms Johnson referred briefly to the character of the locality, specifically to the attractive walkway from the rail station, which then led directly to the area, with the venue sited at a prominent location within it.

Ms Johnson made reference to the discrepancies in the application questionnaire, specifically to the integrity and business dealings of Andreas Baskoutas in terms of the operation of former premises he managed. Reference was also made to the close proximity of the venue to a number of projects and counselling services, including those providing emotional and practical support to people with a wide range of needs, including housing, parenting, substance misuse, health, benefits and debt, domestic abuse, education and employment, and confidence building. The proposed venue was also very close to student accommodation, which could possibly lead to an increased temptation for young female students to consider employment at the venue. With the granting of a further SEV licence in this area, there was a potential, particularly given that the opening hours would be from 24:00 hours to 08:00 hours, for an increase in crime and anti-social behaviour from patrons attending the venue who would be likely to have otherwise returned home. Ms Johnson concluded by stating that ultimately, considering the vulnerable

women, the student population and the crime statistics in Sheffield, the granting of a SEV licence would have a detrimental effect on the local area, and would therefore be inappropriate. Furthermore, the fact that the applicant has a history of disregarding licensing conditions, despite the intervention of the police and local Councils, which were designed to safeguard its employees, as well as members of the public, demonstrated that he is not fit to hold a SEV Licence.

- 4.7 Part One of the meeting was closed, and present for Part Two were Paddy Whur (for the Applicant) and Andreas Baskoutas (Applicant).
- 4.8 Paddy Whur stated that, after listening to all the views and representations now made, the applicant had agreed to withdraw the application for the granting of a Sexual Entertainment Venue Licence in respect of the premises known as Villa Mercedes, 4 Suffolk Road, Sheffield, S2 4AG.
- 4.9 Mr Whur conveyed his apologies to the Members and objectors present at the hearing for the administrative errors made in the application and responded briefly to the allegations made in terms of Mr Baskoutas' integrity and relating to Wood Whur Solicitor's involvement in terms of acting on behalf of Mr Baskoutas.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 September 2016

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge, Neale Gibson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - TURTLE BAY, UNIT 2, NUM BUILDING, HOLLY STREET, SHEFFIELD S1 2GT

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Turtle Bay, Unit 2 NUM Building, Holly Street, Sheffield S1 2GT.

4.2 Present at the meeting were Tony Lyons (Solicitor for the Applicant), George Waite (Property Manager, Turtle Bay Restaurant) and Angie Newbie-Stubbs (Architect for the Applicant), Shiva Prasad (Environmental Health Officer), Sean Gibbons (Environmental Health Officer), Georgina Hollis (Licensing and Technical Enforcement Officer), Louise Bate (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.3 Louise Bate outlined the procedure which would be followed during the hearing.

4.4 Georgina Hollis presented the report to the Sub-Committee and it was noted that representations had been received from the Health Protection Service and these were attached at Appendix 'B' to the report.

4.5 Sean Gibbons stated that he had held discussions with the applicants regarding the proposed development within the former NUM building, which is, at present, an empty shell, and that agreement had been reached with regard to minor amendments to the design plan for the premises, but there was still an outstanding issue regarding the transportation of hot food on a staircase to be used by both staff members and by customers. Sean Gibbons further stated that he felt that work could be done to incorporate the use of a food hoist/lift. He

added that his service fully supported the application for a 184 seat restaurant with bar in the heart of the city and circulated the Code of Practice and guidance notes for the establishment and operation of licensed premises under the Licensing Act 2003, which had been endorsed by the Sheffield City Council Licensing Committee which states that a lift/hoist may be required for transporting food or liquid as such transportation via a staircase was not acceptable and that a hoist may be essential for public and employee safety and he commented that consideration must be given to this matter in response to this application.

- 4.6 Shiva Prasad stated that his Service always engaged with developers at an early stage to look at the practicality of the project with one of the main objectives being to safeguard public and employee safety when transporting food and drink and wished to incorporate a control measure to eliminate risk from the start of any new project. He added his Service always encouraged new business into the City.
- 4.7 In response to questions from members of the Sub-Committee, it was stated that in the leisure industry it was difficult to predict risk factors and each case was considered on its own merits and that discussions regarding the staircase had been exhausted.
- 4.8 Tony Lyons on behalf of Turtle Bay Restaurants Limited stated that their plan was to open a new Caribbean themed restaurant and ancillary bar with views overlooking the City Hall, with anticipated wet sales accounting for 40% of sales, and with the creation of over 60 jobs. He further stated that since the Company was formed five years ago, it has 34 sites across the country, six of which have mezzanine level and during that time there has not been one single recorded incident in transporting food on the stairs. Tony Lyons added that none of their existing sites used a lift for transporting food and the concept of the business was based around the number of covers and the quick, efficient and safe delivery of food to customers was essential in making the operation viable. He further added that the food is prepared quickly and then passed to food runners to take to the tables.
- 4.9 Tony Lyons went on to add that his clients had considered the use of the goods lift to transport food but felt that this would be impractical because members of staff would have to negotiate a pillar and the door to the disabled toilet on the ground floor; open the cage door to the lift; and once on the mezzanine level would need to negotiate past the fridge and dry store and past the male and female toilets before reaching the top of the staircase. The route would be inefficient and would involve passing through two internal doors and the cage door to the lift while carrying food.
- 4.10 Tony Lyons then outlined two proposed. Conditions firstly, that all members of staff shall use best endeavours to ensure that there is no transportation of hot food using the public staircase when descending customers are using the stairs and secondly, all members of staff shall be trained and will adhere to the "Using Stairs While Carrying" risk assessment in force at the premises. He added that all staff will be trained, retrained and records kept of such training.
- 4.11 In response to questions from Members of the Sub-Committee and officers, it was

stated that the applicants take health and safety issues very seriously and, regarding the premises, it is envisaged that the mezzanine level would be predominantly used as an overflow area, with the majority of customers gravitating towards the ground floor of the restaurant to experience the live kitchen atmosphere while dining and that the applicants do not envisage the mezzanine level being used during off peak times of the day. The applicant further stated that food would be transported on plates, boards or trays or in covered pots and that sizzling meals would not be served. The applicant stated that there would be no transportation of food for preparation to the kitchen area during opening hours, all fridges and freezers would be fully stocked in the morning and would be re-stocked only if required, and only at off peak times during the day.

- 4.12 Sean Gibbons summed up by reiterating the dangers of transporting food on the staircase and that the applicant should consider the practicality of the installation of a lift/hoist
- 4.13 Tony Lyons summed up on behalf of the applicant by stating that Turtle Bay Restaurants Limited wanted to work with the City Council and wanted to continue to do so, but evidence showed that with their other 34 premises, six with mezzanine floors, there had been no issues regarding the transportation of food/drinks on staircases and there was no evidence to support the claims made with regard to the transportation of food on staircases.
- 4.14 Georgina Hollis outlined the options open to the Sub-Committee.
- 4.15 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.16 Louise Bate reported orally, giving legal advice on various aspects of the application.
- 4.17 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees. The Sub-Committee asked further questions about the staircase and the possibility for increasing its width. Angie Newbie-Stubbs confirmed there would be movement of only 100mm possible, because of the proximity of the head of the staircase.
- 4.18 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

- 4.20 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Turtle Bay, Unit 2, NUM Building, Holly Street, Sheffield S1 2GT, in the terms requested and agreed with the responsible authorities, and on the condition that there is no carrying by staff of food or drinks up and down the stairs and that a suitable lift or hoist is used for this purpose.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 September 2016

PRESENT: Councillors Alan Law (Chair), Adam Hurst, George Lindars-Hammond and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENTS

The Job Lot Car Park, 939 Barnsley Road, Sheffield

4.1.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent at The Job Lot Car Park, 939 Barnsley Road, Sheffield S5 0QJ (Case No.93/16).

4.1.2 Present at the meeting were Georgina Hollis (Licensing Enforcement and Technical Officer), Emma Rhodes (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).

4.1.3 The Chair outlined the procedure which would be followed during the hearing.

4.1.4 Emma Rhodes presented the report to the Sub-Committee, and it was noted that representations had been made by local residents and one interested party and these were attached at Appendix "B" to the report.

4.1.5 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in his absence.

4.1.6 Emma Rhodes reported on the options open to the Sub-Committee.

- 4.1.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.1.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.1.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.1.10 RESOLVED: That, following consideration of the information contained in the report now submitted, the application for a Static Street Trading Consent at The Job Lot Car Park, 939 Barnsley Road, Sheffield S5 0QJ (Case. No.93/16), be granted.
- 4.2 *Fabulous Flooring Car Park, 1 Deerlands Avenue, Sheffield S5 7WN*
- 4.2.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent at Fabulous Flooring, Car Park, 1 Deerlands Avenue, Sheffield S5 7WN (Case No.94/16).
- 4.2.2 Present at the meeting were Georgina Hollis (Licensing Enforcement and Technical Officer), Emma Rhodes (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).
- 4.2.3 The Chair outlined the procedure which would be followed during the hearing.
- 4.2.4 Emma Rhodes presented the report to the Sub-Committee and informed Members that the reason for referral of the application to the Sub-Committee, was due to the fact that the Licensing Authority now had two applications of a similar nature, within close proximity of each other, selling similar products.
- 4.2.5 The applicant, who had been invited, did not attend the hearing, and the Sub-Committee agreed to consider the application in his absence.
- 4.2.6 Emma Rhodes reported on the options open to the Sub-Committee.
- 4.2.7 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.2.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

4.2.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.2.10 RESOLVED: That, following consideration of the information contained in the report now submitted, the application for a Static Street Trading Consent at The Fabulous Flooring Car Park, 1 Deerlands Avenue, Sheffield S5 7WN (Case. No.94/16), be granted.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

5.2 The applicant in Case No. 89/16 attended the hearing with a representative and they both addressed the Sub-Committee.

5.3 The applicant in Case No. 90/16 attended the hearing and addressed the Sub-Committee.

5.4 The licence holder in Case No. 91/16 did not attend.

5.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
89/16	Application for a Private Hire Operators Licence	Grant for a period of 12 months, subject to the applicant providing proof that he is running the business.
90/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for a period of two years as requested by the applicant.
91/16	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer the review.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 September 2016

PRESENT: Councillors David Barker (Chair) and Andy Nash

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors George Lindars-Hammond and Vickie Priestley.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 98/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licensee in Case No. 99/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licensee in Case No. 100/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
98/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Agree to grant a licence for a period of 36 months, as requested, and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, to remain on the licence for a

period of 36 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

99/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the circumstances of the case, the Sub-Committee agrees to take no action in respect of the licence.
100/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the circumstances of the case, the Sub-Committee agrees to take no action in respect of the licence.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 29 September 2016

PRESENT: Councillors David Barker (Chair), Alan Law, Andy Bainbridge, Jack Clarkson, Neale Gibson, Adam Hurst, George Lindars-Hammond, Anne Murphy, Andy Nash and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Moya O'Rourke, Josie Paszek, Vickie Priestley and Bob Pullin.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of meetings of the Sub-Committee held on 19th, 21st, 25th, 26th and 28th July, 2nd, 9th, 16th, 18th, 23rd, 25th and 30th August, and 1st and 6th September 2016, were approved as correct records.

5. PRIVATE HIRE OPERATOR AND VEHICLE POLICY

5.1 The Chief Licensing Officer submitted a report on the Private Hire Operator and Vehicle Policy. The report indicated that the Licensing Service was streamlining the current policies in relation to the licensed Hackney Carriage and Private Hire trade, and this was one of the three policies being created, with the others being the Hackney Carriage and Private Hire Drivers Policy and Hackney Carriage Vehicle Policy.

5.2 The report also set out information in terms of what the Policy would mean to the people of Sheffield, what the Policy would deal with, and what it delivered, together with details of the consultation undertaken. The report attached, as appendices, details of responses received as part of the formal consultation exercise, equality impact assessment notes and a copy of the draft Private Hire Operator and Vehicle Policy.

5.3 The report was introduced by Steve Lonnia (Chief Licensing Officer) and also in attendance was Craig Harper (Licensing Strategy and Policy Officer).

The following people made representations in connection with the draft Policy:-

5.4 Fred Jones (General Manager, UK and Ireland Expansion, Uber)

5.4.1 Mr Jones, accompanied by Alan Clark (UK Policy) and Mustafa Khanbhai (General Manager, Sheffield), expressed initial concerns at the fact that Uber had only become aware of the report on 5th September 2016, and were extremely concerned at the number of changes the Licensing Service was seeking to introduce in the new Policy. He considered that the Policy imposed a number of wholly new and very material conditions, which were likely to have a very significant adverse impact on private hire vehicle operators and drivers, as well as the overall competitiveness of the market in Sheffield, which would ultimately be damaging to consumers. He referred specifically to four conditions, which had not been included in the original consultation, but had been added subsequently and, as such, he believed they had not been properly consulted upon and that their impact appeared not to have been properly assessed by the Licensing Service. Uber's objections to the proposed conditions were as follows:-

(a) Part 6 – Condition 2(d) – The operator premises must be staffed at all times that the operator is open for business

Mr Jones considered this condition unreasonable on the grounds that the Uber office was not open to the public, there was minimal need for drivers to attend the office, and that this would materially increase the Company's costs in maintaining its private hire operation in Sheffield. He stated that there was no evidence that any of the aims of the condition, specifically regarding public safety, would be met, and he considered that a requirement for all operators to staff their offices 24 hours a day, every day, was entirely disproportionate.

(b) Part 6 – Condition 6(d) – The operator must ensure that customers can speak to a real person in the event of a complaint or problem with the journey. Therefore, all operators must have a telephone line, based in Sheffield, that is advertised to the public and is accessible at all times.

Mr Jones stated that this requirement, if introduced, would impose a considerable financial burden on app-based operators, like Uber, without any, or any material, benefit for customer care or safety. He stated that Uber already had a dedicated service team, available at all times, which provided timely responses to customer queries and complaints via in-app support, e-mail and outbound calls, and that there was no evidence to suggest that such a service would compromise public safety. As part of Uber's service, riders and drivers were able to contact each other by telephone via the app, with neither party's telephone numbers being revealed to the other for privacy reasons. In addition, Mr Jones considered that such a condition would constitute a considerable barrier to entry for new operators, thereby potentially reducing the supply of private hire vehicles, and having a distorting effect on competition.

- (c) Part 7 – Condition 7(h) – The operator must have the ability to take a booking up to seven days prior to the commencement of the journey.

Mr Jones stated that, again, he considered that this proposal would have no material impact on customer safety, and would be likely to reduce competition and consumer choice, leading to direct consumer harm. Uber relied on its technology to keep partner drivers busier, reduce costs and increase partner driver revenue, and that long-term pre-bookings would fundamentally compromise its ability to do this by radically lowering the utilisation of private hire vehicles.

- (d) Part 14 – Change of Operator - (a) Any Sheffield licensed vehicle may only be registered to work with one licensed operator at any one time, except when the vehicle is also operated personally by the proprietor/driver, and (b) The proprietor or such driver of the vehicle must notify the Council immediately, or in any event within five working days, of any change of operator to which the vehicle is to be operated.

Mr Jones stated that this, along with the other proposed conditions above, would have a significant detrimental impact on the ability of operators, including Uber, to compete, and for private hire vehicle drivers to establish and maintain their businesses in Sheffield.

- 5.4.2 Mr Jones also referred to a letter sent by the Competition and Markets Authority (CMA) to the Licensing Service, commenting on the draft Policy. He referred specifically to the CMA's comments on the four additional conditions now referred to, which it considered could risk undermining competition, create barriers to entry and innovation, and thus harm the interests of passengers.
- 5.4.3 Steve Lonnia responded by stating that the Licensing Service had consulted on the draft Policy in the same manner which it always undertook consultation, in that all relevant groups and individuals had been notified of the draft Policy over a 10 to 12 week period, as recommended by the Government. He made the point that there was no legal requirement on the Service to consult, but accepted that it was best practice to do so. Mr Lonnia indicated that the four policy changes, as now mentioned, had been included in the draft Policy following consultation and represented changes that the Service considered necessary and positive, particularly in terms of improving public safety. The Licensing Service had looked at the potential impact of all the four policy changes, and considered that they were all relevant, particularly in terms of improving public safety. Mr Lonnia added that, although it was not the responsibility of the Council, he considered that the four changes would not purposely stifle competition in terms of private hire vehicle operators in the City.
- 5.4.4 In response to questions from Members of, and the Solicitor to, the Committee, it was stated that, in terms of investing in the City, Uber created employment opportunities for drivers and increased choice for passengers, and the Company had plans to talk to local authorities in terms of the use of electric and low emission vehicles. The Company paid all due taxes on profits in the UK, and the Company was now operating in 20 towns and cities across the UK. The drivers

were paid by direct bank transfer, and would receive payment statements. Whilst it was appreciated that not everyone would choose to use Uber, feedback from those customers who had used the Company had been very positive. In terms of how the system worked, customers would use the app on their smartphones, and would be able to track the vehicle's arrival. In terms of customer services, in the light of a serious incident, the public could contact Uber's Incident Response Team, 24 hours a day, seven days a week, through the app.

- 5.4.5 Steve Lonnia stated that, as part of the consultation process, the Licensing Service sent out details of the draft Policy to relevant trade parties and groups, as well as putting the report on the Council's website. He stated that, on 1st April 2016, at the request of Members, the sections in the draft Policy relating to vehicle age limits and vehicle signage had been temporarily withdrawn from the consultation process and subsequently, meetings were arranged with relevant trade parties and groups, which included GMB, Sheffield Taxi Trades Association (STTA), ALPHA and City Taxis, in order to try and agree an amicable way forward.
- 5.4.6 Mr Jones made the point that Uber had not been consulted as part of this second stage. In terms of the Company's driver operation, Mr Jones stated that its drivers could pick up customers anywhere in the country, as long as the booking was made in the area where the driver was registered. He added that the Company held detailed electronic records of all its drivers, together with insurance and other relevant details. In terms of contact with the Company, communication would generally take place via the app, but any serious incidents would be dealt with by the Company's call centre.
- 5.4.7 Steve Lonnia stated that he believed that a facility for the public to speak to someone was necessary in terms of public safety, particularly in those cases where friends or relatives of the customer either did not have a smartphone, or where those who did, were either not able to download the app or did not understand how to use it.
- 5.4.8 Mr Jones stated that, as part of Uber's service, users had the facility to send friends or relatives a text, which would enable them to track the vehicle's journey. Mr Jones stressed that customer safety was very important to Uber, and that it was obviously in the Company's interest, to ensure that this was the case. The Company believed that there were other, better ways for customers to communicate with the Company other than a landline. The Company had a dedicated law enforcement response team, which would deal with any matters of a serious nature, and if there were any serious matters of a safeguarding nature, the Company's technology allowed for every single journey to be tracked. In the case of valuables left in its vehicles by customers, the driver would make a note on the app, which would enable the customer to meet the driver or for a call to be directed through to the Company's call centre, who would then contact the customer. The Company's Instant Response Team was based in Limerick, Republic of Ireland, and comprised around 100 staff. In terms of customer complaints received relating to the lack of a landline, and customers or anyone else trying to contact Uber, Mr Jones stated that whilst he did not have any details, any complaints of this nature would have been acted on and reviewed

immediately.

5.4.9 Craig Harper stated that, whilst he did not have any details, his recollection was that the Licensing Service had not received any such complaints.

5.5 Kevin Flint (General Manager, City Taxis)

5.5.1 Kevin Flint stated that he would like to support the four additional licensing conditions now referred to on the grounds that City Taxis considered that they would enhance the customer experience and promote public safety, as follows:-

(a) Part 6 – Condition 2(d) – The operator premises must be staffed at all times that the operator is open for business

Mr Flint stated that over many years, City Taxis offices had proved to be a vital focus point for its drivers and customers, with its drivers having been forced to visit the offices on those occasions when they have felt afraid or vulnerable, due to incidents that had occurred. City Taxis also provided prayer facilities at its offices for its drivers to use, and drivers would also attend the offices should they encounter any issues surrounding their equipment. Customers had also visited the offices to retrieve lost property, make complaints, or simply pay for journeys in advance.

(b) Part 6 – Condition 6(d) – The operator must ensure that customers can speak to a real person in the event of a complaint or problem with the journey. Therefore, all operators must have a telephone line, based in Sheffield, that is advertised to the public and is accessible at all times.

Mr Flint stated that City Taxis believed that the requirement for operators to provide a manned telephone line, to deal promptly with customer complaints, lost property, police enquiries and other urgent enquiries about children or vulnerable adults who may be missing, should be mandatory. The Company received a large number of such enquiries, on a regular basis, including many calls out of normal business hours, and believed that a responsible taxi operator should be compelled to provide such a facility 24 hours a day, seven days a week, 365 days a year. Mr Flint made specific reference to a letter of thanks the Company had received from the police, for their assistance in terms of providing information on taxi journeys, which had ultimately led to the sentencing of a number of people for murder or manslaughter.

(c) Part 7 – Condition 7(h) – The operator must have the ability to take a booking up to seven days prior to the commencement of the journey.

Mr Flint stated that City Taxis believed that an integral part of good customer service and good business practice was to allow the facility for a customer to place an advanced booking with an operator, up to seven days in advance. The facility provided peace of mind for the travelling public, as well as allowing the operator to plan for times of increased demand. It was considered that customers may feel let down if all operators adopted a

policy of not accepting advanced bookings, and pointed out that the sign displayed on the Company's licensed private hire vehicles underpins this condition.

- (d) Part 14 – Change of Operator - (a) Any Sheffield licensed vehicle may only be registered to work with one licensed operator at any one time, except when the vehicle is also operated personally by the proprietor/driver, and (b) The proprietor or such driver of the vehicle must notify the Council immediately, or in any event within five working days, of any change of operator to which the vehicle is to be operated.

Mr Flint stated that City Taxis would like to endorse the condition, making licensed private hire drivers only able to register with one licensed third party operator. The Company supported the suggestion that a driver could be registered as an operator in his/her own right, and select to work for one third party operator in addition, as this would prevent the driver simply moving around a number of platforms, undertaking work across numerous operators simultaneously. Mr Flint stated that, in real terms, if this way of working was allowed to happen, drivers would not be likely to change over signage continuously and as a result, the travelling public would be confused. This could possibly lead to customers approaching any private hire vehicle in an attempt to find their driver which, in turn, could lead to passengers potentially travelling in un-booked and therefore, uninsured cars, resulting in a detrimental effect on passenger safety and operator/driver accountability. He indicated that City Taxis also supported the condition requiring the proprietor or such driver of the vehicle notifying the Council of any change of operator to which the vehicle is to be operated, on the basis that it was believed this was fair and reasonable.

- 5.5.2 Mr Flint added that City Taxis also welcomed the proposed conditions regarding lost property on the grounds that the Company handled over 3,000 enquiries a year relating to lost property and that, as part of its existing services, the Company already recorded all lost property reported by customers and drivers. The Company also tried to ensure that any lost property was returned to the customer, as a priority, and always endeavoured to liaise with the driver and customer, to ensure that property was returned promptly. In those circumstances where the Company was unable to identify the owner of property found, it would always ensure that such property was handed over to the police within 24 hours. The Company also supported the proposed condition regarding the requirement for those operators who ceased to operate any licensed vehicle, notifying the Licensing Authority, within 72 hours, for amendment by an authorised officer, on the basis that it considered such condition to be fair and reasonable.

- 5.5.3 In response to questions from Members of, and the Solicitor to, the Committee, Mr Flint stated that the Company was happy with the level of checks made by the Licensing Service in respect of its drivers. In terms of additional checks/training, the Company required all its drivers to undertake a first aid course and undertake Passenger Assistance Training, regarding the handling of, and dealing with, customers. All drivers were also given a selection of clothing, including polo shirts, sweaters and fleeces, all with the Company logo on. Other checks

implemented by the Company included the inputting of drivers' insurance details, which would trigger a prompt when their insurance was due to run out. Mr Flint indicated that he considered the current license fee structure reasonable and proportionate. He confirmed that City Taxis supported the condition regarding Sheffield licensed vehicles only being registered to work with one licensed operator at any one time mainly for reasons of passenger safety. The Company had the technology to track a journey if the customer had made the booking online, as well as for each job booked by phone. Mr Flint confirmed that City Taxis would be happy to accept the draft Policy as it stood, and that nothing he had heard, up to this stage in the meeting, would change his mind. He stated that there had not been many occasions when customers or other members of the public had attended its offices to seek help, but whenever they had, staff would always try and help where possible. If a customer booked a journey an hour in advance, whilst the Company were not able to guarantee the booking, it would make every effort possible but, if this was not possible, for any reason, the Company would refund the customer any expenses they had incurred as a result of the failed booking. He accepted that this was not particularly a public safety issue, but more the Company providing a public service. Mr Flint stated that if a driver was working for more than one operator, as long as the vehicle had the correct Company sticker on at the time, this would not present a risk to public safety. He stated that there would be situations where a driver working for different operators would not necessarily change the stickers on the vehicle's doors.

5.6 Ibrar Hussain (GMB)

5.6.1 Mr Hussain wanted to place on record his thanks, on behalf of the GMB, to the officers in the Licensing Service for their work undertaken as part of the consultation on the Policy. He stated that the GMB supported the four additional conditions now referred to. He believed that it was important that Sheffield licensed drivers should only be allowed to work in Sheffield and that this should be the case in other towns and cities, on the grounds that the condition of drivers' vehicles from other towns and cities may not be to a sufficient standard, and there could be a risk to public safety. He also considered it important that a driver's income should go direct to the Sheffield economy. In terms of the requirement for a telephone line, he considered that this was vital in terms of the safety of customers. He also stated that he agreed with the condition requiring a Sheffield licensed vehicle to be only registered with one licensed operator at any one time on the grounds that it was more important to protect the public, as opposed to restricting trade.

5.6.2 Mr Hussain stated that the GMB also requested additional conditions/amendments to existing conditions, and further work/information, as follows:-

- (i) The operator company must inform the Licensing Service, within 72 hours when the vehicle starts on a company, and must inform the Service when a driver leaves the company within 72 hours;
- (ii) Intended use policy – to give commitment and weight to City Council policy

and manage cross-border more readily;

- (iii) Private hire operator checks are very important – Licensing officers/Enforcement Team must have immediate access, 24/7 without any notice, to undertake investigations and inspection;
- (iv) Request an urgent, detailed report of the Licensing Service on taxi enforcement resources and ability to carry out its duties on private hire operators, cross-border private hire vehicles, Hackney Carriage vehicle and driver checks for both;
- (v) Request an urgent, detailed report on private hire operator fees, without any delay, and current banding is not correct, nor fair; and
- (vi) Request for immediate benchmarking of the tinted windows policy immediately.

5.6.3 Mr Hussain went on to state that it would be useful to have in place, a clear forward plan for policies that were forthcoming, for discussion with taxi trade representatives, and that this should be reviewed annually. He stated that the priority must be public safety, which must not be compromised at any cost, and that the Council should be dedicated in making sure that it aspired towards being the best Licensing Authority in the United Kingdom.

5.6.4 In response to questions from Members of, and the Solicitor to, the Committee, it was stated that the requirement for operators to have a telephone line would prove difficult for personal operators in that they would obviously not be able to access calls when out working, and would only be able to pick any messages up when they return home. It would not really be possible for a customer to contact the driver if they had left valuables in a Hackney Carriage. A change in legislation had resulted in operators being able to sub-contract jobs to drivers outside the City, meaning this practice was not illegal.

5.7 Lee Ward (ALPHA)

5.7.1 Mr Ward stated that ALPHA welcomed the four additional conditions now referred to, referring specifically to the requirement for operators to have a telephone line, and indicating that people would not always be able to use their smartphones if there was not internet access. Mr Ward also made further comments in terms of suggested amendments/additions to the Policy, as follows:-

- (i) Section 4(c) of the Private Hire Operator Policy – The operator must also inform the Council when a vehicle starts on the company, not just inform the Council when a vehicle leaves the company. This should also have a 72 hour window for completion. There should also be a requirement that all vehicles should be registered with the Council within 10 working days of the commencement of the Policy, so that they can make a new and definitive list of where vehicles currently operate;
- (ii) An intended use policy should be incorporated into the Private Hire Vehicle

Policy - this would add weight to the Council when asking other local authorities to also implement such a policy to enable the management of cross-border hiring more readily;

- (iii) Window Tint Levels – this has been well documented from a collection of information from other authorities, and should be implemented as explained. Should this require further information, as suggested, then a date no later than two months should be assigned to this gathering of any further information needed. This time frame is also to be made available for further evidence to be given in favour of the argument from the trade;
- (iv) Exceptional Vehicle Criteria – the policy for extending a vehicle’s plate was so constrictive that it was almost impossible to achieve. This needed to be addressed, as suggested within the comments supplied in response to the consultation;
- (v) Multi Media within Vehicles – a set date should be made for this item to be finalised, say two months from the implementation of the Policy;
- (vi) Operator Enforcement – the operator should not be given a time and date for a visit for enforcement. This is not given to hackney or private hire vehicles or drivers, and should not be given to operators; and
- (vii) Operator Fees – the fee structure for operator licences required addressing. The cost, for example, of one to 49 vehicles was not sustainable, and prevented people from starting a new company due to the cost. A company of 20 vehicles could have in the area of £22,000 income, where a ‘one-man band’ had zero income, and therefore was at a massive loss on these prices.

5.8 Hafeas Rehman (Sheffield Taxi Trades Association (STTA))

5.8.1 Mr Rehman stated that he had no objections to the draft Policy, indicating that, in his opinion, the Council had been forward thinking and open-minded in connection with the drafting of the Policy, and would always try to work with all operators. He accepted that public safety was paramount, but stated that there was a need to give consideration to the safety of drivers also. Mr Rehman stated that he agreed, with some reluctance, with the four proposed conditions now referred to, as he considered that there was a need for the Council to be mindful of the wishes of all the different operators/drivers in terms of the restrictions that such conditions would place on them.

5.9 Virginia Halstead (Uber Driver)

5.9.1 Ms Halstead stated that she was not in favour of the four suggested conditions now referred to, indicating that she did not particularly like handling cash and that, whilst she would not want to work for two different companies, there was a need to give drivers the option. She also considered that customers should have a choice in how they wished to book their taxis.

5.10 Malcolm Billard (Uber Driver)

5.10.1 Mr Billard stated that he objected to the four proposed conditions now referred to, indicating specifically that he could not see any reasonable argument requiring operators to have a telephone line.

5.11 Ramis Naji (Hackney Carriage Driver)

5.11.1 Mr Naji stated that, as an independent driver, he objected to the four proposed conditions now referred to on the grounds that independent drivers or operators with very few vehicles would be the ones that would be penalised under the new Policy.

5.12 In addition to the comments set out in the report and the representations now made at the meeting, the Committee also considered representations submitted by Julie Hague, Sheffield Safeguarding Children Board, who indicated that the Board was in favour of the Policy, particularly the four additional conditions now referred to, on the basis that they are important to protect children, vulnerable passengers and operators.

5.13 Steve Lonnia reported on the options open to the Committee.

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

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

5.16 At this stage in the proceedings, the meeting was re-opened to members of the public.

5.17 RESOLVED: That the Committee:-

- (a) notes (i) the contents of the report now submitted, (ii) the additional information now reported, (iii) the representations made by representatives of private hire vehicle operators and taxi trades operating in the City, and (iv) the responses to the questions raised;
- (b) approves the Private Hire Operator and Vehicle Policy, as attached at Appendix 'D' to the report now submitted, subject to the under-mentioned amendments, and with the majority of the Policy being implemented on 1st November, 2016, and the remaining elements, to be determined by the Chief Licensing Officer, being implemented on a phased basis, with the trades and licensees being notified of such timescales:-

Private Hire Operator Policy

- (i) the deletion of Condition 2(d) in the section - Premises, in Part 6, on page 26 – “The operator premises must be staffed at all times that the operator is open for business”;
- (ii) the amendment to Condition 6(d) in the section – Public Complaints, in Part 6, on page 29, to read ‘The operator must ensure that customers can speak to a person in the event of a complaint or problem with the journey. Licensing officers and the police must also be able to access information immediately on request’;
- (iii) the deletion of Condition 7(h) in the section – Acceptance of Bookings, in Part 7, on page 29 – ‘The operator must have the ability to take a booking up to seven days prior to the commencement of the journey’;
- (iv) the amendment of Part 2 – Fit and Proper Person Requirement, on page 16, to read ‘ The Licensing Authority has adopted the Local Government (Miscellaneous Provisions) Act 1976, Section 55, in respect of a Private Hire Operator’s Licence. Contained in this Act is the ‘fit and proper’ test, which states:’ (the rest of the wording in this section remains unchanged);
- (v) the substitution of the words ‘issue a licence for a period of five years’ for the words ‘issue a licence for a period not exceeding five years’, in the first paragraph in the section - Policy – Objective 9 – Duration of Licence, on page 24;
- (vi) the following amendments to Part 6 – Private Hire Operator Conditions:-
 - (1) the substitution of the words ‘the Act’ in the definitions section of Part 6 – Private Hire Operator Conditions, on page 25, for the words ‘The Act’;
 - (2) the deletion, in paragraph 4(b), on page 28, of the words – ‘In order to ascertain the legitimacy of such documents’;
 - (3) the substitution of the word ‘ceased’ for the words ‘first commenced’ in paragraph 5(b), on page 28;
 - (4) the deletion in paragraph 7(a), on page 29, of the words - ‘In order to ascertain the legitimacy of such documents’; and
 - (5) paragraph 7(g) in the section – Acceptance of Bookings, on page 29, be moved to Section 11 – Compliance with Other Legislation, on page 30 ;
- (vii) the deletion of the word ‘Therefore’, and the word ‘the’ now reading ‘The’, in paragraph 2 of Part 7 – Compliance and Enforcement, on page 31;

- (viii) the deletion of the word 'formal' in the fourth paragraph of the section – Better Regulation Unit: Enforcement Concordat – in Part 7 – Compliance and Enforcement, on page 32; and
- (ix) the substitution of the word 'instigated' for the word 'implemented' in the first paragraph of the section – Prosecution, in Part 7 – Compliance and Enforcement, on page 35;

Private Hire Vehicle Policy

- (i) the amendment of the wording in paragraphs (a) and (b) – Change of Operator in Part 14 to read 'The proprietor or such driver of the vehicle must notify the Council of all companies for which they are working, and must immediately notify the Council if they cease to work for any company. The vehicle must also display sole relevant door signage for each booking'
- (ii) the amendment of the second paragraph under Currently Licensed Vehicles, under the section Policy – Objective 3, in Part 7 – Vehicle Inspections and Testings, on page 50, to read:-
 - Non-ULEV Private Hire Vehicles up to six years old – Tested annually;
 - ULEV Private Hire Vehicles up to six years old – Tested annually;
 - Non- ULEV Private Hire Vehicles over six years old – Tested bi-annually;
 - ULEV Private Hire Vehicles over six years old – Tested bi-annually;
- (iii) the deletion of the word 'formal' in the fourth paragraph in the Section – Better Regulation Unit: Enforcement Concordat, on page 66; and
- (iv) the addition of the following wording in the section – Private Hire Emissions, in Part 3 – Emissions, on page 41:-

"Emissions from Private Hire Vehicles can be reduced by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly when parked at the side of the road. It is proposed that anti-idling is tackled through education and promotion, not by formal enforcement.

Anti-idling signage will be provided where this can be practically achieved. Adoption of anti-idling legislation will however remain optional for the future, noting the desire for the Council to reduce enforcement burdens for businesses, and in recognition of the limited staff resources available to undertake such work".

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 October 2016

PRESENT: Councillors Alan Law (Chair), Neale Gibson, Moya O'Rourke and Anne Murphy

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Anne Murphy attended for the first case (Case No. 102/16) and subsequently left the room at the conclusion of the case when Councillor Moya O'Rourke attended the meeting.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 102/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 103/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 104/16 attended the hearing and addressed the Sub-Committee.

4.5 The licence holder in Case No. 91/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
102/16	Review of a Hackney Carriage and Private Hire Driver's	Revoke the licence under Section 61 of the Local Government

	Licence	(Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, with immediate effect, in the light of the offence and conviction now reported.
103/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence as the Sub-Committee does not consider the licensee to be a fit and proper person, in the light of the offences and convictions now reported and the responses given to the questions raised.
104/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for a shorter term of six months, subject to the applicant completing the BTEC Level 2 Certificate "The Introduction to the Role of Professional Private Hire and Taxi Driver", within the term of the licence and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
91/16	Review of a Hackney Carriage and Private Hire Driver's Licence	Suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act, 1976 for a period of two weeks, and the applicant be given a written warning to remain on his licence for a period of 12 months indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 October 2016

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Jack Clarkson.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licensee in Case No. 105/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 106/16 attended the hearing and addressed the Sub-Committee.

4.4 The licensee/applicant in Case Nos. 107/16 and 108/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
105/16	Review of a Hackney Carriage and Private Hire Driver's Licence	The licensee be issued with a written warning with regard to his future conduct, with such warning to remain active for the life of his current licence.
106/16	Renewal of a Hackney	Renew the licence for the term

	Carriage and Private Hire Driver's Licence	requested.
107/16	Review of a Hackney Carriage and Private Hire Driver's Licence	The licensee be issued with a written warning with regard to his future conduct, with such warning to remain active for the life of his current licence.
108/16	Application to renew a Private Hire Operator's Licence	(a) Grant a licence for the term requested and (b) the licensee be issued with a written warning with regard to his future conduct, with such warning to remain active for the life of his current licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 October 2016

PRESENT: Councillors David Barker (Chair), Vickie Priestley and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Josie Paszek attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - MINT PARIS LOUNGE, 42-46 LONDON ROAD, SHEFFIELD S2 4LR

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Mint Paris Lounge, 42-46 London Road, Sheffield, S2 4LR.

4.2 Present at the meeting were Zobia Rafique (representing Mint Paris Lounge), Lily McCall (Chair, Leverton Tenants' and Residents' Association (TARA)), Margaret Coupland, Julie Coupland and Jean Senior (local residents), Jean Cromar (supporting Leverton TARA), Councillors Mohammad Maroof and Alison Teal (local Ward Councillors), Emma Rhodes (Licensing and Technical Enforcement Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Emma Rhodes presented the report to the Sub-Committee, and it was noted that representations had been received in the form of one objection on behalf of the Leverton TARA and three objections from members of the public, and were attached at Appendix "B" to the report.

4.5 Lily McCall stated that she had been involved with the Leverton TARA for the past 40 years and, as Chair, was speaking on behalf of a number of tenants. The tenants were objecting to the application on the grounds that there would potentially be an increase in cars parking on the grassed area surrounding the

flats, and blocking the access road, together with an increase in noise nuisance caused by cars revving and customers talking as they left the premises late at night. She circulated a photograph which showed seven cars parked on the grass, and stated that she considered that if the licence was to be granted, even more cars would be parked there. She added that some of the tenants had challenged the car owners about parking on the grass, but had been informed that the owners of the Mint Lounge had purchased the land.

- 4.6 Jean Cromar stated that she regularly passed the area on the bus and had seen as many as 12 cars parked on the grass at any one time, with some cars also parked in the bus lane. Ms Cromar further stated that a number of tenants who would be most affected by the application had expressed their concerns to her, indicating that they had not been aware of the application until recently. She produced a photograph of the window of the premises, which showed that it was impossible to read the notice, and that it was only lowered after she had reported it to the Licensing Service, and following a visit from officers of that Service. She added that building rubble had been left on the footpath, forcing people to walk on the road, and that the residents of Leverton Gardens had to buy permits to enable them to park in the area.
- 4.7 In response to questions from Members of the Sub-Committee, the residents stated that they considered that the problems had worsened in the area since the premises had opened in May, and had they known who to contact at the premises, they would have done so to engage in dialogue regarding these issues.
- 4.8 Zobia Rafique stated that whilst the premises were being renovated, and additional building works being carried out on London Road, there might have been occasions when family members and the builders had parked on the grass, but since the business had opened, there had been four parking spaces for private use, so there was no need for her staff or family members to park on the grass. She added that a lot of money had been spent on refurbishing a derelict building which, now complete, had enhanced the area. Ms. Rafique also stated that she felt that a number of complaints from the local residents towards her customers were unfounded. She went on to add that the majority of customers, at least 95%, were local people, and who tended to walk to the premises. She stated that there was no proof that the car owners parking on the grass and blocking the drive were customers of Mint Paris Lounge. Ms. Rafique added that the notice of the application was published in the local press on 28th August, 2016, and a notice had subsequently been placed on the window. On a couple of occasions, she had found the notice either ripped up or removed from the window, so therefore had found it necessary to put it higher up on the window.
- 4.9 Zobia Rafique considered that any noise nuisance or illegal parking should be reported to the appropriate authorities, and not just blamed on her customers, as there was no evidence that those responsible were from her premises. She added that she had 13 tenants living above the property and none of them had made any complaints of noise nuisance, such as people talking or car engines revving, when customers left the premises late at night. Ms. Rafique stated that she had not been aware that a music licence was required, and that music had been played in the property since its opening, albeit quiet, background music.

She stated that the Mint Paris Lounge was a social gathering place for the Muslim community, therefore no alcohol was served.

4.10 In response to questions from Members of the Sub-Committee, Zobia Rafique stated that although CCTV cameras were situated all around the outside of the property, covering the immediate area, they did not extend to the grassed area at the rear of the premises. She stated that the windows were double glazed, and there was a thick door to help prevent noise breakout. Ms. Rafique further stated that had the residents come to her with their concerns, she would have been more than happy to have entered into dialogue with them to prevent any conflict. She added that she would do everything possible to live in harmony with the local residents.

4.11 Emma Rhodes outlined the options to the Sub-Committee.

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

4.13 Samantha Bond reported orally, giving legal advice on various aspects of the application.

4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.15 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the application for the grant of a Premises Licence in respect of Mint Paris Lounge, 42-46 London Road, Sheffield S2 4LR be granted subject to the following conditions:-

(a) clear and legible notices (wording to be agreed with the local TARA) to be displayed at all exits requesting customers not to park on the grassed areas of Leverton Drive;

(b) an open register be maintained with, as a minimum, a list of car registrations of visitors to the premises; and

(c) contact information to be provided so that a member of staff can be contacted at all times when the premises are open.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 October 2016

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Jack Clarkson

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 111/16 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 112/16 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 113/16 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 114/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
111/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months in the light of the offences and convictions now reported, and subject to the applicant completing all the necessary

		courses required of a new driver and (b) any renewal application after the six month period be referred to the Sub-Committee for determination.
112/16	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences and convictions now reported and the representations now made, the Sub-Committee did not consider the applicant to be a fit and proper person to hold a licence.
113/16	Application to renew a Private Hire Vehicle Licence	Agree to grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.
114/16	Application to renew a Private Hire Vehicle Licence	Agree to grant a licence for six months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 November 2016

PRESENT: Councillors David Barker (Chair), Kieran Harpham, Anne Murphy and Jack Clarkson

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1. APOLOGIES FOR ABSENCE

1.1 In the absence of Councillor Kieran Harpham at the commencement of the meeting, Councillor Jack Clarkson attended for the first case (Case No. 115/16). At the conclusion of that case, Councillor Kieran Harpham entered the room and stayed for the remainder of the meeting.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No.115/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No.116/16 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No.117/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No.88/16 attended the hearing and addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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115/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In accordance with the Council's policy on plying for hire, immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006).
116/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In light of the additional evidence provided, the information contained in the report and the responses to the questions raised, the licence be reinstated, but the licence holder be given a final written warning as to his future conduct, to remain in place for the length of the licence.
117/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In accordance with the Council's policy on plying for hire, immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by Section 52 of the Road Safety Act 2006).
88/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant for the term of 24 months, as requested in the application, with a written warning to be issued to the applicant as to his future conduct, to remain in place for the length of the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 November 2016

PRESENT: Councillors Alan Law (Chair), Moya O'Rourke and Josie Paszek

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 118/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 119/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 120/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 121/16 attended the hearing and addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
118/16	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately suspend the licence for a period of three months, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as

amended by Section 52 of the Road Safety Act 2006, in light of the seriousness of the incident now reported, together with previous warnings received by the licensee, in a short period of time, regarding his conduct.

119/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested, subject to the applicant successfully passing the driving and knowledge tests.
120/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	In the light of the offences and convictions now reported, and the responses provided to the questions raised, (a) grant a licence for the shorter term of 12 months and (b) the applicant be given a written warning, to remain on his licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
121/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	In the light of the offences and convictions now reported, and the responses provided to the questions raised, (a) grant a licence for the shorter term of 12 months and (b) the applicant be given a written warning, to remain on his licence for a period of 12 months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 November 2016

PRESENT: Councillors David Barker (Chair), Neale Gibson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 122/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 123/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 124/16 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
122/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person.

123/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) in the light of the incident now reported, the applicant be given a written warning, to remain active for the life of his renewed licence, and specifically warning that if there were any breaches of his licence conditions or any further incidents of rude, abusive or aggressive behaviour to Council officers, the licence would be referred back to the Sub-Committee.
124/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	In the light of the seriousness of the incident now reported, grant a licence for the shorter term of nine months, subject to the applicant (a) successfully passing Sheffield's Safeguarding training and (b) providing relevant telephone records and a list of job bookings from the operator, from 16 th and 17 th February, 2016, now requested.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 November 2016

PRESENT: Councillors Alan Law (Chair), Jack Clarkson and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Josie Paszek attended as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 127/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 128/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 129/16 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
127/16	Application to renew a Hackney Carriage Vehicle Licence	Agree to grant a licence for 12 months on the grounds that (a) the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles; (b) that the

vehicle has two MOT tests during the year and (c) delegated authority be given to officers of the Licensing Service to grant any future extensions to the licence, as long as the application meets all criteria other than age.

128/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	Defer the case until the Licensing Service has received further information from Rotherham MBC regarding the applicants conduct.
129/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of 36 months as requested.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 November 2016

PRESENT: Councillors David Barker (Chair), Jack Clarkson and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SHIMLAS, UNIT 2-3, ST. MARY'S HOUSE, 11 LONDON ROAD, SHEFFIELD, S2 4LA

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Shimlas, Unit 2-3, 11 London Road, Sheffield, S2 4LA.

4.2 Present at the meeting were Sean Gibbons (Health Protection Service, Objector), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Sean Gibbons stated that the Health Protection Service was objecting to the application on the grounds of public safety, and that despite several attempts, he had not been able to contact the applicant to arrange a site visit in order to discuss the areas of concern. On this basis, Mr Gibbons was requesting that consideration of the application be deferred to a future meeting of the Sub-Committee to provide him with one further opportunity to contact the applicant.

4.4 RESOLVED: That in the light of the information now reported, approval be given for the consideration of the application to be deferred to a meeting of the Sub-Committee in four weeks' time.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 5.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No. 130/16 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.3 The applicant in Case No. 131/16 attended the hearing and addressed the Sub-Committee.
- 5.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
130/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) the applicant be issued with a written warning with regard to his future conduct, with such warning to remain active for the life of the renewed licence.
131/16	Application to renew a Hackney Carriage and Private Hire Driver's Licence	In light of the offences and conviction now reported, (a) a licence be granted for the shorter term of 18 months and (b) the applicant be given a written warning, to remain active for the life of the renewed licence, and specifically warning that if there were any breaches of his licence conditions, the licence would be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 November 2016

PRESENT: Councillors David Barker (Chair) and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Anne Murphy.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 132/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 133/16 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 134/16 attended the hearing and addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
132/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of 36 months as requested.
133/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant the licence for the term of 12 months as requested, subject to the applicant taking and passing all the pre-application tests required of

a new applicant and (b) a written warning be issued to the applicant as to his future conduct, to remain in place for the length of the licence.

134/16 Application for a first
Hackney Carriage and
Private Hire Driver's Licence

Refuse to grant a licence as the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in the light of the offences and convictions now reported and the responses given to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 November 2016

PRESENT: Councillors Alan Law (Chair), Josie Paszek and Gail Smith

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - IRENKA EXPRESS, 170 MAIN ROAD, SHEFFIELD, S9 5HQ

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Irenka Express, 170 Main Road, Sheffield, S9 5HQ.

4.2 Present at the meeting were Masoom Hassan (Applicant), Patrick Robson (John Gaunt, Solicitors, for the Applicant), David Palmer and Neil Bates (Sheffield Trading Standards, Objectors), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from Sheffield Trading Standards, and were attached at Appendix 'B' to the report.

4.5 David Palmer, on behalf of Sheffield Trading Standards, stated that he was objecting to the application on the grounds that the licensing objectives, namely the prevention of crime and disorder and the protection of children from harm, would not be met in this case. Mr Palmer stated that the proposed Designated Premises Supervisor (DPS) for the premises was Masoom Hassan, who was known to Trading Standards as a result of his involvement in an adjacent shop at 172 Main Road, and was also the sole Director for Irenka Express Limited, having signed the application on behalf of that Company. Mr Hassan had been convicted

at Sheffield Magistrates Court, on 2nd May 2013, for the possession for sale of smuggled, counterfeit and non-duty paid cigarettes and hand-rolled tobacco, which had been found on the premises at 172 Main Road. Mr Hassan had given his address, as DPS, as 170 Main Road, which shop unit was empty at the present time, and the flat above was inhabitable. On this basis, and as his recorded address for his Personal Licence, dated 15th September 2015, was 172 Main Road, Trading Standards did not believe that Mr Hassan had provided a true address. Mr Palmer stated that Mr Hassan had provided a contact email address as nadia@irenkafoods.co.uk, which, it was believed, referred to Nadiya Chzhen, who was currently the Premises Licence Holder (PLH) and DPS at 172 Main Road, trading as Stas. These premises were currently the subject of a Trading Standards criminal investigation and licence review application. Mr Palmer also made reference to the fact that another company, Irenka Foods Limited, had two Directors, Nadiya Chzhen and Herish Hussain Ezzat. Nadiya Chzhen was (and is currently) the PLH and DPS at Stas, 172 Main Road at the time of Mr Hassan's conviction in 2013, and she had previously received a written warning regarding the possession for sale of illicit hand-rolled tobacco, on 18th May 2012. Mr Ezzat had been cautioned for the sale of cigarettes to a child in 2009, and also convicted by Sheffield Magistrates Court, on 18th April 2012, for the possession for sale at 172 Main Road of smuggled, counterfeit and non-duty paid cigarettes and hand rolled tobacco. He was the PLH and DPS at the time of the offences. Taking into account Mr Hassan's conviction, his connections with the premises at 172 Main Road, his association with Nadiya Chzhen and Herish Hussain Ezzat, and the ongoing criminal investigation and licence review application, Trading Standards had serious concerns that the premises at 170 Main Road would be used for the sale and storage of smuggled goods. They were also concerned that if a Premises Licence was granted to a company which had associations and connections with those in control of the premises at 172 Main Road, the licensing objectives (the prevention of crime and disorder and the protection of children from harm) would not be met in this case. Mr Palmer also made reference to a test purchase operation, undertaken by Sheffield Trading Standards on 18th November 2016, which had resulted in illicit tobacco being found at 14 premises across the City.

- 4.6 In response to a question from the Solicitor to the Sub-Committee, it was confirmed that illicit cigarettes had been found on the premises at 172 Main Road, as part of the test purchase operation undertaken on 18th November 2016.
- 4.7 Patrick Robson stated that Mr Hassan was the sole Director of, and only shareholder in, Irenka Express Limited. The business comprised a grocery store, with the sale of alcohol being the only licensing requirement. He indicated that representations had been made by the Health Protection Service, Environmental Protection Service and South Yorkshire Police but, following agreement of conditions with such authorities, the representations had subsequently been withdrawn. In respect of Mr Hassan's conviction in 2013, due to the length of time elapsed, the conviction was now deemed as spent. Mr Robson stated that Mr Hassan had owned the lease in respect of the premises at 172 Main Road since 2012, but his interest in that property had ceased in March 2015. Whilst he was familiar, and friendly, with his neighbours, there was no business relationship between them. The reason for including Nadiya Chzhen's email address on the

application for the Premises Licence was simply due to the fact that his written English was not very good, and Ms Chzhen had helped him complete the application form, and had put her email address on the form. Mr Hassan also had an agreement with his neighbours to have his mail delivered to their property, and he would pick it up from there. Mr Hassan had not been in any form of trouble since his conviction in 2013.

- 4.8 In response to questions from Members of, and Solicitor to, the Sub-Committee, Mr Robson stated that Mr Hassan was not related to Nadiya Chzhen or Herish Hussain Ezzat, and confirmed that Mr Hassan was now living in the flat above 170 Main Road. Mr Hassan did sell alcohol at his previous premises at 172 Main Road, and his conviction in 2013 related only to the sale of illicit cigarettes and hand-rolled tobacco, and not alcohol. Mr Hassan was not able to provide a clear translation for the word 'Irenka', and confirmed that he had had no other involvement with Nadiya Chzhen, from a business point of view, since she had helped him complete the application form. Mr Hassan also stated that if he needed any help with the running of his business, he would contact a friend, and confirmed that he had asked Nadiya Chzhen to contact Trading Standards to question the nature of its objections to the application. Mr Hassan stated that for the last 20 months or so, he had been refitting the shop premises at 170 Main Road.
- 4.9 Patrick Robson summarised the case, and circulated a list of further, proposed conditions for consideration by the Sub-Committee.
- 4.10 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.11 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the premises known as Irenka Express, 170 Main Road, Sheffield, S9 5HQ, in the terms requested and subject to the additional conditions as follows:-
- (a) All alcohol and tobacco products will be purchased by the Designated Premises Supervisor from a bona fide wholesaler;
 - (b) All such purchases will be accompanied with official invoices, which will allow full traceability throughout the supply chain;

- (c) The invoices will be retained on the premises for a minimum of six months and will be provided on request to a Police Officer or authorised officer of the City Council;
- (d) The business will take all necessary steps to ensure that no illicit alcohol or tobacco products are kept on the premises, either for supply or personal consumption;
- (e) No alcohol or tobacco products will be purchased from unknown sources, such as itinerant traders 'cold calling' at the premises;
- (f) A clear notice will be displayed at the entrance to the shop, the wording of which will make clear that the business does not purchase illicit alcohol and tobacco products from criminal wholesalers;
- (g) A Refusals Log will be maintained on the premises, and completed when required; and
- (h) Written records regarding all staff training will be maintained on the premises for a period of six months.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 November 2016

PRESENT: Councillors Alan Law (Chair), Adam Hurst and Bob Pullin

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - OVIDUS KITCHEN, 621 ATTERCLIFFE ROAD, SHEFFIELD S9 3RD

4.1 An application for the grant of a Premises Licence made under Section 17 of the Licensing Act, 2003 in respect of the premises known as Ovidius Kitchen, 621 Attercliffe Road, Sheffield S9 3RD, had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

5.2 The applicant in Case No. 128/16 attended the hearing with a representative and they both addressed the Sub-Committee.

5.3 RESOLVED: That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
128/16	Application for a first Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence as the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in the light of the offences

and convictions now reported and the responses given to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 December 2016

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 In relation to Agenda Item 4 (Hackney Carriage and Private Hire Licensing – Individual Cases) Councillor Andy Bainbridge declared a personal interest in Case No. 138/16 on the grounds that he knew the applicant, and he left the room during the consideration of the case.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 137/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 138/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 139/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
137/16	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the offences and convictions, and other incidents now reported, the licence holder be given a written warning, to remain live for the remainder of his current licence and the

full term of his next licence, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

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|--------|---|---|
| 138/16 | Application for a Private Hire Vehicle Licence (Exemptions from Licensing Conditions) | (a) Grant a licence, together with an exemption notice, and attaching an additional licence condition, requiring that the vehicle be only used for the purposes now indicated and (b) delegated authority be granted to the Chief Licensing Officer to grant any further licences in respect of this vehicle, unless there has been any changes to the vehicle, or the operation of the business. |
| 139/16 | Review of a Hackney Carriage and Private Hire Driver's Licence | (a) Re-instate the licence based on the evidence now provided and (b) the licence holder be given a written warning, to remain live for the term of his current licence, indicating that if there were any further motoring convictions, the licence would be referred back to the Sub-Committee. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 December 2016

PRESENT: Councillors Alan Law (Chair) and Adam Hurst

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Neale Gibson arrived during consideration of the first case, but did not stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No.140/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.141/16 attended the hearing with two representatives and they all addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
140/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant for the term of 12 months, as requested in the application, with a written warning to be issued to the applicant as to his future conduct, to remain in place for the length of the licence.
141/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of 12 months, in the light of the offences now reported and, on

renewal, authority be given to grant the applicant a licence for up to the maximum term of 36 months subject to there being no further cause for concern..

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 December 2016

PRESENT: Councillors Alan Law (Chair), George Lindars-Hammond, Vickie Priestley (for Case No. 142/16 only) and Bob Pullin (for Case No. 144/16 only)

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 142/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 144/16 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
142/16	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) in the light of the offence and conviction now reported, the applicant be given a written warning, regarding his future conduct, to remain live for a period of 12 months.
144/16	Application for a Private Hire Vehicle	(a) Grant a licence, together with a notice, granting the applicant an exemption from

Licence
(Exemptions from
Licensing
Conditions)

Private Hire Vehicle Condition No.1, and attaching additional licence conditions, namely that (i) the exemption applies to (A) the vehicle now referred to, and when booked through the private hire operator now referred to, (B) the vehicle when driven by the applicant only and (C) the vehicle when the job booking ends, or begins, outside of the controlled district of Sheffield and (ii) the licence should be carried in the vehicle at all times the exemption is being claimed and (b) delegated authority be granted to the Chief Licensing Officer to grant any further licences in respect of this vehicle, unless there has been any changes to the vehicle, or the operation of the business.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 December 2016

PRESENT: Councillors David Barker (Chair), Josie Paszek and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 3 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. ANIMAL BOARDING ESTABLISHMENTS ACT 1963 - APPLICATION FOR THE RENEWAL OF A LICENCE TO KEEP A BOARDING ESTABLISHMENT FOR ANIMALS

4.1 The Chief Licensing Officer submitted a report to consider an application for renewal of a licence to keep a Boarding Establishment for Animals under the Animal Boarding Establishments Act 1963 in respect of premises known as The Doggy Den, Little London Road, Sheffield S8 0UH.

4.2 Present at the meeting were Tom Greatorex (Applicant), Jane Greatorex (Applicant's Mother), Mark Parry (Environmental Enforcement Manager), Wendy Owen (Animal Control and Enforcement Officer), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee and Jennie Skiba (Democratic Services).

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

4.4 Andy Ruston presented the report to the Sub-Committee and copies of the application and all relevant correspondence between the applicant and the Animal Control Section were attached at Appendices "A" to "L" to the report. Members were made aware that every effort had been made to resolve the outstanding issues, but it had not been possible.

4.5 Mark Parry stated that there were two outstanding issues, the first one being that

the applicant is proposing to reduce the size of existing kennels and he commented that he did not feel that the proposed decrease was justified in the interests of the welfare of the dog. He further stated that the guidance issued by the Chartered Institute of Environmental Health suggested that kennel sizes should be 2.3 square metres and that a dog must be able to sit, stand, stretch and wag its tail comfortably. The second outstanding issue centred around the amount of socialisation space required for each dog at the Centre. Mark Parry stated that in the shared exercise area, at least 100sq.ft of space per dog should be allowed, with a separate area for dogs under 12 months old with a minimum of 50sq.ft of space per dog.

- 4.6 In response to questions from Members of the Sub-Committee, Mark Parry and/or Wendy Owen responded by stating that, due to the wide range of size, age, breed etc. of dogs, a general “one size fits all” arrangement would work best. From the Council’s point of view, this would be better when officers attend the premises for inspection and ultimately it would assist the public to feel confident at leaving their dogs at the Centre. It was felt that older dogs would need a “chill out” area, but officers had no concerns in the day-to-day running of the business, the main concern was the welfare of the animals.
- 4.7 Tom Greatorex stated that he had been running the business for the past two years and it was based purely on common sense and his love of dogs. He had begun seven years ago as a dog walker and decided to set up a day crèche for dogs, not 24 hour boarding kennels, which he felt the existing regulations were for. Mr. Greatorex stated that he felt the regulations applied were too restrictive to the operation of his business where dogs were encouraged to socialise better in a shared exercise area. He added that since he had been in business, he had never had any complaints from any of his customers, only praise. Mr. Greatorex further stated that on a day-to-day basis, it has been found that only four of his existing kennels are used. The dogs generally don’t use the cages and the owners don’t want their pets being put into them. Mr. Greatorex stated that he was happy to keep one large cage for really big dogs to use if necessary and that he had an isolation cage in a separate area in case there was ever the need to use it. Mr. Greatorex added that currently there are four areas to accommodate 30 dogs and he and his staff use their own judgment as to which dogs are put together in the areas.
- 4.8 In response to questions from Members of the Sub-Committee, Mr. Greatorex stated that the Centre is open for a maximum of 12 ½ hours per day and the staff ratio is currently one staff member for every six dogs. He added that all staff members are fully trained and that a Manager and Assistant Manager are more than capable of looking after the business in his absence. Mr. Greatorex further stated that he had given advice on how to train dogs to people all over the country and he just wants to grow and improve the business, to help people learn how to train their pets.
- 4.9 Wendy Owen summarised by stating that the conditions which had been imposed were not specific to the Doggy Den, but represented a work in progress to benefit businesses where animals were running loose.

- 4.10 Andy Ruston outlined the options open to the Sub-Committee, as set out in the report.
- 4.11 RESOLVED: That the attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.14 RESOLVED That the Sub-Committee agrees to the renewal of a licence in respect of the premises known as The Doggy Den, Little London Road, Sheffield S8 0UH, in the terms requested and subject to the additional conditions as follows:-
- (a) cages to be provided for 30% of the number of dogs allowed under the licence, all except for 1 to be 2.6m²; and
 - (b) an area of 4,000sq.ft. be allowed for a maximum combination of 30 large dogs and 20 smaller dogs.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 December 2016

PRESENT: Councillors David Barker (Chair), Neale Gibson and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Anne Murphy.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - SHIMLAS, UNIT 2-3 LONDON ROAD, SHEFFIELD S2 4LA

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Shimlas, Unit 2-3 London Road, Sheffield S2 4LA (Case No.125/16). Consideration of the application had been deferred at the meeting of the Sub-Committee held on 17th November, 2016 to allow the applicant to meet with the Health Protection Service.

4.2 Present at the meeting were Waleed Ditta (Applicant), Navid Sharif (Applicant's friend), Sean Gibbons (Environmental Health Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from the Health Protection Service and were attached at Appendix "B" to the report.

4.5 Sean Gibbons stated that he had arranged to meet with the applicant on four separate occasions for the purpose of holding a site visit. Unfortunately, it was not until the fourth occasion, namely on 8th November, 2016, that he did meet with the applicant, however, the applicant had not received the keys to the premises from the agent, so he was unable to carry out an in-depth site visit. Whilst waiting for the agent to arrive with the keys, Mr. Gibbons and the applicant had a short meeting and discussed some aspects of the proposed development, but Mr.

Gibbons had to leave for another appointment. Since then, Mr. Gibbons had tried on numerous occasions to arrange a site visit without success. Mr. Gibbons then produced an amended plan which he had recently received from the applicant, which showed substantial changes to the first plan which had been submitted with the application in September. He further stated that matters regarding public safety needed to be taken into consideration before this application could be resolved.

- 4.6 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that the style of operation had changed substantially from the original application and he would need a thorough inspection of the site, taking account of its location and the late night economy.
- 4.7 Waleed Ditta stated that he had established his business, trading at Shimla Express four years ago and he had restaurants in Keighley, Huddersfield and Leeds and hoped to expand the company to Sheffield. He added that all the other properties had excellent facilities and he had never received any complaints about them. Mr. Ditta stated that he had experienced difficulties trying to get a set of keys from the agent which was why he had missed appointments for site visits with Mr. Gibbons. Mr. Ditta further stated that he had now agreed terms and conditions with the agent and had recently paid a deposit to secure the property.
- 4.8 In response to questions from Members of the Sub-Committee, Mr. Ditta stated that his family had been in the restaurant business for 39 years, starting out in Bradford and had never had any problems in the past. He further stated that he had drawn up the original plan but the current plan had been done professionally by an Architect and that if the application was successful it was hoped to start work on the premises in January, 2017 and be open for business within 12 weeks.
- 4.9 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That in the light of the information contained in the report now submitted, together with the representations now made, and the responses to the questions raised, the application for the grant of a Premises Licence in respect of Shimlas, Unit 2-3 London Road, Sheffield S2 4LA be granted subject to the full approval and final inspection by the Health Protection Service.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 22 December 2016

PRESENT: Councillors Alan Law (Chair), Kieran Harpham and Bob Pullin

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - A&E NEWS, 128 MANSFIELD ROAD, SHEFFIELD S12 2AQ

4.1 The Chief Licensing Officer submitted a report to consider an application for a review of a Premises Licence made under Section 51 of the Licensing Act 2003, in respect of the premises known as A & E News, 128 Mansfield Road, Sheffield S12 2AQ (Case No.143/16).

4.2 Present at the meeting were Nadeem Qamar (Premises Licence Holder (PHL)), Nosheen Zameer (Designated Premises Supervisor, (DPS)), Julie Hague (Licensing Manager, Sheffield Safeguarding Children Board (SSCB)), Cheryl Topham (Licensing Officer, South Yorkshire Police), Inspector Jason Booth (Local Inspector, South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police and Sheffield Safeguarding Children Board and were attached at Appendix "B" to the report.

4.5 Cheryl Topham stated that since the premises licence was granted in October, 2015, there have been a number of test purchases carried out at the property, and on three occasions the test purchases failed, which prompted this review. Cheryl Topham further stated that there had been other issues at the premises including problems downloading CCTV, anti-social behaviour by youths hanging around outside the shop and an allegation of paying the wages of paperboys with

cigarettes. Following the first failed test purchase in November, 2015, Ms. Topham stated that she and Julie Hague visited the premises and gave the owner an information pack, put together by South Yorkshire Police, which provided useful information on how to avoid underage sales. She added that she also gave the owner a refusals book and Challenge 25 posters to be displayed within the premises and informed him that his wife, as DPS, should be made aware of their visit and invited them both to attend training courses, which take place every three months and are run by SSCB in partnership with Trading Standards and South Yorkshire Police to assist licence holders to deal with safeguarding issues and ensure that the licensing objectives are adhered to.

- 4.6 Cheryl Topham stated that following the second failed test purchase on 2nd July, 2016, she was informed by the Police Officer that had attended, that when he had questioned the shop assistant, she informed him that she had only worked there for one week and was not fully trained, but she had been left in the shop on her own. Ms. Topham further stated that she and Julie Hague had visited the premises on the 8th July and the owner advised them that his assistant had been trained in matters regarding the running of the shop, including age verification.
- 4.7 Inspector Jason Booth stated that he was responsible for the South East Sheffield Local Policing Team which deals primarily in trying to solve problems around quality of life issues, community safety and responding to matters within the community and felt that the effects of alcohol on young people can be detrimental to young people and therefore his Team place great emphasis on the importance of carrying out test purchase operations on a regular basis to all licensed premises in the area.
- 4.8 Julie Hague stated she had become aware of issues at the premises following evidence from the Police regarding the three failed test purchases and had concerns over the selling of alcohol to underage children. Julie Hague further stated that she had attended the premises in November, 2015 following the first failed test and had offered to send to the owners details of the courses run by the Safeguarding Board. She added that the owners were receptive and that Nosheen Zameer had attended one of the courses and that there had been some improvement since July, 2016, but these improvements had not been acted upon quick enough and there was no evidence of staff being trained. She added that there were no records to show that proper training had been given to staff and that a training regime needed to be put in place at the premises. Julie Hague also noted that when she had visited the premises, the DPS was not present.
- 4.9 Nosheen Zameer stated that she and her husband had taken over the running of the shop in August, 2015, and had found it difficult to get good staff to work for them. She stated that she was the DPS for the business, but was unable to be at the shop for the whole of the opening hours, due to the fact that she has a three year old child to take care of. Nosheen Zameer further stated that she had attended one of the courses run by the Safeguarding Team, but at the time when the second refresher course had been offered, she was out of the country visiting relatives. Nosheen Zameer went on to add that she and the PLH were law-abiding citizens and she felt they were the victims of crime due to the amount of shoplifting and anti-social behaviour carried on in and around their premises. She

further stated that there was CCTV at the premises, but that it was inadequate and did not cover all areas.

- 4.10 Nadeem Qamar stated that the shop assistant had received full training regarding the running of the shop and that he had asked her to attend the course offered and she said she would, but had failed to attend. Mr. Qamar stated that he had explained the seriousness of selling alcohol to children and that it was important she attended the next course when offered. Mr. Qamar further stated that he had run an off-licence business for the past four years and this was the first time he had been in trouble.
- 4.11 In response to questions from Members of, and Solicitor to, the Sub-Committee, and officers in attendance, Nosheen Zameer stated that she had asked her assistant to attend training and had trusted her when she said she would. She added that she had reason to believe that the assistant had assisted a theft from the premises but they had been unable to follow this up with her as she had been unable to contact her since the beginning of October. She went on to state that she and her husband have been able to repair the CCTV system, but it was old and, for the time being, they were unable to purchase a more up to date system. Nadeem Qamar stated that his wife was now fully trained, but he was unable to attend any training courses due to the fact that he opens and closes the shop every day, seven days a week. Mr. Qamar added that he had displayed more Challenge 25 posters around the premises and had installed another camera to the rear of the shop. Mr. Qamar stated that there was a problem of youths congregating outside, not only his premises, but in the area in general. He further stated that he does ask the youths to move on, often without success, but considered that reporting incidents to the Police was a waste of time as nothing was done.
- 4.12 Cheryl Topham summarised the case and stated that it was evident that there had been a major problem with the shop assistant who had assisted with the theft from the premises but she was encouraged by the fact that the shop closed at 7.00 p.m. each night and that she would send an officer to help with training and other matters.
- 4.13 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.14 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.

4.17 RESOLVED: That the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as A&E News, 128 Mansfield Road, Sheffield, S12 2AQ, as follows:-

- (a) all staff to be trained on age related products and sign a record book to say that the training has been received. Refresher training to be given at regular intervals;
- (b) all cashiers shall be trained to record refusals of sales of alcohol in a refusals register. The register will contain:
 - details of the time and date the refusal was made;
 - the name of the staff member refusing the sale;
 - a description of the person who attempted the purchase;
 - details of the alcohol the person attempted to purchase;
- (c) successful challenges to be recorded in addition to those that resulted in refusal;
- (d) the refusal register will be available for inspection by a police or authorised officer on request;
- (e) a person with either a personal licence or who has satisfactorily completed the Sheffield Safeguarding Children Board training must be on the premises at all times that alcohol is available for sale;
- (f) written training records to be kept, to be signed and dated by staff and these records to be made available for inspection by officers;
- (g) an incident log to be kept relating to all incidents of anti-social behaviour, crime and/or disorder, whether reported to the police or not;
- (h) existing Condition 1 be removed from the licence; and
- (i) existing Condition 2 to be amended to read:-

A CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open (in line with Specification 2016). The CCTV images will be stored for 31 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. Members of the management team will be trained in the use of the system.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 January 2017

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Gail Smith

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - BLUES BAR, 3 SPOONER ROAD, SHEFFIELD, S10 5BL

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Blues Bar, 3 Spooner Road, Sheffield, S10 5BL.

4.2 Present at the meeting were Sonia Graham and Anton Smith (Applicants), Councillor Magid Magid (Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that one Councillor objection and one public objection had been received. The public objector had been invited to attend the meeting, but was not present. Details of the representations were attached at Appendix 'B' to the report.

4.5 Councillor Magid Magid stated that residents living within the vicinity of the premises had expressed concerns with regard to the venue re-opening, particularly regarding the potential for noise nuisance when customers were leaving the venue late at night. He made specific reference to the problems experienced in connection with the operation of the previous bar at these premises. Councillor Magid stated that, whilst he was pleased to see that a number of additional conditions were proposed to be added to the Premises Licence, particularly those relating to the implementation of noise attenuation measures, he still believed that

local residents would experience noise nuisance when customers left the premises in the early hours of the morning.

- 4.6 In response to questions from Members of the Sub-Committee and the applicants, Councillor Magid stated that he was aware of widespread concern from neighbours living within the vicinity of the premises, and that whilst he could not provide any details regarding the regularity, he stated that residents had suffered problems of noise nuisance in terms of both live and recorded music, and with customers leaving the former venue in the early hours of the morning. He stated that he had not received any feedback from local residents, specifically welcoming the opening of a new venue at the premises as many were still concerned at the potential for noise nuisance, particularly in the light of the problems faced during the operation of the previous venue, and in the light of the late opening hours with regard to this application.
- 4.7 Anton Smith stated that the majority of concerns were based on the residents' previous experiences with regard to the operation of the previous venue – South Sea Music Venue, which had tended to attract younger customers, some of whom were underage, and many of whom caused problems for the local residents when leaving the premises in the early hours of the morning. The Blues Bar would be looking to attract an older clientele, and would be more restaurant-based, with main meals being served up to 22:00 hours each night. Sonia Graham stated that she had received positive feedback from a number of local residents and local businesses, in connection with the apparent change to the operation of the premises. She stated that, as a qualified registered Social Worker in the area of child protection, with over 25 years' experience, she was well aware of the concerns raised in connection with the operation of the former venue, particularly with regard to child protection and safeguarding. She added that she lived in the surrounding area, and was aware of the problems of noise nuisance linked to the former venue. In terms of the concerns raised regarding potential noise nuisance, Ms Graham stated that they only intended to open until the early hours of the morning at weekends and when they held special events, and only planned to have live bands performing at the venue very occasionally. The target clientele for the premises was local people and businesses, aimed specifically at the over 25's. The applicants had either complied, or had agreed to comply with, the additional conditions suggested by the Environmental Protection Service, which related mainly to noise attenuation measures. In addition, they had constructed a smoking area to the rear of the premises, having relocated this area from the side of the premises, where it used to be near residential properties.
- 4.8 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, and the Licensing Service, Ms Graham stated that the applicants had researched the background in terms of the operation of the South Sea Music Venue, and were aware that the venue opened until 04:00 hours at weekends, and that there had been regular problems of noise nuisance and anti-social behaviour with customers either leaving the venue or hanging around outside the premises, sometimes until 05:00 hours. Whilst the applicants had applied to open until 03:00 hours at weekends, it was not likely that the premises would remain open until such time on a regular basis, but just on certain nights and when special events were held. The plan was to stop serving main meals at 22:00 hours, then serve

snack-type meals after this time. Ms Graham stated that, whilst she had not much specific experience in working in the licensing trade, she had experience regarding child protection and safeguarding issues, and her son, Anton Smith, had worked in the catering business, as well as working in security at the Sheffield University Students' Union, holding a Security Industry Authority (SIA) badge. In terms of consultation and continuing dialogue with local residents, there were plans to provide those residents living nearest to the premises with a contact number so they could report any incidents of noise breakout, or discuss any other areas of concern, prior to any problems escalating. As part of a marketing strategy, there were plans to invite local residents and businesses, shortly after opening, for them to sample the drink and food, and to discuss any issues of concern. The reason for applying for the late opening hours, although it was not envisaged the venue would be open until such time on a regular basis, was to provide an opportunity for older people to meet and socialise in an area where there was very little else for such people. Ms Graham stated that herself and her son would provide in-house training for other members of staff, based on their individual work experience. Mr Smith stated that, if they were faced with a customer who was causing problems, either inside or when leaving the premises, staff would talk to them in an attempt to calm them down, and if this didn't work, take any necessary further action. They also had links with a number of local taxi firms, who they could work with in order to get customers out of the area and/or home, as soon as possible. Also, as part of the in-house training, they would ensure that all members of staff kept a check on customers' levels of drinking. Mr Smith pointed out, on the ground floor plan, where dining and drinking areas would be situated, and stated that they planned to have approximately 15 dining tables. As already stated, it was the intention to stop serving main meals at 22:00 hours and then serve more snack-type meals after this time, both in the dining and drinking areas. The stage area was positioned in the same place, as in the previous venue, but it was not envisaged that it would be used to any great extent. Also, there were no plans for the use of the DJ booth as it was the intention to have background music only playing, with no plans for any discos. In terms of the monitoring of noise breakout and noise nuisance, it was planned that, for the first few weeks of opening, staff would monitor when customers were leaving the premises, and make a note of any noise problems. On those occasions when special events were held at the premises, there would be extra staff on duty, who would monitor drinking and noise levels throughout the night. The premises would be publicised for the over 25's and there were no plans to hold any student nights as there were already plenty of bars in the area which attracted students and younger adults. Security staff would monitor any incidences where they believed students or younger adults had purchased alcohol from the nearby supermarket to drink before going to the bar. There would be a small selection of premium beers/lagers/ciders for sale, the price of which would be similar to the other bars in the area. There were no plans for any cheap drink promotions, or to sell alcoholic shots.

- 4.9 Sonia Graham and Anton Smith summarised their case, stressing that due to the level of research they had undertaken and the money and time they had invested in the premises, they at least deserved the opportunity to see how the new venture progressed.
- 4.10 RESOLVED: That the public and press and attendees involved in the application

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

- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the Blues Bar, 3 Spooner Road, Sheffield, S10 5BL, in the terms now requested, and subject to the agreed conditions.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 January 2017

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge and Gail Smith.

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor George Lindars-Hammond attended the meeting, but did not stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 02/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 03/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
02/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence as the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in the light of the offences and convictions now reported and the responses given to the questions raised.
03/17	Application for a new Hackney	(a) Grant a licence for a shorter

Carriage and Private Hire
Driver's Licence

term of six months, in the light of the offences and convictions now reported and (b) the applicant be given a written warning, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 January 2017

PRESENT: Councillors David Barker (Chair), Moya O'Rourke and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - LAVANG, 478 FULWOOD ROAD, SHEFFIELD, S10 3QD

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Lavang, 478 Fulwood Road, Sheffield, S10 3QD.

4.2 Present at the meeting were Noshad Parbez, Azmol Ali and Jabed Kawsar (Applicants), Abdurahman El-Awal and Graham Barker (Objectors), David McLeavy (Witness for the Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that four public objections had been received. Two public objectors attended the meeting and the other two, who had been invited to the meeting, were not present. Mr McLeavy, whose representations had been submitted, but not received by the Licensing Service within the required timescale, was afforded the opportunity to speak as a witness for the objectors in attendance.

4.5 Graham Barker stated that the main entrance to the premises was on Tom Lane, and within a residential area, with very little parking. There was a church and dental practice in the area, as well as a primary school directly across the road and the restaurant opening would create further problems in terms of the safety of the school children, in terms of increased traffic. Mr Barker stated that Tom Lane was used as a cut through for traffic, and also by people parking there, and getting the

bus into town. He stressed that drivers were already parking on the double yellow lines directly outside the premises. Mr Barker stated that with the premises being situated so close to residential properties on Tom Lane, a number of residents, which included families with young children, would suffer noise nuisance from customers leaving the premises late at night.

- 4.6 Abdurahman El-Awal also expressed concerns with regard to potential noise nuisance connected with the operation of the premises, indicating that if the restaurant was to open until 23:00 hours, with drinking and eating up time, this could result in customers leaving the premises very late at night. He stated that local residents would also be affected by the noise created by glass bottles being emptied into the external bins, as well as the possibility of being adversely affected by cooking smells. In terms of the parking problems, Mr El-Awal stated that the area was already very congested with parking from local residents, who often struggled to find a parking space outside their own homes, and the problems would only worsen with the opening of a restaurant. He considered that there would be added problems as the applicants were wanting to sell alcohol, in that some customers would be likely to drive to the premises, then leave their cars on one of the surrounding streets, and collect them in the morning. From a personal point of view, he stated that being unable to find a parking space outside his home caused problems, particularly when carrying shopping or suitcases when going away, or when having to carry large boxes from his vehicle, which were required for his work. In some instances, residents have had their driveways blocked. He stated that, as well as local residents being affected by cooking smells late into the night, there was also the possibility of them being affected as a result of customers smoking outside the premises. He queried what procedures were in place in terms of limiting noise levels with regard to the regulated and live music at the premises. Mr El-Awal concluded by stating that, whilst he wished the applicants success in terms of their business, he considered that such operation would adversely affect those residents living within the immediate vicinity of the premises.
- 4.7 As a witness called by Graham Barker, David McLeavy stated that there were a lot of retired couples and families with young children living very close to the premises, and who would be adversely affected by a likely increase in the parking problems in the area, and noise nuisance caused by customers leaving the premises late at night. Whilst he accepted that there had previously been a restaurant at the premises, he considered that this application, which included live and regulated music, together with the sale of alcohol, would not be suitable in such a residential area. He expressed particular concerns with regard to the effects of a likely increase in traffic and parking on safety of the primary school children arriving at, and leaving, the school.
- 4.8 In response to questions from Members of the Sub-Committee, it was stated that, with regard to the restaurant previously operating at the premises (Panahar), it had been noticed that the lights had been off for a few nights around early December 2016, then residents noticed a sign on the door, around mid-December, indicating that an application had been made in respect of Lavang, with the closing date for objections being 27th December 2016. The local residents had not experienced any problems in respect of the Panahar, which had not been licensed, and which had closed every night by 23:00 hours. There had been parking problems when

the premises converted from a shop to a restaurant, as well as there being some minor incidents of noise nuisance. There had not been any direct communication between the applicants and those local residents living within the immediate vicinity of the premises. The Panahar opened six nights a week, but often closed early, when not busy. In response to a query by Councillor Moya O'Rourke, the Solicitor to the Sub-Committee stated that, as the applicants had applied for the supply of alcohol, alcohol consumption levels were likely to be better regulated.

4.9 The applicants stated that the business would comprise a fine-dining restaurant with background music. The traffic and parking problems in the area were, to a large extent, out of their control, and it was considered that, with the restaurant opening between 17:00 and 22:30 hours, this would only have a minor effect on traffic and parking levels in the evenings and at night. This would mean that there would be no increase in parking and traffic problems when the primary school opened and closed. The applicants had visited the school to discuss the application with staff, who had been very supportive of the plans. In addition to this, the applicants had undertaken a survey of people in the local area, asking for their views on the opening of the restaurant. They stated that it was very difficult to regulate parking anywhere in the City, and it was common across the City that people were unable to park outside/near to their own properties. There was some parking at the front of the premises, as well as spaces at the shopping parades in the local area. The applicants were, however, expecting the majority of customers to either walk, or travel to the restaurant by bus or taxi. As the restaurant would be licensed to sell alcohol, it was considered that this would result in less problems and issues regarding anti-social behaviour and noise nuisance, as the levels of alcohol consumed on the premises could be better regulated. With the Panahar, customers could take their own drink, and there were no limits as to how much people could take. Staff would be trained to monitor levels of alcohol consumption, and no-one would be allowed in to the restaurant if they were deemed to be too drunk. In addition, the applicants would be implementing Challenge 25, where people who did not appear to be 25 or over would be asked to provide proof of age. It was not envisaged that there would be any problems in terms of noise breakout from the premises and every effort would be made, including erecting signs inside and outside the premises, asking customers to be as quiet as possible when leaving. Further measures to minimise noise nuisance for local residents included arranging deliveries to the premises during the day and not emptying glass bottles into the external waste bins late at night. There were plans to hold charity nights, where there could be live music and other entertainment. The applicants stated that they had a similar restaurant in Dore, which was also close to residential properties, and which had encountered no problems. Any problems of cooking smells should be minimised on the grounds that the food would be cooked to order, and not in bulk, as with other Indian restaurants. There would be an up to date CCTV system, with cameras both inside and outside the premises, together with a log book in which any incidents would be recorded, and followed up with staff or the police, depending on their nature. Relevant training would be provided for staff, on a regular basis, together with refresher training as and when required. Smoking would not be allowed directly outside the premises.

4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Clive Stephenson and the objectors, the applicants confirmed that

alcohol would only be served to customers who had booked a table at the restaurant, and when they were waiting for their table. If any customers wished to smoke, they would be asked to go a little further down Fulwood Road, where there was a suitable area for them to do so. Consideration had been given to erecting a canopy outside the premises, for smokers, but the only suitable area had been deemed to be too close to residential properties. The applicants had undertaken a survey, whereby they had sought the views of 216 people on various aspects of the business. The survey was anonymous and the people involved were not asked where they lived. The special charity events to be held at the premises, in aid of Bluebell Wood Hospice, would take place approximately once every two months, and involve different fund-raising events, such as raffles and guest speakers. The applicants confirmed that there were problems with parking and traffic in the area, which was generally worse during the school runs in the morning and evening. The problems calmed down to some extent after 17:00 hours. There were a few parking spaces on the driveway in front of the premises, and there was also parking at the shops. The applicants indicated that they had planned to talk to the landlord of the Rising Sun public house, just up the road, to see if there was any chance of their customers using their car park. The applicants confirmed that the location of their other restaurant in Dore was very similar to Lavang in terms of its proximity to residential properties and shops. Apart from the odd occasion where customers had drunk a bit too much or had been noisy when leaving the restaurant, they had experienced very few problems in terms of the restaurant in Dore. The applicants would be more than happy to discuss any issues of concern with local residents, and maintain a dialogue with them into the future. It was the plan to close the restaurant at 22:30 hours Sunday to Thursday and 23:00 hours Friday and Saturday, and the last drinks would be served, and food orders made, to tie in with these times. The applicants confirmed that, under Section J of the application (Supply of Alcohol), the finish time on Mondays should read 22:30 hours. Those customers wishing to book a meal later in the evening would be reminded of the closing time, and if any customers called to the restaurant without having made a booking, and it was close to closing time, they would be asked to come back another day. There were no plans to have live music at the charity events, but as the applicants planned to leave it to the charity to organise the night as they wished, they had included live music on the application just in case. There would also be plans to have special nights at the restaurant, such as at Christmas, where there would be a set menu and entertainment, which could possibly include live music. Customers would be able to order takeaway food from the restaurant, but there would be no delivery of food. This service would mainly be targeted at local people. Due to the reasonably early closing time, the restaurant was never intended to be like traditional Indian restaurants, where people would visit the restaurant at the end of their night, after consuming large amounts of alcohol. The restaurant would provide seating for approximately 40 customers. Although the applicants had conducted a survey, asking people for their views on the opening of the restaurant, this was undertaken for their own purposes, and was not required under the Licensing Act.

- 4.11 The applicants summarised their case.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds

that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Lavang, 478 Fulwood Road, Sheffield, S10 3QD, in the terms requested, and subject to:-
- (a) the amendment of the finish time in Section J of the application (Supply of Alcohol), on Mondays, to read 22:30 hours; and
 - (b) the addition of the following condition – The internal bins are not to be emptied into the external bins between 19:00 and 07:00 hours.

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

5. LICENSING ACT 2003 - HORSE AND JOCKEY, 638 ATTERCLIFFE ROAD, SHEFFIELD, S9 3RN

- 5.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice made under Section 104(2) of the Licensing Act 2003.
- 5.2 Present at the meeting were Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). Lemoyne Cass (Applicant) and South Yorkshire Police (Objector) did not attend the meeting, despite being invited.
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that a notice of objection to the Temporary Event Notice had been submitted by South Yorkshire Police on 12th January 2017, and was attached at Appendix 'B' to the report.
- 5.5 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made as regards the objection to a Temporary Event Notice at the Horse and Jockey, 638 Attercliffe Road, Sheffield, S9 3RN, the Sub-Committee agrees to issue a counter notice on the premises on the grounds of preventing crime and disorder and the protection of children from harm.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 January 2017

PRESENT: Councillors David Barker (Chair), Adam Hurst and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The licence holder in Case No. 06/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 07/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
06/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Immediately revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, with immediate effect, in the light of the offences and convictions now reported.

07/17

Application for a new
Hackney Carriage and
Private Hire Driver's
Licence

Grant for the term of one year, as
requested in the application, with a
written warning issued as to the
applicant's future conduct.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 January 2017

PRESENT: Councillors Alan Law (Chair), Andy Bainbridge and Kieran Harpham

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - CONVENIENCE STORE, 111 WEST STREET, SHEFFIELD, S1 4EQ

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Convenience Store, 111 West Street, Sheffield, S1 4EQ.
- 4.2 Present at the meeting were Senthilnataal Periyasamy (Applicant), Patrick Robson (John Gaunt and Partners, Solicitors, for the Applicant), Councillor Douglas Johnson, Tibor Killi, Emma Mohan, Steve Lee and Peter Sephton (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations concerning the application had been received from seven members of the public, one Member of Parliament and one from Public Health, and were attached at Appendix 'B' to the report. All parties had been invited to attend the meeting, and four members of the public and one Councillor attended the meeting.
- 4.5 Peter Sephton, Chair of the Sheffield City Centre Residents' Action Group (SCCRAG), and representing Glossop Road Bath Residents' Association, stated that, as a local resident, he was aware of the serious problems regarding alcohol-related anti-social behaviour in the West Street area for a number of years. He stated that it had created a part of the City, where some people were afraid to walk

during the daytime, unless accompanied by another person. He supported these views by referring to comments made by Tibor Killi (T L Killis Cleaning Equipment), who had stated that his female staff members were frightened to go to the car park to collect their cars on the basis that they had been followed, and spoken to in an aggressive manner by street drinkers, and would therefore now only go when two of them were together. Mr Sephton considered that having yet another outlet selling alcohol would potentially result in an increase in the problems, as well as bringing more challenges in terms of enforcement. He made the point that the applicant appeared to be from Chester, thereby not likely to be familiar with the problems being suffered by residents and businesses around West Street, with some businesses giving consideration to leaving the area due to the extent of the problems.

4.6 Mr Sephton focused on the application, stating that there was a need for further conditions/requirements, over and above the CCTV system, which had been requested by the Licensing Service. One issue related to the layout of the premises, and Mr Sephton referred to the diagram of the proposed layout in the application, indicating that, due to the lack of secured display units and shelving, it would make it easy for alcohol to be stolen from the premises. He also raised the issue of staff safety, referring to a statement made by a resident, who had witnessed a street drinker in Bargain Booze, West Street who, when ordering some drinks, dropped a penknife, with blade out, on to the floor. Mr Sephton also made the point that there was very little detail in the application, referring specifically to staffing, supervision and training, as well as there being no reference to any agreement not to sell single cans of strong alcohol or to a minimum pricing policy. Mr Sephton stated that, whilst he appreciated it wasn't a matter for this Sub-Committee, he and fellow residents and businesses were very frustrated at the failure of the Licensing Service to produce a Cumulative Impact Policy, and believed that consideration of any new Premises Licence applications should be deferred until such a Policy was in place. In his opinion, he believed that adopting such a Policy would reduce, if not stop, such alcohol-related anti-social behaviour. Contrary to the view that having such a Policy could jeopardise the Purple Flag and Best Bar None accreditations, Mr Sephton considered that if businesses and residents reported the problems to the accreditation committees, this was more likely to jeopardise the awards.

4.7 Whilst Mr Sephton acknowledged that it was not possible for objectors to prove that there would be an increase in alcohol-related anti-social behaviour prior to the application being granted, therefore go against the licensing objectives, he referred to revised guidance issued under Section 182 of the Licensing Act 2003, which required the Licensing Authority to provide a regulatory framework for alcohol, which reflected the needs of the local communities, and which tasked the Licensing Authority with encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. He stated that the guidance indicated that a regulatory framework should be one that reflected the needs of local residents and businesses, so that they could go about their activities without crime and disorder, nuisance and risk to public safety, and made reference to representations made from a Director at Creator Hair, regarding street drinkers entering the salon, and stealing retail items, being abusive to clients and workers, and asking clients for

money when they entered or left the salon. In summary, Mr Sephton stated that if the application was granted, there would be six off-licences within 400 yards, which would more than likely result in an increase in alcohol-related anti-social behaviour in the area. Best Bar None and Purple Flag Awards.

- 4.8 Tibor Killi stated that his family business had been located on West Street for 52 years, and that there had been an increase in the problems of alcohol-related anti-social behaviour in the area over the last few years, with incidents in and around the vicinity of his premises getting more regular. He provided dates and times of specific incidents, which had included drunks going into the shop whilst staff were serving customers, and swearing, groups of men fighting outside the shop and staff and customers being approached by street drinkers being asked for money. He made reference to road signs being kicked over by street drinkers, which made it very dangerous for pedestrians, and made the point that he had not seen any police in the area for a long time.
- 4.7 Steve Lee, a local resident living close to West Street, stated that the street drinkers were attracted to the area as there was everything they needed, such as off-licences, pubs, pharmacies, a park and students, who were often considered 'easy pickings' when they were begging for money. He stated that there were already five off-licences on West Street and Glossop Road, and raised concerns in connection with their operation, particularly regarding the conditions in terms of the sale of strong alcohol, the sale of alcohol to people already drunk, and the maintenance of Refusal Logs. Mr Lee stated that students/young people were often employed to work in such off-licences, and was not convinced that, due to them being intimidated, they would refuse to sell alcohol to someone who was drunk and aggressive. He was also not convinced that officers from the Licensing Authority, or any other responsible authorities, would regularly check the Refusal Logs. He considered that granting this application would create further competition between the off-licences on West Street, resulting in potential price reductions and he also believed that, in the light of the number of off-licences, the street drinkers were likely to get served at one of them, irrespective of their condition. Mr Lee referred to the licensing objectives, namely the prevention of crime and disorder, indicating that incidents of violence and anti-social behaviour were becoming common on, and around West Street, and he referred specifically to a recent incident whereby one of his neighbours had been broken into, by someone demanding money. He stated that there was often broken glass, needles and vomit on the streets, and the public were being intimidated by street drinkers, who were becoming increasingly aggressive in their demands. In terms of the licensing objective relating to the protection of children from harm, Mr Lee stated that there were several families with young children living very close to West Street, as well as Springfield Primary School and Gell Street Park being very close by, with several children now being too frightened to go to the park on their own. He believed that granting this application would result in an increase in the problems, and considered that local residents and businesses had put up with enough and needed the support of the Council.
- 4.8 Emma Mohan, an employee at Day Lewis Pharmacy, stated that the Day Lewis Pharmacy had been located on West Street for around 12 years, and that over the last few years, the area had deteriorated, due mainly to the increasing problems

associated with street drinkers. She stated that several street drinkers were also their clients, and would visit the pharmacy to collect their methadone, and it was clear that the health of a number of them had deteriorated, presumably due to drugs and cheap alcohol. A number of them would be verbally and racially abusive to staff, and staff, who had to leave the premises regularly to collect prescriptions from the local GP, found it very intimidating walking past groups of drunk people, having been threatened with violence on occasions. Staff had been forced to ring the police on a number of occasions, including when one aggressive client was racially abusive to a member of staff, and when one client came in drunk, laid on a bench in the shop, and went to sleep. Ms Mohan also stated that on most mornings, the area in front of the pharmacy was littered with half-drunk and empty beer cans and occasionally, pools of vomit and urine, which they had to clear up.

4.9 Councillor Douglas Johnson, who, following legal advice, could only make representations on behalf of his constituents on the grounds that the representations he had made had not been received by the Licensing Service within the relevant timescales, stated that there were massive problems on West Street, and that there was a strong likelihood that this application, if granted, would add to the existing problems. He stated that the application was of a poor standard, and that there was little in the application to appease those local residents and businesses being affected by the problems. Councillor Johnson referred specifically to Section 5 of the application, which gave the applicant an opportunity to provide a general description of the premises, together with any information which could be relevant to the licensing objectives, and which had been left blank. He referred to paragraph 4 in the report, specifically that part which indicated that West Street and Division Street had been identified as an area, due to a concentration of licensed premises, that was causing issues which were leading to problems of public nuisance and disorder, but not yet at the level, in the opinion of the Licensing Authority, where a formal Cumulative Impact Policy had been considered or adopted. He believed that the area was at the point of saturation, and that a Cumulative Impact Policy should now be considered or adopted. He concluded by referring to his request, made to the Licensing Service, for the extension of the period in terms of representations, in the light of the Christmas holidays, which would also provide the applicant more time to address the concerns now raised.

4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that staff at TL Killis Cleaning Equipment and Day Lewis Pharmacy had been forced to ring the police to report problems of anti-social behaviour on a number of occasions. It was confirmed that none of the objectors knew the applicant personally. Clive Stephenson confirmed that Licensing Officers would, as a part of their enforcement duties, visit licensed premises to check Refusal Logs but, due to staffing and resource issues, it was accepted that this was not done on a regular basis. In addition, Trading Standards officers, the police and Safeguarding Children officers would also check the Refusals Logs, as part of their enforcement and monitoring procedures. A lot of the problems on West Street were not linked to any specific licensed premises, but related to wider problems in the area, mainly with regard to street drinkers. There had been no reviews or prosecutions, either by the Local Authority or the police, in respect of any off-licences on West Street.

- 4.11 Patrick Robson, on behalf of the applicant, stated that Mr Periyasamy ran a family business, comprising four convenience stores in Chester, and had had no issues in terms of their operation. He had sold three of the stores, and was planning on selling the fourth one, prior to re-locating to Sheffield. The premises on West Street would comprise a convenience store, selling food, cigarettes, confectionery, sandwiches and alcohol. He had applied for a 24-hour licence, but if this was not successful from a business point of view, he would consider closing the premises earlier. Mr Robson referred to the proposed conditions, which included those which had been suggested by, and agreed with, responsible authorities before the meeting, and further conditions offered by the applicant, and which were circulated at the meeting, indicating that the applicant accepted all the conditions. Mr Robson also circulated an amended plan showing the layout of the premises, showing a glass screen which would be erected at 23:00 hours, and which would restrict any access by customers to alcohol in the store. He added that he considered that the shelving in the store met all relevant health and safety requirements. Mr Robson stressed that, apart from the suggested CCTV condition, there had been no representations from the police, nor had there been any representatives from any other of the responsible authorities. In terms of the representations now made, Mr Robson stated that all the concerns raised related to existing problems in the West Street area, and did not relate to the applicant himself. The applicant planned to sell late night refreshments between 23:00 and 05:00 hours, and there had been no representations made with regard to this element of the business. Mr Robson stated that there were a number of reasons why street drinkers visited the area, and it was not just to purchase alcohol, and that information on the South Yorkshire Police website indicated that, from June to November 2016, there had been no increase in anti-social behaviour in the West Street area. Mr Robson believed that setting a minimum price for alcohol was a decision for the Government, and that there shouldn't be any conditions attached to the licence in terms of the strength of alcohol or any limits in terms of single can sales. In terms of the representations made by Public Health, Mr Robson indicated that there was no evidence to show that the situation would get worse, and no specific evidence in terms of problems on West Street.
- 4.12 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Clive Stephenson and the objectors, as part of the suggested conditions now circulated, it was stated that the applicant would be happy with the addition of further wording to the condition on training, to the effect that staff would not be able to sell alcohol unless they had received adequate training beforehand. Although the applicant's other businesses had been in Chester, in areas where there had been no specific problems, he had friends in Sheffield, who had made him aware of the issues in terms of West Street. It was proposed that the glass screen would be used between the hours of 23:00 and 06:00 hours. The applicant had considered it necessary, from a commercial point of view, to sell alcohol in the store. In terms of proof of age schemes operated at his current premises, two operated with Challenge 25 and the others with Challenge 21. The applicant owned four convenience stores in Chester, having sold three, and planning to sell the remaining one very shortly. Two of the stores had been located in nice areas and the other two in less desirable areas, and although all the stores had operated without any major problems, the applicant had operated glass screens in the two

stores in the less desirable areas. In all the stores, staff had been instructed not to sell alcohol to customers who appeared drunk, and to refuse to sell alcohol or cigarettes to anyone under the age of 18. The applicant had very good relationships with the local communities in respect of all the stores. In terms of precautions, although the applicant had not spoken directly to the police in terms of any potential issues with the store, he would ensure that CCTV images were made accessible to the police, on request, the glass screen was down in the store between 23:00 and 06:00 hours and there was more than one member of staff on duty during the night. Whilst the applicant planned to treat all customers in the same manner, staff would be instructed not to serve any customers if they appeared drunk. If staff experienced any problems with the street drinkers during the day, the applicant would ensure there were at least two members of staff on duty each day. The applicant would be selling a selection of beers, wines and spirits, and considered it necessary to sell strong beers, lagers and ciders from a business point of view. Unless instructed, the applicant would not like to have the glass screen down at all times alcohol was for sale. In terms of the ratio of food, drink and other goods on sale, the applicant planned to operate as he had in terms of his other stores in Chester, on the basis of 40% cigarettes/tobacco and 20% each for confectionery, alcohol and soft drinks. The applicant had purchased the premises on the basis that he considered it to be a good business prospect.

- 4.13 Patrick Robson summarised the case on behalf of the applicant.
- 4.14 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.15 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.16 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.17 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the Convenience Store, 111 West Street, Sheffield, S1 4EQ, in the terms requested and subject to the addition of the three conditions now suggested, and two further conditions, as follows:-
- (a) A colour CCTV system, to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 30 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police on request. Members of the management team will be trained in the use of the system. A copy of the specification, dated July 2016, will be available at all times for inspection by the police and authorised officers;

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

Such records shall be retained at the premises for at least twelve months, and shall be made available for inspection by the police or any other authorised person on request;

- (c) All members of staff involved in the retail sale of alcohol shall be trained at least every twelve months. Details of training will be recorded in an electronic or paper record. This information shall be made available for inspection by the police or any other authorised person on request, and all such records shall be retained for at least twelve months;
- (d) The premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years, and signage to effect is to be prominently displayed within the premises; and
- (e) The glass screen in the premises shall be in use at all times the shop is open.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 31 January 2017

PRESENT: Councillors Alan Law (Chair), Jack Clarkson and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor George Lindars-Hammond, who was due to attend as a reserve Member.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 12/17 did not attend the hearing.

4.3 The applicant in Case No. 13/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 14/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 15/17 attended the hearing and addressed the Sub-Committee.

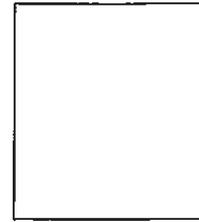
4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
12/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application on the grounds that the applicant had not received notice of the hearing.

13/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of 12 months in the light of the offences and convictions now reported.
14/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the nature of the conviction now reported, and based on the evidence provided by the licence holder, the Sub-Committee agrees to take no action.
15/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	In the light of the nature of the conviction now reported, and based on the evidence provided by the applicant, grant a licence for the term requested.



SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer, Head of Licensing

Date: 23rd February 2017

Subject: Hackney Carriage Provision Survey.
(Unmet Demand)

Author of Report: Clive Stephenson

Summary: To consider the Unmet Demand of Hackney Carriage Services Survey

Recommendations: That member's carefully consider the report and any evidence given at the meeting.

Background Papers: Attached documents

Category of Report: OPEN

Report of the Chief Licensing Officer and Head of Licensing to the Licensing Committee on 23rd February 2017

Survey for Unmet Demand – Results – Hackney Carriage Vehicles

1.0 Purpose

- 1.1 To consider a survey undertaken by CTS Traffic Limited into unmet demand on the taxi services in Sheffield.

2.0 Background

- 2.1 In February 2016, the Licensing Committee instructed the Licensing Service to implement the procurement of a company to undertake a unmet demand survey on the taxi services in Sheffield.
- 2.2 Currently the Council sets a limit as the number of vehicles it will licence as Hackney carriage this limit is set at 857. The legitimacies of setting a limit are dealt with in section 3 of this report.
- 2.3 At the time of writing the report the current limit has been reached.

3.0 Legal Requirements

- 3.1 The Council are duty bound to accept applications for Hackney Carriage licences.
- 3.2 To refuse a licence on the grounds of a limitation policy is permitted and the Council have refused applications on these grounds.
- 3.3 The Department of transport; released a best practice guide in March 2010. Section 49 of the document stated;

“If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, and bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.”

- 3.4 The Law Commission published a midterm report in 2014 when drawing up the Taxi Licensing Bill. The Commission, at the outset of information gathering for the report, were minded to recommend that Numbers Limitation should be abolished.
- 3.5 The Law Commission, after consultation, produced a report. Sections 11.69 & 11.70 detailed their recommendations stating:

“We have noted the strong view put forward during consultation that quantity restrictions can have a positive role to play within the taxi licensing framework and have found a lack of empirical evidence of the benefits of derestriction.

“Our initial view was that derestriction would be likely to provide the most efficient use of resources by enabling the market to determine supply and demand. However, having listened to the responses to our consultation, we recognise that some limitation on taxi licence numbers may, in some areas, be desirable.”

- 3.6 To enable this, the Law Commission recommended the introduction of a Public Interest Test;

Section 11.82 “Our proposed public interest test could operate in a similar way to that in the Transport Act 2000, whereby local authorities are required to consider a public interest test before introducing a quality contracts scheme – essentially a bus franchise.”

Section 11.83 “In order to promote consistency, transparency and better quality decision-making, we recommend that the Secretary of State should have the power to make regulations prescribing how the public interest test should be applied.

This could include, but not be limited to, the current content of the Department for Transport’s best practice guidance.

We recommend, for example, that so-called “peaked demand” should continue to be taken into account. Regulations might further specify how evidence in respect of each of the statutory factors should be analysed and taken into account. This can be important in ensuring transparency and consistency. We recommend that the regulation-making power should cover the following topics: what might constitute appropriate evidence; methodology; weighting; and benchmarks.”

- 3.7 The Law Commissions report has not been implemented or considered by the Secretary of State for Transport. Thus the recommendations of the Commission are not in force and we have no indication if or when they will be fully considered by the Government.
- 3.8 To have a defence to any appeal the Council must have an up to date Survey to rely upon. To remain valid and up to date the Survey should be no more than 3 years old.

4.0 The Survey

- 4.1 A copy of the executive summary is attached at Appendix A of this report. CTS Traffic & Transport representatives will attend the meeting to present the findings of the survey.

5.0 Financial implications

- 5.1 The costs of the survey have been met by Hackney Carriage Licensees and some capitol from the licensing service.
- 5.2 The collection of the levy charged on licenses will be taken over the course of the year.

6.0 Consultation

- 6.1 The report has been circulated and meetings held with all Trade representatives and they have been invited to attend this meeting.

7.0 Recommendations

7.1 Chief Licensing officer, Head of Licensing recommends that the limitation status remains the same.

7.2 Chief Licensing Officer, Head of Licensing also recommends;

- that the limitation policy be incorporated into the new Hackney Vehicle Policy when it is commissioned later this year, and then dealt with as a part of the review of that policy on a 3 year cycle.
- that members instruct the Licensing Service to accept new applications from Zero (Delivery) Mileage, and Zero Emission vehicles up to a maximum of 5 vehicles beyond the current 857.
- that we remove the current allowance for a 7 year old vehicle to replace a vehicle that is Euro 3 or less (emissions). This is to aid the clean air policy of the Council and help work towards a fleet that is at least Euro 6 or more by 2020. All new / replacement vehicles must be under 5 years old at the date they are licensed.

8.0 Options

8.1 Keep the limitation as currently set in the policy at 857

8.2 Change the policy as recommended above in 7.2

8.3 Remove the limitation policy, allowing market forces to dictate the number of hackney carriage vehicles.

8.3 Defer consideration of the report for further information.

23rd February 2017

Steven Lonnia
Chief Licensing Officer
Head of Licensing Service

APPENDIX A
Executive Summary of Survey. CTS
Traffic Limited

Executive Summary

- 1 This Taxi Services Study has been undertaken on behalf of Sheffield City Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history in regard to unmet demand.
- 2 CTS Traffic and Transportation were appointed in July 2016 in accordance with our proposal of June. Full details of our work were agreed at the inception meeting during August. On street interviews and rank work occurred when students were back in full during October 2016.
- 3 Driver opinions were also canvassed during that month using a comprehensive questionnaire addressed to all those involved in the trade. Key stakeholders were consulted during the full survey period, running from August through to January 2017.
- 4 Licensing statistics demonstrate private hire vehicle numbers have grown 75% since 1997, whilst hackney carriage vehicle numbers trebled in the period when there was no limit, but have remained the same since the limit was returned in 2008, although the actual number on issue does fluctuate with renewals.
- 5 Private hire numbers continue to rise although there was a period around the recession where this growth was stemmed. The hackney fleet has 30% of its fleet in multi-ownership, but in general most vehicles tend to be driven by one driver only at present. All the hackney carriage fleet is wheel chair accessible, with many vehicles London style.
- 6 Whilst the bulk of the ranks are in the city centre, more recently the city centre area itself has been extended with the move of the main market area, and recent years have also seen many suburban ranks introduced, though a good number are not used to any extent.
- 7 Over 60% of the observed activity during the survey of ranks was at the station. This rank requires a supplementary permit although a good proportion of the feeder ranks are on council land, with only the head on rail owned land.
- 8 During our samples, 64% of the hackney carriage fleet were observed in action. 39% were seen on the Wednesday sampled and 48% on the Saturday, with 35% active on both days. This suggests spare capacity remains in the fleet if needed.
- 9 Evaluation of service to the ranks found that there was a limited amount of unmet demand, but that this was far from significant in terms of the industry standard index of significance of unmet demand.
- 10 The resulting index for the non-station ranks was 2.074, that for the station on its own 1.452, and that for all ranks 1.46, all well below the accepted value of 80 which needs to be exceeded for the unmet demand to be counted as significant.
- 11 A robust sample of people in the streets of the area, including some non-central interviews, found that 85% had used a licensed vehicle in the last three months, much higher than in the last survey in 2010.

- 12 The overall usage of both licensed vehicles and hackney carriages was also higher, with there being an estimated 2.6 licensed vehicle trips per person per month, with the hackney carriage value being 0.6, 23% of the total.
- 13 Overall 17% said they used ranks and 10% hailed vehicles. Usage of ranks by those interviewed in the central area was 21%.
- 14 Chapeltown was notable in seeing the highest quoted level of use of smartphones, rather than just 'phone'.
- 15 When asked about companies they phoned to get vehicles, people gave a number of responses, but only three companies obtained 12% or more of the responses.
- 16 One company obtained over half the responses. 94% of mentions were attributed to the top five companies (two getting 8% and 5% respectively, the first of these being Uber).
- 17 People knew of a good number of ranks, but only two had 27% or more of mentions, the top being the station. The second most quoted was 'City Hall'. Five other ranks obtained between 2% and 6% of mentions.
- 18 Most of the customers of key stakeholders tended to use private hire and obtained a service without complaint from them.
- 19 Ranks were only known by restaurants, pubs and night clubs, some of whom quoted knowledge and use by their customers of out of city ranks.
- 20 A 2% response from drivers saw 79% of this being from hackney carriage. Of the whole total, most worked five days (40%), although many did work six or seven days.
- 21 The overall average hours worked was 41 per week. 94% of those responding claimed to own and drive their own vehicle. 28% said they accepted radio bookings, with three quarters of these using one circuit (a mixed private hire hackney carriage vehicle company).
- 22 They told us the main rank used was the station, followed by Barker's Pool and West Street. 88% agreed with retention of the limit policy, including many private hire respondents. 40% of the respondents to the survey had entered the trade in the period when there was no limit on hackney carriage vehicle plates.
- 23 Our overall conclusions from this survey are that there is no significant unmet demand for the service of hackney carriages in the Sheffield licensing area at this point in time.
- 24 This means that the committee are able to retain the current limit policy, and at its present level, and defend this if necessary. Further conclusions and recommendations regarding other related matters are provided in the body of the full Report.

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