

# **Licensing Committee**

**Thursday 23 November 2017 at 10.00 am**

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

**The Press and Public are Welcome to Attend**

## **Membership**

**Councillors David Barker (Chair), Josie Paszek (Chair), Andy Bainbridge,  
Lisa Banes, Jack Clarkson, Dawn Dale, Neale Gibson, Kieran Harpham,  
Adam Hurst, George Lindars-Hammond, Andy Nash, Vickie Priestley, Mick Rooney,  
Gail Smith and Cliff Woodcraft**

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## **PUBLIC ACCESS TO THE MEETING**

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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](http://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](mailto:harry.clarke@sheffield.gov.uk).

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## **FACILITIES**

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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.

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**LICENSING COMMITTEE AGENDA  
23 NOVEMBER 2017**

**Order of Business**

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- 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:-  
  
February, 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 28<sup>th</sup>  
March, 2<sup>nd</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 30<sup>th</sup>  
April, 6<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup>, 25<sup>th</sup> and 27<sup>th</sup>  
May, 2<sup>nd</sup>, 4<sup>th</sup>, 11<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup>, 23<sup>rd</sup> and 30<sup>th</sup>  
June, 1<sup>st</sup>, 13<sup>th</sup>, 15<sup>th</sup>, 21<sup>st</sup>, 27<sup>th</sup> and 29<sup>th</sup>  
July, 4<sup>th</sup>, 11<sup>th</sup>, 13<sup>th</sup>, 18<sup>th</sup>, 25<sup>th</sup> and 27<sup>th</sup>  
August, 8<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, 24<sup>th</sup>, 29<sup>th</sup> and 31<sup>st</sup>  
September, 5<sup>th</sup>, 7<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 19<sup>th</sup>, 26<sup>th</sup> and 28<sup>th</sup>  
October, 3<sup>rd</sup>, 5<sup>th</sup>, 10<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup> and 26<sup>th</sup>  
November, 2<sup>nd</sup>
- 6. Sex Establishment Policy (Incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) - Approval**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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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](mailto:gillian.duckworth@sheffield.gov.uk).

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Licensing Sub-Committee

Meeting held 7 February 2017

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Moya O'Rourke

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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 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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LICENSING ACT 2003 - MARSTON'S, JUNCTION OF CHAUCER ROAD AND HALIFAX ROAD, SHEFFIELD S6**

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 Marston's New Build, junction of Chaucer Road and Halifax Road, Sheffield.

4.2 Present at the meeting were Michelle Hazlewood and Paul Henocq (Solicitors for the Applicant), Rachel Newnes, (Applicant), 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 an objection from a member of the public had been received. The objector had been invited to attend the meeting, but was not present. Details of the representations were attached at Appendix 'C' to the report.

4.5 Michelle Hazlewood stated that the site was situated at the former Chaucer School playing fields and had been purchased by Marston's Brewery to develop a friendly family-orientated pub/restaurant, with parking spaces for 60 cars. She further stated that the new build would be along similar lines to a Marston's

pub/restaurant that had recently opened on the edge of the Waverley estate on the border of Rotherham and Sheffield. Michelle Hazlewood produced a large scale plan of the site which showed an "L" shaped bar, large kitchen, pizza counter, large cake counter, ice cream cabinet and a small, indoor children's play area. She went on to state that there would never be less than 75 tables and chairs inside the premises, ensuring that the premises could not be stripped back at the weekends to hold discos.

- 4.6 Michelle Hazlewood outlined the Brewery's "F" plan and Generous George branding which focused on food, families, females and forty/fifty somethings and generous portions. She produced a menu which would be available at the premises, and stated that although it was not cheap, it would be accessible for families in the local area and would hopefully attract persons driving through. Ms. Hazlewood then referred to wet/dry statistics which had been gathered from a number of Marston Brewery pubs and stated that the results showed that more profit was made from the sale of food rather than drink, and Marstons prided themselves on their extensive range of coffees, teas, etc., which were included in the statistics along with alcoholic drinks.
- 4.7 Michelle Hazlewood went on to state that as part of the Company's operating schedule, it was proposed that the Designated Premises Supervisor (DPS) or a delegated member of staff, will take a pro-active approach to noise control, to ensure that noise from patrons using the outside dining areas and when leaving the premises does not cause nuisance to local residents. Ms. Hazlewood further stated that, following discussions with the Sheffield Safeguarding Childrens Board, the DPS or another member of staff shall be designated as a Safeguarding Co-ordinator at the premises. She went on to state that she hoped agreement would be reached with all Responsible Authorities with a view to delivering an asset to the area, rather than a negative.
- 4.8 Michelle Hazlewood stated that Marstons Brewery had opened up similar pub/restaurants near to football grounds around the country and the staff were experienced in handling any incidents of anti-social behaviour. She added that it was her intention to contact South Yorkshire Police to seek advice on what works best in minimising trouble in the area when Sheffield Wednesday Football Club are playing at home and take a lead from them.
- 4.9 In response to questions from Members of the Sub-Committee, Michelle Hazlewood stated that the area surrounding the car park would be landscaped to provide a buffer to reduce noise nuisance for local residents. She further stated that Marstons Brewery operate a Challenge 21 scheme and held training programmes bi-annually, which staff are expected to complete and pass and would not be employed until they had done so. She added that the training courses are carried out electronically and are monitored through Head Office. Ms. Hazlewood informed Members that Marstons have opened pub/restaurants in some run down townships, and due to good training and management, had not encountered any problems. There would be a selection of premium beers/lagers/ciders for sale, the price of which would be similar to the other bars in the area and there were no plans for any cheap drink promotions. Last orders for food would be taken at 10.00 p.m. and last orders at the bar would be 1.00 a.m.,

although it was thought that the premises would have emptied before then, especially during the week. Ms. Hazlewood stated that she understood the objector's concerns, given past experience of troublesome pubs on the estate, but commented that the type of business it was planned to open would not cater for that type of clientele and she added that she had tried several times to contact the objector to offer to take her to the premises at Waverley to see how well the establishment was run and allay her fears. It was anticipated that the pub, potentially, would be open by the end of the year.

- 4.10 Michelle Hazlewood summed up by stating that the reputation of the Parson Cross estate and its public houses was well known, but that the new premises would offer an excellent opportunity to deliver something different to the area.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 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 Marston's New Build, junction of Chaucer Road and Halifax Road, Sheffield, in the terms now requested.

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

## **5. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE**

- 5.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Case No.08/17). Consideration of the application had originally been scheduled for the meeting of the Sub-Committee held on 2<sup>nd</sup> February, 2017, but had been deferred due to the meeting being inquorate.
- 5.2 Present at the meeting were Neil Bates, Lisa Marsden and David Palmer (Trading Standards, Applicant), Julie Hague (Sheffield Safeguarding Children Board), Cheryl Topham (Licensing Officer, South Yorkshire Police), the Premises Licence Holder, Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Samantha Bond 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 representations had been received from the Sheffield Safeguarding Children Board and South Yorkshire Police, and were attached at Appendix 'B' to the report.
- 5.5 David Palmer reported on the grounds as to why the application had been made by Sheffield City Council Trading Standards, referring to the receipt of information regarding the sale of counterfeit and illicit tobacco at the premises. He also showed Members a recording of the CCTV at the premises which evidenced the illegal sales taking place. He produced photographs showing where the goods had been stored.
- 5.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board.
- 5.7 Cheryl Topham made representations on behalf of South Yorkshire Police.
- 5.8 The Premises Licence Holder responded to a number of questions raised by Members of, and the Legal Adviser to, the Sub-Committee, and by David Palmer.
- 5.9 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 5.12 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee revoke the licence in respect of the premises now reported (Case No.08/17).

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

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 9 February 2017**

**PRESENT:** Councillors Alan Law (Chair) and Bob Pullin

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on Item 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. LICENSING ACT 2003 - APPLICATION TO REVIEW A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by Sheffield City Council Trading Standards under Section 51 of the Licensing Act 2003, for a review of a Premises Licence (Case No. 11/17).

4.2 Present at the meeting were David Palmer and Kenneth Webb (Trading Standards, Applicants), the Premises Licence Holder/Designated Premises Supervisor (PLH/DPS), Interpreter assisting the PLH/DPS), Patrick Robson and Paul Henocq (John Gaunt and Partner, Solicitors, on behalf of the PLH/DPS), Prospective Purchaser of the Premises, Cheryl Topham (South Yorkshire Police), Julie Hague (Sheffield Safeguarding Children Board), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

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

4.5 David Palmer reported on the grounds as to why the application had been made by Sheffield City Council Trading Standards, referring to the sale of counterfeit cigarettes and illicit alcohol at the premises.

- 4.6 Cheryl Topham and Julie Hague made representations on behalf of South Yorkshire Police and the Sheffield Safeguarding Children Board, respectively.
- 4.7 Patrick Robson addressed the Sub-Committee on behalf of the PLH/DPS and he and the PLH/DPS, assisted by an interpreter, responded to a number of questions raised by Members of, and the legal adviser to, the Sub-Committee, and by David Palmer. Questions were also addressed to the prospective purchaser of the premises, who attended the meeting, and who responded accordingly.
- 4.8 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee agrees to revoke the Premises Licence (Case No. 11/17).

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

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 14 February 2017**

**PRESENT:** Councillors Alan Law (Chair), Jack Clarkson and Neale Gibson

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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 three cases relating to hackney carriage and private hire licensing.

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

4.3 The applicant in Case No. 18/17 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 12/17 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>
17/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of 12 months as requested.
18/17	Application for a new Hackney Carriage and	Refuse to grant a licence as the Sub-Committee does not consider the

	Private Hire Driver's Licence	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.
12/17	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 16 February 2017**

**PRESENT:** Councillors David Barker (Chair), Gail Smith and Bob Pullin

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge 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 - SHOP LOCAL, 166 ABBEYDALE ROAD, SHEFFIELD, S7 1FH**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in respect of Shop Local, 166 Abbeydale Road, Sheffield, S7 1FH.

4.2 Present at the meeting were Cheryl Topham (South Yorkshire Police, Applicant), Robert Clark (Counsel for the Applicant), Sarfraz Bhatti (Premises Licence Holder/Designated Premises Supervisor (PLH/DPS)), Patrick Robson and Paul Henocq (John Gaunt and Partners, Solicitors, on behalf of the PLH/DPS), Julie Hague (Sheffield Safeguarding Children Board (SSCB)), Sarah Bevan (Complainant), 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 had been received from the Sheffield Safeguarding Children Board and a member of the public, and were attached at Appendix 'B' to the report.

4.5 Robert Clark stated that there had been a long history of complaints and breaches of conditions in connection with the operation of the premises, both before and after Mr Bhatti had become PLH/DPS. This had included a number of failed test

purchases, which equated to around 46% of the total number undertaken at the premises since Mr Bhatti was in position. Mr Clark made reference to the extensive work undertaken by the SSCB, in terms of engagement with Mr Bhatti, which had included the offer of free safeguarding training for Mr Bhatti and his staff, and advice in terms of the implementation of an age verification scheme and the use of a refusals log. He also referred to the non-compliance with the condition regarding CCTV at the premises, the recent hospitalisation of a young person, due to the effects of alcohol purchased from the shop, together with the failed test purchase on 8<sup>th</sup> December 2016, which had highlighted that the licensing objectives were clearly not being met, such events having culminated in the police submitting the application for the review. Mr Clark stated that it was apparent, in the light of the failed test purchases and complaints received, referring mainly to underage sales, and the extensive work of the SSCB, in conjunction with the police, less onerous interventions had obviously failed, and that the only reasonable course of action now would be to revoke the Premises Licence.

4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that it was clear that action was taken, either by the SSCB or the police, following each complaint made against the premises, comprising either a test purchase or a visit to the premises. It was accepted that a number of the test purchases were passed, and that following all the engagement undertaken with Mr Bhatti, the application for the review had been made as a last resort. A responsible authority would only start the review process if the percentage of failed test purchases was high, as in this case, and the police had only made three applications for reviews in the last 18 months, which was a very small number in the light of the number of licensed premises in the City. The applicants would have to have a considerable amount of evidence, including details of complaints and statements, for them to reach the application for review stage. When the police first visited the premises, with Julie Hague, there was no evidence of an age verification scheme, including a lack of adequate signage, and Mr Bhatti was unable to produce a refusals log. In fact, a refusals log had only been produced shortly after the date scheduled for the original hearing of the review, on 2<sup>nd</sup> February 2017, which had been postponed. The alcohol was on the wall behind the counter, with such wall running all the way down one side of the shop, and was easily accessible. It was also considered that there was a considerable amount of alcohol for sale in relation to the size of the shop. In terms of the nature of the complaints, if there had only been one such complaint, due consideration would be given to this, but as there had been a number of complaints, with a number not being made anonymously, and the fact that so many people had taken the trouble to contact either the police or the Licensing Service, and including one from a school, such complaints had been considered genuine. Mr Bhatti had been sent details regarding places on the multi-agency 'Safeguarding Children at Licensed Premises' training workshop on at least two occasions during the last two years, but had only attended such training on 15<sup>th</sup> February 2017. It was believed that Mr Bhatti may have attended a training course after the receipt of a Fixed Penalty Notice following a failed test purchase.

4.7 Sarah Bevan stated that her son, who was 14 years of age, and did not look any older, had been served alcohol at the shop by a lady, without being asked to prove his age. He consumed the alcohol in a park and when he returned home, it was

obvious he was intoxicated. When questioned in the morning, he told his parents that he had travelled to the premises, specifically as it was easy to buy alcohol without being asked for proof of age. Mrs Bevan stated that she had complained immediately, and indicated that she was aware of a number of other parents, whose children had also purchased alcohol from the shop, but for whatever reason, had not made a formal complaint, or wished to remain anonymous. She expressed serious concerns at the fact that Mr Bhatti did not appear to have sufficient knowledge in terms of running an off-licence, particularly in terms of underage sales, prior to being granted a Premises Licence. Mrs Bevan concluded by stating that she had visited the premises herself, and had found what her son purchased was on sale at the premises, as well as noting that the description of the lady who served her son the alcohol matched the description made by her son.

- 4.8 Julie Hague stated that her representations focused on the licensing objective regarding the protection of children from harm, and indicated that the premises had been evidenced to be operating in an illegal way that undermined the core objectives of the Licensing Act 2003, resulting in children and young people being at risk of significant harm, including hospitalisation. She stated that there had been a number of complaints about the premises, mainly focusing on underage sales, which she believed to be genuine. There had been a mixed history in terms of the test purchases, and whilst it was accepted that a number of these had been passed, children and young people continued to disclose to friends, school staff and parents that they were easily able to purchase alcohol from the shop. Despite the involvement of the Board, who had engaged with Mr Bhatti since 2013, there was concern that he had not attempted to improve the operation, resulting in recurring underage alcohol sales and serious incidents. Ms Hague made specific reference to one young person being hospitalised after consuming alcohol purchased from the shop, and the incident of 8<sup>th</sup> December 2016, when children purchased alcohol from the shop, without being asked for any ID, despite the vendor having a time to insist that they placed the alcohol in a bag provided by him before leaving the shop, in an attempt to ensure that it was concealed from view. As part of its involvement, the Board had undertaken numerous visits to the shop, some in conjunction with the police, in order to advise Mr Bhatti of his responsibilities with regard to the protection of children from harm. Despite being provided with such support, advice and offers of free training, Mr Bhatti has continued to show a persistent disregard of the responsibility to implement an age verification scheme in order to protect children, which was a breach of a mandatory licence condition. It was not until 15<sup>th</sup> February 2017, when Mr Bhatti, and two other members of staff, attended the safeguarding training. Ms Hague stated that she was fully aware of the impact of such a review and, similar to the police, would only consider, or support, a review, when it was fully justified. She stated that, in most cases, the Board's interventions had been successful, but Mr Bhatti had not shown any willingness to engage with any of the responsible authorities, despite all the offers of help and assistance.
- 4.9 In response to questions from Members of the Sub-Committee and the applicant's representative, Ms Hague stated that although there had been some signs of improvement following visits to the premises, including signage and evidence of staff training, it was believed to be insignificant in the light of the seriousness of the problems. Although it was accepted that there may well have been a refusals log

at the premises during a visit made in October 2013, Ms Hague stated that she had not seen it herself, as had been the case during the last 18 months as part of her visits to the premises. Again, whilst it was accepted that there was a Challenge 25 poster displayed at the premises during the visit made on 10<sup>th</sup> October 2013, this was not deemed sufficient in order to promote the scheme.

- 4.10 Patrick Robson made reference to legal guidance, namely European Justice Case Law, which indicated that any decision of the Sub-Committee needed to be evidence-based and proportionate, and that the Sub-Committee was obliged to follow the least onerous course of action. He made reference to the evidence contained in the report, stating that, in his opinion, the statements and reports were assertive and not corroborated. He stated that there was a whole number of circumstances that could have occurred, and which should be considered, such as the young people could have used fake or borrowed ID which, in the staff's eyes, appeared genuine, and the alcohol could have been stolen from the premises, or been purchased from another off-licence in the area. Mr Robson also stated that, for whatever reason, the complaints could have been of a malicious nature. He circulated a timeline, which contained a chronological list in terms of test purchases and reports in respect of the premises, and made the point that the pass rate in terms of test purchases was 62%, which highlighted that Mr Bhatti and his staff were not persistently selling alcohol to underage people. Mr Robson made reference to a petition, containing signatures of customers and other shop keepers in the locality, offering support to Mr Bhatti in the light of the review application.
- 4.11 Sarfraz Bhatti became the PLH/DPS in October 2012 and, although there were some complaints and some failed test purchases in his first few years as PLH/DPS, there were systems in place. This included CCTV, but at this time, the Council had no right to view the footage, therefore this could not be classed as a breach of condition, particularly as there was no evidence to prove that the system was not working at the time. Prior to Mr Bhatti being PLH/DPS, although working there, there were two visits to the premises by Julie Hague and the police. In November 2014, the premises were burgled, and part of the CCTV system was stolen, with a temporary system being installed straightaway. On 18<sup>th</sup> August 2015, Andrea Marsden, from the police's Licensing Team, attended the premises, in order to discuss the failed test purchase that had taken place the previous night. During the visit, Mr Bhatti confirmed that he had received training, but had failed to follow the relevant practice on this occasion, in that he had left a friend in charge of the shop as he had to pick a family member up from the airport. On 20<sup>th</sup> September 2015, there was a further test purchase operation, which was passed, with this being the third pass in an 11-month period since Mr Bhatti last failed an operation. On 1<sup>st</sup> November 2015, the police received a report from a concerned parent, whose 15 year old daughter had been to the shop on two occasions she knew about, and purchased vodka. Mr Robson stated that, in his opinion, the evidence was unverified and should be deemed as hearsay. The fourth test purchase in a row was then passed, and following this, Mr Bhatti had a new CCTV system installed at the premises, comprising an upgrade from four to eight cameras. There were then further reports in terms of underage purchases from the shop by school children from Birkdale which again, were unverified.
- 4.12 On 22<sup>nd</sup> January 2016, the police received an anonymous call from a member of

the public, indicating that staff at the premises were selling alcohol and cigarettes to children and further to this, a test purchase was undertaken at the premises on 24<sup>th</sup> February 2016, which was passed. Since the failed test purchase on 17<sup>th</sup> August 2015, this was the fifth test purchase in a row which had been passed. A further complaint had been received on 23<sup>rd</sup> January 2016, relating to a group of girls aged 15/16 years old purchasing alcohol from the premises, but again, such allegations were unverified, and it was deemed that there could have been some confusion in terms of the actual shop the alcohol was purchased from as there was another off licence in the area, with a similar name. At a visit to the premises on 13<sup>th</sup> July 2016, by Cheryl Topham and Julie Hague, Mr Bhatti was informed about the complaints, and requested to attend safeguarding training but, in the light of the number of test purchases passed during the past 12 months, he did not consider it necessary to attend. The police received a further anonymous report on 10<sup>th</sup> October 2016, stating that staff were selling alcohol to underage people, which again, was unverified and uncorroborated. Following this, a further test purchase was passed on 1<sup>st</sup> November 2016, which was the seventh in a row since the last test purchase failure by Mr Bhatti, over a period of two years. Mr Bhatti then took steps to improve the CCTV system, by upgrading the resolution of the cameras, and also had increased memory installed to the system to ensure that images were being recorded for the required timescales. Mr Robson concluded by referring to the failed test purchase operation on 8<sup>th</sup> December 2016, indicating that Mr Bhatti made sure all glass bottles purchased from the shop were placed in a bag as there had been a number of incidents of customers dropping bottles in and around the shop premises.

- 4.13 RESOLVED: That the public and press and Sarah Bevan, Mr Bhatti's wife and Clive Stephenson 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 2 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 The Sub-Committee considered witness statements of the father of a young person who had purchased alcohol from the premises, and a statement from the young person himself. Mr Robson stated that the father's statement was unverified and uncorroborated, and similarly the same applied to the young person's statement, particularly on the basis that, in his opinion, it contained a number of inconsistencies.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and Sarah Bevan, Mr Bhatti's wife and Clive Stephenson.
- 4.16 Patrick Robson circulated a list of additional conditions, which he believed the Sub-Committee could add to the Premises Licence, as a suitable course of action.
- 4.17 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and Clive Stephenson, it was stated that Mr Bhatti had operated the Challenge 25 age verification scheme since the end of 2012, and Mr Bhatti provided an explanation as to how he believed the scheme should be operated. Mr Bhatti confirmed that he had undertaken some form of safeguarding children

training, but had not attended training courses, at the request of Julie Hague, on the basis that he had CCTV in operation, held and maintained a refusals log at the premises and in the light of the number of test purchases which had been passed. In terms of promoting the licensing objective regarding the protection of children from harm, Mr Bhatti stated that all existing and new staff had received training in terms of the Challenge 25 scheme, and that he had a refusals log which, at first, he wasn't sure exactly how to complete, but once he found out, he took steps to maintain it. After filling it, there was then a period he did not have a log as he was not sure where he could get a new one. When Mr Bhatti became the PLH/DPS of the premises in October 2012, this was the first experience he had had of being in charge of licensed premises, and he confirmed that he had not received any complaints of underage sales, or any other matters, directly from customers or members of the public. Patrick Robson stated that it was difficult to provide an explanation in terms of the number of complaints, but he believed some could be malicious, and all were either unverified or uncorroborated. It was confirmed that the CCTV system, comprising eight cameras, had a 30 day recording capacity. Mr Bhatti confirmed that, in connection with the Challenge 25 scheme, he would require ID including a picture and date of birth, such as a passport or a driving licence. In terms of staffing, Mr Bhatti stated that it was usually either himself or his wife working in the shop, with another woman helping out on occasions, and a family friend helping out as and when required.

- 4.18 In response to questions from Robert Clark, whilst it could not be confirmed, it was believed that the petition supporting Mr Bhatti had been organised by one of his regular customers, and Mr Bhatti believed that the complaints made against the premises, as referred to in the petition, were either false, malicious, or both. Mr Bhatti had not given serious consideration to joining the Responsible Retailer Scheme on the basis that he already believed himself to be a responsible retailer. Whilst Mr Bhatti could not recall seeing the letters from Julie Hague, inviting him to attend a safeguarding training course, he did not dispute that requests had been made by Ms Hague, during her visits to the premises, but did not consider it necessary for him, or his staff, to attend. Whilst not very detailed, due to there only being himself and his wife working in the shop, Mr Bhatti had maintained records of in-house training since he started in October 2012, but had never produced such records to any of the responsible authorities as he cannot recall having been asked to do so. Mr Bhatti stated that he had maintained a refusals log, which he kept near the till, and would always produce it to the responsible authorities on request. Although there was reference to a relatively high number of refusals in the log, Mr Bhatti did not believe that this high figure was as a result of young people visiting the shop, believing they could be served. Whilst not being able to provide evidence at the hearing as to whether there had been any refusals on those days when allegations of underage sales had been made, Mr Bhatti stated that he would always log details of all refusals. Mr Robson and Mr Bhatti indicated that they were not able to comment as to whether the incident referred to in Cheryl Topham's statement, relating to a young person being hospitalised after drinking alcohol purchased from the shop, was malicious or not.
- 4.19 In response to questions from Julie Hague, Mr Bhatti stated that he could not recall receiving the letter she had sent him, dated 18<sup>th</sup> October 2013, advising him, amongst other things, to join the Responsible Retailer Scheme. Mr Bhatti also

stated that he could not recall being advised to display a poster, which was enclosed with the same letter, warning young customers that it may be an offence to use false ID. Mr Robson confirmed that his doubts about the evidence provided referred to the fact that it was mainly hearsay, unverified and uncorroborated. He also considered that some of the comments made as part of the complaints and statements appeared odd. Mr Robson accepted that sixth formers at secondary schools had free periods during the day, and would be able to travel to the premises, and that there were likely to be free spaces on the safeguarding training courses on the basis that attendance on such courses was voluntary. Mr Robson stated that the suggested conditions he had circulated should provide sufficient assurances that Mr Bhatti would comply with the conditions of his licence in future.

- 4.20 In response to questions from Sarah Bevan, Mr Robson confirmed that both Mr Bhatti and his wife had received the relevant training prior to her son being served alcohol at the shop in September 2013, and stated that the actions of Mrs Bhatti in terms of serving Mrs Bevan's son on this day, was a one-off misjudgement.
- 4.21 Robert Clark and Patrick Robson summarised their cases.
- 4.22 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.23 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.
- 4.24 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.25 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.26 RESOLVED: That in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to revoke the Premises Licence in respect of the premises known as Shop Local, 166 Abbeydale Road, Sheffield, S7 1FH.

(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 21 February 2017**

**PRESENT:** Councillors David Barker (Chair), Kieran Harpham and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Jack Clarkson 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. 19/17 did not attend the hearing, and the Sub-Committee considered the case in his absence.

4.3 The applicant in Case No. 20/17 had withdrawn his application prior to the meeting.

4.4 The applicant in Case No. 21/17 attended the hearing with his brother 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>
19/17	Application for the renewal of a Private Hire Vehicle Licence	Agree to grant a licence for a period of 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.

21/17	Application for a new 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 does not consider the applicant to be a fit and proper person to hold a licence.
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# SHEFFIELD CITY COUNCIL

## Licensing Committee

### Meeting held 23 February 2017

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge, Kieran Harpham, Adam Hurst, Alan Law, George Lindars-Hammond, Moya O'Rourke, Bob Pullin, Gail Smith and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Jack Clarkson, Josie Paszek and Vickie Priestley.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of the meetings of (a) the Licensing Committee held on 29<sup>th</sup> September, 2016 and (b) the Licensing Sub-Committee held on 8<sup>th</sup>, 13<sup>th</sup>, 20<sup>th</sup> and 27<sup>th</sup> September, 4<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup> October, 1<sup>st</sup>, 3<sup>rd</sup>, 8<sup>th</sup>, 15<sup>th</sup>, 17<sup>th</sup>, 22<sup>nd</sup>, 24<sup>th</sup> and 29<sup>th</sup> November, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup> and 22<sup>nd</sup> December, 2016, and 5<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup>, 26<sup>th</sup> and 31<sup>st</sup> January, 2017, were approved as correct records, and arising therefrom, in respect of the minutes of the meeting of the Committee held on 29<sup>th</sup> September, 2016, in response to a question from a member of the Taxi Trade regarding tinted windows, the Chief Licensing Officer stated that this matter was still the subject of consultation with all interested parties and the outcome would be reported to the Trade as soon as possible.

#### **5. HACKNEY CARRIAGE PROVISION SURVEY (UNMET DEMAND)**

5.1 The Chief Licensing Officer submitted a report which contained the results of a survey that had been carried out by CTS Traffic Limited into unmet demand on the taxi services in Sheffield.

5.2 Ian Millership, CTS Traffic Limited, by way of a presentation, outlined an executive summary of the survey, from its inception in August, 2016 until January, 2017. The survey looked at rank activity, outlined the busiest days of the week, the waiting times customers could expect to wait and the increase in taxi use since the last survey which had been carried out in 2010. There was also an increase in the number of taxis being "hailed". The summary also showed the outcome of consultation with the trade and the public, any disability issues that had arisen and

outlined the initial conclusions.

- 5.3 The Chair (Councillor David Barker) supported by Councillor Alan Law, asked that the final two bullet points in paragraph 7.2 of the Chief Licensing Officer's report, regarding zero (delivery) mileage and zero emission vehicles and the allowance for a seven year old vehicle to replace a vehicle that is Euro 3 or less (emissions), be not considered at this meeting.
- 5.4 Ibrar Hussain, GMB, queried whether there were sufficient taxi ranks in the city and had changes to the demographics of the city since 2010 been taken into account. He went on to say that, as far as he was aware, consultation on the survey had been carried out with trade members online and he felt that, to achieve a wider response from members, it should have been carried out at the ranks.
- 5.5 Hafeas Rehman, Sheffield Taxi Trade Association (STTA), commented on the report, indicating that there was a need to maintain the current limit, as problems had been caused when the limit was lifted. He also felt there was a need to look at different types of vehicles which could be used to carry disabled passengers.
- 5.6 In response to questions from Members of the Committee, and members of the Taxi Trade Associations, Ian Millership stated that, compared to surveys carried out in other areas around the country, the service in Sheffield was very good. No problems were encountered when the rank moved from Castle Street to the Moor Market area, although there did seem to be increased demand and more spaces were needed. He added that there was good, active trade in the City, that the industry does tend to move with the times, but generally no major changes were needed. He stated that the full report would contain graphs showing more detail of any areas of the City where there might be unmet demand.
- 5.7 Clive Stephenson stated that he felt that sufficient information had been provided to Members in the executive summary, that the full report on the survey would be published at the end of February and that any recommendations made would be included and form part of the hackney carriage vehicle review due to take place later this year.
- 5.8 RESOLVED: That the Committee:-
- (a) notes the contents of the report now submitted together with the comments now made; and
  - (b) agrees to keep the hackney carriage vehicle licence limitation as currently set in the policy, at 857.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 28 February 2017**

**PRESENT:** Councillors Alan Law (Chair), Vickie Priestley and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Moya O'Rourke 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 Councillor Vickie Priestley declared a personal interest in Case No.22/17 on the basis that the applicant in this case indicated that he knew Councillor Priestley and her family, and she left the meeting for the consideration of this application.

**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. 22/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 23/17 attended the hearing with a friend and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 24/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 25/17 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>
22/17	Application to renew a Private Hire Vehicle	(a) Grant a licence for 12 months, together with a notice, granting the

Licence (Exemptions from Licensing Conditions)

applicant an exemption from 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.

- |       |   |   |
|-------|---|---|
| 23/17 | Application for a new Hackney Carriage and Private Hire Driver's Licence  | Refuse to grant a licence on the grounds that, in the light of the circumstances now reported, and the representations now made, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.   |
| 24/17 | 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 and convictions now reported.  |
| 25/17 | Application to renew a Hackney Carriage and Private Hire Driver's Licence | In the light of the offences and convictions now reported, and the representations now made, (a) grant a licence for the shorter term of 12 months and (b) the applicant be (i) 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 and (ii) requested to undertake a Speed Awareness Course within a period of 12 months. |



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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 2 March 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 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. 26/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 27/17 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 28/17 attended the hearing with a family member and a representative and they all addressed the Sub-Committee.

4.5 The applicant in Case No. 29/17 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>
26/17	Application to renew a Private Hire Vehicle Licence (Exemptions from Licensing Conditions)	Grant a licence for 12 months as requested as the applicant had demonstrated evidence to warrant a departure from the policy.

27/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Defer a decision on the application until the outcome of the Court case is known. If the applicant is found not guilty, the Chief Licensing Officer be authorised to grant the application.
28/17	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the period of three years as requested.
29/17	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the period of three years as requested.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 7 March 2017**

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge 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. 31/17 had not been able to attend the hearing, and had requested that consideration of his application be deferred.

4.3 The applicant in Case No. 33/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 32/17 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>
31/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Agree to defer consideration of the application and allow the applicant one further opportunity to attend.
33/17	Application for a	(a) Grant a licence for the term requested

	Hackney Carriage and Private Hire Driver's Licence	and (b) in the light of the offence and conviction now reported, the applicant be given a written warning, in the strongest possible terms, to remain live 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.
32/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	In the light of the information now reported, and depending on the validity of the information, the Chief Licensing Officer be authorised to grant the licence for a period of 12 months.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 9 March 2017

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

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Moya O'Rourke attended the meeting, 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 - MALIN BRIDGE INN, 194 HOLME LANE, SHEFFIELD, S6 4JZ**

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003, to vary a Premises Licence in respect of the premises known as Malin Bridge Inn, 194 Holme Lane, Sheffield, S6 4JZ.

4.2 Present at the meeting were Jill Marston-Revitt (Landlady), Stephen Marston-Revitt (Landlord), Ben Fletcher (Events Manager) and Michelle Hoyes (Bar Supervisor) (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Advisor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that a representation had been received from a member of the public, and was attached at Appendix 'D' to the report. The member of the public had been invited to the meeting, but was not present.

4.5 Stephen Marston-Revitt stated that the nature of the proposed variation involved the extension of the licensing activities to include the outside cocktail bar for the sale of alcohol. Although reference was made in the application for the outside area to be used from 12:00 to 23:00 hours, Monday to Sunday, this was mainly to provide flexibility in terms of its use. It was originally intended that the area would be open from 15:30 to 22:45 hours, Friday and Saturday, from June to September,

then for reduced hours from Sunday to Thursday, and from October to May. The area would be closed in January and February. It was not planned that the external area would be used at all, subject to special events, during January and February. Jill Marston-Revitt stated that it was a very well run pub, with very few problems.

- 4.6 In response to questions from Members of, and the Legal Advisor to, the Sub-Committee and Clive Stephenson, it was stated that, around two years ago, the owners converted the car park to the rear of the premises to a cocktail bar and children's play area. The area would close at 22:45 hours, and customers would be asked to move inside. Anyone wishing to go outside, to smoke after this time, would be able to do this at the front of the premises, with staff monitoring the situation carefully. It was considered that having smokers at the front of the premises would minimise any problems of noise nuisance in terms of residents living to the rear. Mr Marston-Revitt confirmed that he accepted all the terms and conditions set out in the Noise Management Plan, which had been developed with assistance from the Environmental Protection Service, and that all members of staff at the premises would be required to read the Plan and be fully aware of its contents. He also confirmed that the police had no concerns in terms of the proposed application. The music system for the external area would be separate to that of the internal area, and there would be a facility whereby the music would cut off at a given time. It was considered that 15 minutes would give staff sufficient time to ensure that all customers who were in the external area had moved inside prior to 23:00 hours. Staff had the relevant experience as the procedure had been followed during events held at the premises using the Temporary Event Notices (TENs). If the application was granted, it was envisaged that the external area would be available for use with effect from 3<sup>rd</sup> June 2017. Mrs Marston-Revitt stated that, on the rare occasions when herself and her husband were away, either Ben Fletcher or Michelle Hoyes, who had sufficient experience, would be in charge of running the pub. It was accepted that different, and more, people were likely to attend for special events, over and above the regular customers, but staff were confident that they would be able to ensure that everyone was out of the external area by 23:00 hours. On a day to day basis, there was not likely to be a large number of people in the external area, and Mrs Marston-Revitt stated that she, or another member of staff, would keep a regular check on the area. There had been a number of special events held at the premises, using TENs, and that there had not been any problems or complaints from local residents in relation to such events. It was confirmed that all attendees from the premises, in attendance at this hearing, were Personal Licence Holders, and that the applicants would be happy with a condition requiring that the Beer Garden Noise Pollution Book, as referred to in the Noise Management Plan, be made available to the responsible authorities, on request.
- 4.7 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.
- 4.8 Samantha Bond reported orally, giving legal advice on various aspects of the

application.

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

4.10 RESOLVED: That the Sub-Committee agrees to vary the Premises Licence in respect of the premises known as Malin Bridge Inn, 194 Holme Lane, Sheffield, S6 4JZ, in the terms requested, subject to (a) the approval of the Noise Management Plan by the Environmental Protection Service and (b) the addition of the following condition:-

'The Beer Garden Noise Pollution Book be made available to officers of the responsible authorities, on request'.

(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 14 March 2017**

**PRESENT:** Councillors Alan Law (Chair), Kieran Harpham and George Lindars-Hammond

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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. 36/17 did not attend the hearing, and the Sub-Committee considered the case in his absence.

4.3 The applicant in Case No. 37/17 attended the hearing and 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>
36/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Refuse to renew the licence on the grounds that, in the light of the offence and conviction now reported, the Sub-Committee does not consider the applicant to be a fit and proper person.
37/17	Application for a first 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.

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

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - BARKER'S POOL, SHEFFIELD CITY CENTRE**

- 5.1 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 for Barker's Pool, Sheffield City Centre (Case No. 48/17).
- 5.2 Present at the meeting were Sally Ford and Michelle Horne (Applicants), Paul Turner (Highway Licences and Regulation, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report, and it was noted that objections to the application had been received from the Council's Highways Service, and two interested parties (Sandwich Division, Division Street and John Lewis, Barker's Pool), and were attached at Appendix 'B' to the report. The owners of Sandwich Division and a representative from John Lewis had been invited to the meeting, but were not present.
- 5.5 Paul Turner stressed that, although the Council wanted to encourage small businesses to operate in the City Centre, the specific location requested was not suitable from a practical point of view. It was very close to the barrel and stock delivery area in respect of Lloyd's Bar, and very close to a Bike Hire Docking Station, which had recently been installed at this location, under licence, by the University of Sheffield. Mr Turner stated that, in addition to this, there was a considerable amount of existing street furniture in the immediate vicinity and the area was used by the City Centre Management Team, for special events held in the City Centre, including funfairs.
- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Turner stated that he had not yet had the opportunity to speak personally to the applicants in terms of looking at an alternative location, and indicated that it was possible that the mobile unit could be sited elsewhere in Barker's Pool. He confirmed that the University of Sheffield had recently installed a Bike Hire Docking Station in this area and, with this being a commercial venture, it would be deemed unreasonable if there were issues in terms of access. Mr Turner understood that the University was not aware of this application, and stated that colleagues in the Council's Transport Planning Team had advised him that the Docking Station would generate a considerable amount of activity within the immediate area.

5.7 Sally Ford circulated a number of photographs showing the proposed location for the mobile unit. She stated that the applicants wanted to provide something different for the City Centre, in that they planned to sell fresh coffee using a lever pull machine. In order to minimise the environmental impact of the business, they would be using 'vegware' compostable cups and lids, both of which were made from lower environmental impact methods, using less carbon in their production, and made from materials that were fully recyclable. Mrs Ford stated that they had chosen this specific location on the grounds that there was a high footfall, there were plenty of places to sit down and there were plenty of waste bins in the immediate area. They would also have their own waste bin, and would ensure that everything was cleared away at the end of trading. They planned to sell Italian/Mediterranean style sandwiches, which were not currently being sold by the two companies who had raised objections. In terms of the location, Mrs Ford stated that, in the light of the existing obstructions and street furniture in the area, she did not believe that the mobile unit would make it any more difficult for deliveries to be made to Lloyd's Bar. She also stressed that, at the time of making the application, they were not aware of the Bike Hire Docking Station, however they believed that there would still be sufficient room for access to the Station, and would give consideration to changing the angle of the unit, or moving it a short distance away, to make access easier.

5.8 In response to questions from Members of the Sub-Committee, Mrs Ford stated that it would take her around 12 minutes to pack up and move the mobile unit off the site, and possibly less time if she and Ms. Horne were both present. Mrs Ford stated that they had not spoken to officers in the City Centre Management Team and, in terms of the location, they had considered this the most suitable due to the potentially high levels of disposable income of those people shopping in this particular area who they believed, as well as wanting to buy a drink and something to eat, would be interested to engage in conversation about how the coffee was made. Following further comments from Paul Turner, Mrs Ford stated that they would be happy, if necessary, to consider moving a short distance off Barker's Pool up Holly Street.

5.9 RESOLVED: That following consideration of the information contained in the report now submitted, together with the information now reported, the meeting be adjourned pending a site visit, to allow Members to view the mobile unit in the context of its surroundings.

**RECONVENED MEETING ON 23RD MARCH 2017**

PRESENT: Councillors Alan Law (Chair), Kieran Harpham and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – STREET TRADING – STATIC STREET TRADING CONSENT – BARKER’S POOL, SHEFFIELD CITY CENTRE**

4.1 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 for Barker’s Pool, Sheffield City Centre (Case No. 48/17).

4.2 The Chief Licensing Officer reported that the meeting of the Sub-Committee on 14<sup>th</sup> March 2017, had been adjourned to allow Members to undertake a site visit, to allow them to view the mobile unit in the context of its surroundings.

4.3 Present at the meeting were Sally Ford and Michelle Horne (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer) and Samantha Bond (Legal Advisor to the Sub-Committee).

4.4 **RESOLVED:** That, following the site visit now made, approval be given for the grant of a Static Street Trading Consent for Barker’s Pool, Sheffield City Centre (Case No. 48/17), for a period of 12 months, excluding any events on Barker’s Pool, and subject to the mobile unit being positioned at the precise location now agreed.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 16 March 2017

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and George Lindars-Hammond

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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 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 - THREE FEATHERS, BOWDEN WOOD CRESCENT, SHEFFIELD S9 4EE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in respect of premises known as Three Feathers, Bowden Crescent, Sheffield S9 4EE (Case No.35/17).

4.2 Present at the meeting were John Whittaker (South Yorkshire Police Legal Services), Cheryl Topham (South Yorkshire Police Licensing Officer), Steven Johal (Designated Premises Supervisor, Three Feathers), Thomas Whitham (Licensee, Three Feathers), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer, Legal Services) 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 Sheffield Safeguarding Children Board and were attached at Appendix B to the report.

4.5 John Whittaker stated that Steven Johal had been the Designated Premises Supervisor at the premises since 2011 and up until March, 2016, there had been no recorded incidents of crime and disorder, only complaints regarding noise nuisance. However, from March, 2016 to January, 2017, 11 incidents had been reported to the police. The last recorded incident which took place on 12<sup>th</sup>

January, 2017, had been the catalyst for the review. John Whittaker added that the main concern of the police was that the majority of the incidents had happened when children were inside the premises attending private functions. He then referred to the conditions attached to the licence as outlined in the report.

- 4.6 Cheryl Topham stated that there had been a significant increase in incidents of fighting and assaults, including an armed assault since 2015 and more often than not, incidents had occurred on Friday or Saturday evenings after 10.00 p.m., not only inside the premises, but also in the car park when customers were still hanging around. Her main concern was that members of staff had seemed to be reluctant to contact the police and when the serious incident had occurred in January, it had been a member of the public who contacted the police, not someone employed at the premises. She added that the premises were generally very well managed and that the owner and staff had always been very helpful.
- 4.7 In response to questions from Members of the Sub-Committee, Cheryl Topham suggested that the CCTV equipment could be improved to the South Yorkshire Police specifications so that it covered the very large car park. She added that there was no evidence to suggest that it was the same people responsible for the increase in crime and disorder, but felt that there must be a reason for this sudden increase in anti-social behaviour.
- 4.8 Steven Johal stated that children were not allowed on the premises after 9.00 p.m. Mondays to Thursdays and after 10.00 p.m. on Fridays and Saturdays, except when private functions had been held. Following a visit from South Yorkshire Police in June, 2016, regarding the increase in reported incidents, especially when private parties had taken place, he had changed the way bookings were taken, stating that a £100 deposit was asked for, which would only be returned the day after the function and only when arranged in person. He went on to add that, after the visit by the police in June and at their suggestion, he kept an up-to-date incidents book available for inspection at any time. He then referred to the incident that had happened in January and stated that images had been captured on seven different cameras. He added that the victim had visited the premises two, maybe three times a week prior to the incident and there had never been any trouble, and that nothing could have been done to prevent it and that it could have happened anywhere at all. Mr. Johal stated that he and his staff dealt with any flashpoints themselves and he added that by diffusing matters was sometimes quicker than waiting for the police to arrive. He then circulated to Members written reviews and a petition from local residents in support of the premises.
- 4.9 Thomas Whitham stated that he had worked at the pub for the past five years and there had been very few incidents. If there had been any flashpoints, he or his staff had easily dealt with them, and felt that there would be no need for doormen. He further stated that the premises was a community style public house serving food and that any reduction in the hours when children were allowed onto the premises, would impact on the business.
- 4.10 In response to questions from Members of the Sub-Committee and the applicant, Steven Johal stated that with regard to the serious incident in January, his priority had been to get the other customers who were in the pub at the time, out of the

way and had about 60 seconds to respond to what was happening. He added that there had been issues with another pub in the area which closed an hour before the Three Feathers and customers had had a tendency to come to the premises late, so now the door was closed at 11.00 p.m. Mr. Johal accepted that the surrounding area was socially deprived, and that due to pub closures, there was always the potential for the “wrong” people to visit his premises, but he had grown up in the area and his family had another business across the road, so felt that he knew who the troublemakers were and how to deal with them, so there would never be a need to employ door staff. The staff were local and had worked at the premises for a number of years and he considered there was no need for further training on how to deal with anti-social behaviour, although he and the licensee were to attend a safeguarding training course in April.

- 4.11 Clive Stephenson informed the Sub-Committee that Julie Hague, Sheffield Safeguarding Children Board had submitted her apologies to the meeting, but he suggested the information she had submitted at Appendix “B” should be taken into account.
- 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, the additional information now circulated and the representations now made, the Sub-Committee agrees to modify the conditions of the premises licence in respect of the premises known as the Three Feathers, Bowden Crescent, Sheffield S9 4EE, as follows:-
- (a) the existing condition number 6 be amended to read as follows:-
- “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 (spec. 2016). The CCTV images will be stored for 30 days. 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 management will be trained in the use of the system.”;
- (b) all children are to be accompanied by a responsible adult and persons under the age of 18 are not permitted after 9.00 p.m. every day (including the outside area);

- (c) SIA Licensed Door Staff to be employed from 10.00 p.m. onwards, when there are any private parties booked, such staff to wear their SIA badge at all times and a record of door staff to be kept on the premises at all times;
- (d) an incident log to be kept on the premises to record any incidents whether the police are called or not, such log to be kept for at least six months and produced to the police or other authorities on request;
- (e) a booking form must be used for all events and private functions. The form must set out the booking conditions to the customer and include name, contact details and signature of the customer who is responsible for the booking. Such record to be retained for six months and made available for inspection by the police and other authorities;
- (f) the Designated Premises Supervisor, or other such responsible person, must act as the Safeguarding Co-ordinator at the premises. This person should act with reference to the guidance and training provided by the Safeguarding Children Board and has a responsibility to ensure that all staff are appropriately trained and know how to respond when a child protection issue arises;
- (g) the Safeguarding Co-ordinator must undertake and retain as a record, a written risk assessment in relation to safeguarding children and young people at the premises. The risk assessment must relate to all variety of activities/functions/ events at the premises;
- (h) on Fridays and Saturdays, no new customers shall be permitted entry after 11.00 pm.; and
- (i) the Designated Premises Supervisor or designated staff member must ensure that all patrons leave the external areas in a timely manner after the premises closes.

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

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 21 March 2017

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson and Bob Pullin

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence 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 - S1 FOOD BAR AND OFF LICENCE, 12 FITZALAN SQUARE, SHEFFIELD S1 2AZ**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in respect of S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield S1 2AZ (Case No. 30/17).

4.2 Present at the meeting were Azhar Hussain (Premises Licence Holder) (PLH), Sohail Ashraf (friend and interpreter for the PLH), Magdalena Boo (Health Improvement Principal), Julie Hague (Sheffield Safeguarding Children Board (SSCB)), Inspector Neil Mutch (South Yorkshire Police (SYP)), Andrea Marsden (SYP Licensing Enforcement Officer), John Whitaker (Solicitor for the Applicant) and Sergeant Scott Szymczak (SYP), David Palmer (Senior Trading Standards Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Professional Officer, Legal Services) 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 South Yorkshire Police, the Sheffield Safeguarding Children Board and the Director of Public Health, and were attached at Appendix 'B' to the report.

4.5 John Whitaker stated that over the past few years, the premises had been associated with crime and disorder. On 21<sup>st</sup> February, 2017, following intelligence received with regard to suspected drug dealing at the premises, South Yorkshire

Police entered the premises with a search warrant and a full search of the premises took place with the assistance of a drugs dog and handler. Drugs paraphernalia, "dealer scales", remnants of cannabis bushes and packets of illegal tobacco were found inside the premises and in the upstairs room there was a mattress and duvet, which looked as though it had recently been slept in. A male member of staff was arrested on suspicion of being in possession of crack cocaine. Of major concern to the officers, was the presence of a 15 year old child who had arrived into the UK alone from Afghanistan and was currently living with foster parents. There was no evidence of any refusals or incidents logs, nor access to CCTV. It would appear that the premises had been operating for the past nine months without a Designated Premises Supervisor (DPS).

- 4.6 Inspector Neil Mutch stated that a significant increase in anti-social behaviour incidents such as begging/vagrancy, street drinking and drug dealing in the Fitzalan Square area had been reported during the past 12 months, making the area one of considerable concern, and as a result of this, the use of dispersal powers under Section 35 of the Crime and Policing Act 2014 had been deployed during the day to disrupt anti-social behaviour in that area during the summer months, as well as a number of other operations being conducted with a view to dispersing persons likely to commit crime in that vicinity. He added that the premises was close to student accommodation and very often students and young people were the victims of crime. Inspector Mutch further stated that he and his team had tried on numerous occasions to work with the owner with regard to upholding the conditions of the licence, but felt that any reasonable dialogue had long passed.
- 4.7 John Whitaker then referred to the statement which was attached to the report from PCSO Alison Thomas which highlighted many issues around young vulnerable girls in and around the premises. The report highlighted intimidation experienced by legitimate service users passing through Fitzalan Square and the lengths that some students who live in the area go to, specifically to avoid the area.
- 4.8 Andrea Marsden stated that on 20<sup>th</sup> December, 2016, she had visited the premises with other officers to discuss reported incidents of underage sales of alcohol and cigarettes from the shop. They had spoken to the Premises Licence Holder (PLH) and a member of staff who were both very evasive and unco-operative regarding the whereabouts of the Designated Premises Supervisor (DPS). When asked for the refusals log or incidents log, neither member of staff could find them, nor were they able to operate the CCTV as they were unaware of the pin number and the PLH was subsequently informed that he was in breach of the licence conditions. Andrea Marsden also stated that on a follow-up visit to the premises, the PLH was again unable to provide the incidents log and refusals log, stating that there were too many refusals to be able to write them all down.
- 4.9 Julie Hague stated that she had visited the premises on a number of occasions with regard to safeguarding issues. She reiterated what Andrea Marsden had already stated regarding the visit made on 20<sup>th</sup> December, following a call she had received stating that cannabis was being sold from under the counter to children. She also confirmed that the staff were evasive and uncomfortable in their

presence. Julie Hague also stated that when she had visited the premises in the past, the PLH had been present every time and she could recall that he had attended safeguarding training but it had been some years ago. The following day, she sent a bundle of safeguarding materials including age verification posters, refusals log, risk assessment log together with an invite for the management to attend a refresher training course on 15<sup>th</sup> February, 2017, but this had not been taken up. Ms. Hague added that she had received an email from South Yorkshire Police regarding two mattresses that had been found in the basement of the premises and she explained that part of her training with regard to safeguarding children was to spot the signals surrounding child exploitation.

- 4.10 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that drugs paraphernalia had been found hidden in large food tubs and photographs were produced to substantiate this. It was believed that the 15 year old child behind the counter at the premises was not in the care of social services and that he had no mental health issues. The student accommodation directly above the premises was privately-owned and there were about 100 students living there. It was felt by South Yorkshire Police that there had hardly been any attempt to comply with the licence conditions. Other businesses in the area respond immediately and report any incidents of anti-social behaviour.
- 4.11 Magdalena Boo referred to the letter submitted by Greg Fell, Director of Public Health and asked that the contents of that letter be taken into consideration.
- 4.12 RESOLVED: That the public and press 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 7 of Schedule 12A to the Local Government Act 1972.
- 4.13 The Sub-Committee considered the statement circulated and the comments made by David Palmer, Senior Trading Standards Officer.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press.
- 4.15 Sohail Ashraf spoke on behalf of Azhar Hussain, the PLH, stating that he is a Dutch national and speaks very little English. He said that Mr. Hussain had been taken ill in 2010 and was reliant upon the staff he employed to run the business for him. He added that due to his illness, Mr. Hussain had been in Pakistan for the nine month period leading up to March, 2016 and on his return, he had had to close the shop due to unpaid bills. However, since the shop had reopened, he worked there every day. He stated that he and Mr. Hussain were shocked at the allegations made and produced his safeguarding certificate and also three letters from South Yorkshire Police stating that the premises had passed test purchases.
- 4.16 In response to questions from the Solicitor for South Yorkshire Police and from Members of, and the Solicitor to, the Sub-Committee, Azhar Hussain stated that sometimes he went down to the basement where the mattresses had been stored

to rest and was unaware that drugs were present on the premises. He added that the scales which had been found, were used in connection with the take-away food business for the weighing of spices used in cooking and that any smell of cannabis on the premises had wafted in through the door from those persons smoking outside. Mr. Hussain stated that he had a good working relationship with members of his staff, some of whom had worked for him for a long time. Mr. Hussain further stated that the illegal tobacco found on the premises belonged to staff members and was not sold to members of the public. He suggested that the people who congregated outside his premises were in fact waiting to go into the bookmakers shop next door. As regards the Challenge 25 scheme, Mr. Hussain stated that he knew enough English to ask for I.D. and that warning stickers were placed in and around the premises. He further stated that he had kept all the refusals and incidents logs in the past, but these had been lost.

- 4.17 John Whitaker and Azhar Hussain summarised their cases.
- 4.18 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.19 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.
- 4.20 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.21 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.22 RESOLVED: That in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to revoke the Premises Licence in respect of the premises known as S1 Food Bar and Off Licence, 12 Fitzalan Square, Sheffield S1 2AZ (Case No.30/17).

(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 23 March 2017

**PRESENT:** Councillors Alan Law (Chair), George Lindars-Hammond and Vickie Priestley

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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. 39/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 40/17 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>
39/17	Exemption from Objective 16, Mandatory Conditions, Section 4, of the Hackney Carriage and Private Hire Driver's Licence	(a) allow the exemption as requested until the end of the applicant's current licence; (b) the plate number be displayed in the place of the interior identification where it is clearly visible to passengers and (c) the exemption certificate to be carried at all times.
40/17	Review of a Hackney	In the light of the offences and

Carriage and Private  
Hire Driver's Licence

convictions now reported, the licence holder be given a written warning, to remain live for the remainder of his current licence, 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 30 March 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 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 two cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 41/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 42/17 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>
41/17	Review of a Hackney Carriage and Private Hire Driver's Licence	The licensee be (a) issued with a written warning with regard to his future conduct, to remain on his licence for the term of his current licence, and warning that if there is any further cause for concern, the licence will be referred back to the Sub-Committee, and (b) required to complete the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver', within the term of his current licence.

42/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In light of the information now reported, the licence be revoked, with immediate effect, under Section 52 of the Local Government (Miscellaneous Provisions) Act 1976.
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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 6 April 2017**

**PRESENT:** Councillors Alan Law (Chair), Kieran Harpham and Josie Paszek

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Jack Clarkson 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. LICENSING ACT 2003 - OBJECTION TO AN APPLICATION TO VARY A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application to vary a Premises Licence under Section 37 of the Licensing Act 2003 (Case No. 43/17).

4.2 Present at the meeting were the Premises Licence Holder/Applicant, accompanied by a friend, Andrea Marsden and Cheryl Topham (South Yorkshire Police, 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 an objection to the application to vary the Premises Licence, to specify an individual as the Designated Premises Supervisor, had been received from South Yorkshire Police, and was attached at Appendix 'C' to the report.

4.5 Andrea Marsden and Cheryl Topham made representations on behalf of South Yorkshire Police, stating that the applicant had been convicted of an offence of battery in 2016, and referring to three previous incidents, relating to anti-social behaviour, and which had resulted in her receiving Fixed Penalty Notices. They

stated that the police's objection related to Section 5 of the Rehabilitation of Offenders Act. Details of the offence, resulting in the conviction, were reported at the meeting, and it was the police's view that the applicant was not a fit and proper person to hold a Premises Licence, and become a Designated Premises Supervisor. Ms Marsden and Ms Topham also responded to a number of questions raised by Members of the Sub-Committee and Clive Stephenson.

- 4.6 The applicant reported on the application, referring to her conviction for battery, which occurred in February 2016, as well as the other incidents, and stating that since the offence, she had not been in any further trouble. She stressed that she did not consider herself to be a danger to her customers, or the general public, and referred to the community work she had been involved in when in the position of Designated Premises Supervisor at a former public house. The applicant also responded to a number of questions raised by Members of the Sub-Committee, the police representatives and Clive Stephenson.
- 4.7 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to vary the Premises Licence to specify an individual as the Designated Premises Supervisor in respect of the premises now mentioned, be granted (Case No. 43/17).

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

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 11 April 2017

**PRESENT:** Councillors Alan Law (Chair), Anne Murphy and Vickie Priestley

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#### **1. APOLOGIES FOR ABSENCE**

- 1.1 No apologies for absence were 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (AS AMENDED) - SEXUAL ENTERTAINMENT VENUES - SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD S1 2BS**

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Sexual Entertainment Venue Licence made under Schedule 3, Section 10, of the Local Government (Miscellaneous Provisions) Act 1982, as amended, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS.
- 4.2 Present at the meeting were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht, and Pete Mercer (for the Applicants), Nikki Bond, Tom Boydell, Dr. Chris Bronsdon, Helen Cameron, Aletheia Gentle, Chris Green, Louise Haigh, M.P., Ishah Jawaid, Meera Kulkarni, Tony Maltby, Lisa Markham, Antony May, Charlotte Mead, Laura Penhaligon, Andrew Ridge, Shelley Roche-Jacques, Laura Sillars, Emma Sposato, Martine Taube, Councillor Alison Teale, Roz Wollen, a representative of Zero Option plus one other (Objectors), Shelley Marshall (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, as set out in Appendix F to the report.
- 4.4 Shelley Marshall presented the report to the Sub-Committee and it was noted that written representations objecting to the application had been received from 97 interested parties, 23 of whom were in attendance and would address the Sub-Committee, and details of all those representations were attached at Appendix 'B',

and that 17 representations in support of the application had been received and were attached at Appendix “C” to the report.

#### 4.5 **Representations from Objectors**

##### Dr. Chris Bronsdon

- 4.5.1 Dr. Chris Bronsdon strongly objected to the application, stating that he had worked as a GP in Sheffield for the past 19 years and was about to start work at the Sheffield Asylum Seeker Health Clinic situated on Mulberry Street, which was approximately an eight minutes’ walk away from the venue. He stated that during his career he had seen the devastating effects of sexual violence and rape. He made reference to a patient he had seen recently presenting symptoms of depression and post-traumatic stress which had been caused by multiple drug rape. She had informed him that she had known the men responsible and that they had regularly frequented Sexual Entertainment Venues (SEVs). Dr. Bronsdon further stated that there was concrete, non-contestable, legally sound evidence that SEVs increase sexual violence in cities where they were located and directed Members to websites where this evidence could be found. He then quoted an extract from the Equalities Act 2010 stating that sexual harassment is a form of unlawful discrimination. Dr. Bronsdon then went on to state that the venue was situated one minutes’ walk away from the Hallam University Hub building and that more than half of the students who attend both Sheffield Universities would be young vulnerable women, leaving home for the first time and suggested that these young women would strongly object to the licence being granted. Dr. Bronsdon further stated that half of the women registered at the Asylum Seeker Health Centre are victims of trafficking and as Sheffield was registered as a City of Refuge he found this to be incongruous and contradictory for the City Council to approve a sexual entertainment licence, when evidence suggested that visits to these types of venues would lead to sexual, physical and verbal abuse and violence against women. Dr. Bronsdon added that he was a member of the Church whose services were held in the Showroom Cinema on Sunday mornings and that many children, including his own, would play on the open space near the venue and he felt it was inappropriate for them to play near this type of club.

##### Louise Haigh, MP

- 4.5.2 Louise Haigh, MP, stated that the focus of her objection was on the grounds of locality, stating that the whole of the city centre going was through a period of redevelopment during the coming months and years. She referred to the City Centre Masterplan and how she had campaigned and supported the Council’s preferred location for HS2 in the city centre, and whilst accepting that this was still a number of years away, felt that the message to potential investors and visitors to the city would be detrimental with a lap-dancing club in close proximity to the station. She added that she had recently met with the Vice Chancellor of Hallam University who had discussed with her the plans for the Tech Hub on Brown Street and Sheffield’s role as a world leader in innovation and technology and the incredible research being carried out at the University and felt that a club of this nature would have implications for Sheffield’s national and international reputation in terms of the digital economy.

Meera Kulkarni

- 4.5.3 Meera Kulkarni stated that she worked at the Sexual Rape and Sexual Abuse Centre and in that capacity came into contact with women who had been victims of those who frequented SEV's. She added that there were issues of inequality against women and that women should be treated as sexual equals. Meera Kulkarni further stated that felt that when walking around the area in which the club is situate, women felt nervous and are forced to change their behaviour by looking round to see if anyone is leaving the premises and take a different route to walk into the city centre so that they do not have to go past the venue. She felt that the City Council had a duty to give due regard to the Public Sector Equality Duty which states that "the Public Sector Equality Duty (PSED) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities" and added that venues of this nature discriminate against women by normalising the sexualisation and objectification of women.

Councillor Alison Teale

- 4.5.4 Councillor Alison Teale referred to the objection which had been received from Councillor Douglas Johnson, in which he supported the residents and businesses which he considered are adversely affected by this type of club. Councillor Johnson felt that whilst the club had traded for a number of years, its location had become inappropriate due to the growing development of the Cultural Industries Quarter and the expanding student accommodation and the proximity of the University and the Student Hub. Councillor Johnson's objection also made reference to the fact that the dancers themselves are self-employed and as such should have employment protection.

Chris Green

- 4.5.5 Chris Green stated that there should be zero tolerance towards SEV's in the City and asked the Sub-Committee to imagine a world without sexual violence towards young girls and women what a normal world it would be.

Aletheia Gentle

- 4.5.6 Aletheia Gentle stated that she regularly came into contact with older women with abusive partners and felt that venues such as Spearmint Rhino encouraged such behaviour towards women of all ages. She felt that with the world spotlight currently on South Yorkshire and in particular Rotherham, a club like Spearmint Rhino would do the City no favours. She added that granting a licence would give the impression that Sheffield as a city condones both the sexualisation and objectification of women and would be contradictory to the work that the City Council funds and promotes with regard to equality.

Roz Wollen (on behalf of Judith Dodds)

- 4.5.7 Roz Wollen stated that SEVs were incompatible with the City Council's policy on

equality and felt that the existence of such venues solely for the purpose for men to pay to see women's bodies promoted violence against women by attracting men with a bad attitude towards the opposite sex and felt that this was not in keeping with the policy. She added that she was always wary when walking through the area, that her freedom to move around that part of the city was limited and discriminatory and she was not unique feeling like this. She reiterated what had already been said about people having to pass the venue to access the bus and train stations, that students had to consider their safety, particularly late at night and the fact that the club was located in a key area surrounded by small businesses, cafes, restaurants and within the Cultural Industries Quarter. She further stated that violence within the Central Ward had increased and the city centre was becoming increasingly unsafe.

Ishah Jawaid on behalf of Apna Haq

- 4.5.8 Ishah Jawaid stated that she works for Apna Haq based in Rotherham. Apna Haq provided confidential, one to one support for Asian women and their children who were experiencing violence in the home. She added that Apna Haq was involved in inter-agency case work which helped Asian women via social services, the police and other agencies as well as being sought out by these agencies to help Asian women in distress. Ms. Jawaid gave an example of a service user who had been abused as a child and was uncomfortable in the area and the sight of SEVs triggered bad memories of her childhood and the victim knew for a fact that the perpetrators had visited other SEV's. As a Social Worker, she had come into contact with students who had commented that, when finishing studies late at night, they would make a huge detour so as not to pass the club. She had asked students if they had been made aware of this application and stated that none of them had, and that if they had known, they too would have objected strongly. She added that one student had stated that a club like Spearmint Rhino was no longer relevant in this day and age and knew of no-one who would want to attend. Ms. Jawaid said that her work took her across the whole of South Yorkshire and that her service users were very uncomfortable with this type of venue.

Dr. Tony Maltby

- 4.5.9 Dr Tony Maltby stated that he was objecting on behalf of the "Our Fair City Campaign" which arose out of the Sheffield Fairness Commission. He added that he had been a doctor and lecturer at Birmingham University and had pastoral care of students who attended there. He fully supported the arguments which had been made and that he totally objected to the sexualisation of women and felt that granting the licence would be contradictory to the SheFest, the Equalities Hub Network and the Social Cohesion strategy. He referred to posters which had been displayed throughout London during the 1970s which displayed scantily-clad women, which had subsequently been banned. He also referred to recent photographs in the press of the Prime Minister and the First Minister of Scotland showing off their legs and the press making a story out of it which was demeaning to both ladies.

Lisa Markham (outgoing Chair of the Equalities Hub)

- 4.5.10 Lisa Markham stated that due to ill-health she was standing down as Chair of the Equalities Hub. She further stated that during her career she had worked in the area of safeguarding children, with foster parents and had heard many disclosures regarding sexual violence. Ms. Markham said that whilst walking around Festival Square, she had found it to be an unpleasant, underused space but a place where charities and organisations, which supported vulnerable children and adults was situated and in close proximity to Spearmint Rhino. She added that she was a survivor of sexual abuse, which she had encountered on her first day at University and that when students and their families visited Hallam University they were horrified to learn that Spearmint Rhino was in the area. Ms. Markham referred to research that had been carried out which linked the effects of alcohol and the objectification of women.

Antony May

- 4.5.11 Antony May stated that it was 2017 not 1997 and that the “bums and breast” business belonged in the past. He felt as a resident of the city, a place like Spearmint Rhino put a black mark against it. He then referred to the location of the club being situated within the cultural area and felt that it was totally out of context. Mr. May said he had researched the internet and found that only four cities in the country have Spearmint Rhino and asked the question why was Sheffield one of them. He referred to the amount of women who came into the city centre either as residents, students or visitors and believed this type of venue was not needed, and could be moved out to Attercliffe. Mr. May said that Sheffield was supposed to be a City of Sanctuary, a city that takes pride in the welcome it offers to people in need of safety, and needed to consider the safety of its women in the area of the Spearmint Rhino.

Laura Sillars, Site Gallery

- 4.5.12 Laura Sillars stated that during the past seven years the City Council had gained £5m of investment to radically change the area linking Brown Street and Fitzalan Square to become the “Knowledge Gateway” in the city. She added that Site Gallery was part of that programme and was currently undergoing redevelopment and it had taken a long time to raise money to fund the project. Laura Sillars said that the project was a big target with big aspirations which helped 600 young people per year fulfil their potential. She added that the Art Industry would bring in a lot of much needed money into the city but with Spearmint Rhino sitting in the middle of the proposed new Festival Square, it was difficult to attract investment, making the ambitious project difficult to achieve. Laura Sillars finished by saying that what was hoped to be achieved by the redevelopment would inspire young people to have a better life than what was offered by establishments such as Spearmint Rhino.

Emma Sposato

- 4.5.13 Emma Sposato stated that she strongly objected to the extended opening hours of Spearmint Rhino on the grounds of its location close to the Students Union Hub, the Showroom Cinema and its proximity to several vulnerable women’s organisations. She added that the Council had an obligation under the PSED to

fulfil its duty as a local authority. Ms. Sposato then referred to the prestigious Purple Flag status for its evening and night-time economy, raising the standard and broadening the appeal of town and city centres between 5pm and 5am and asked how this could be justified in a city where the exploitation of women for the gratification of mainly male clientele was seen as a viable source of revenue. Ms Sposato quoted articles from the Guardian newspaper regarding a sex worker who had been murdered and that liberal licensing laws fail to protect sex workers from violence and that this was a tragic part of our society.

Laura Penhaligon

- 4.5.14 Laura Penhaligon was objecting as she is a Trustee Director of Sheffield Rape and Sexual Abuse Centre, Leadmill Road. She said that Board meetings were held in the evenings and Board members would feel uncomfortable and unsafe walking near Spearmint Rhino especially after dark. She added that most women attending the Scotia Works, the Students Hub or generally walking alone to get from "A" to "B" would feel the same way.

Andrew Ridge

- 4.5.15 Andrew Ridge, Sheffield Hallam University, reiterated many of the points raised by other objectors regarding the location, arts, students hub, education facilities etc., but also pointed out that Hallam University was investing in the public realm gateway to be known as the Knowledge Hub, developing the Nelson Mandela Building with the aim of making Hallam University world renowned for science and technology.

Zero Option

- 4.5.16 A representative from Zero Option stated that hearings of this nature are very unpleasant and that she felt vulnerable in the presence of the Management and Q.C., acting on behalf of Spearmint Rhino. She added that she had only found out about the hearing two weeks prior to objections having to be submitted and felt that many more people would have objected had they known well in advance. She stated that SEVs are not an essential service. She referred to a number of objections included within the report which stated that women had stopped walking through the area saying that they felt unsafe. With regard to equality, she stated that the Council had to comply with the PSED and that SEVs perpetuate inequality. The representative then referred to quotes from former lap dancers which could be found on message boards. With regard to employment rights for the dancers, she stated that they are self-employed and have to pay to dance at the venue and then rely on tips to make a decent living, and many of the dancers earned less than the minimum wage and were on zero hours contracts. She suggested that the club had an adverse economic impact on other businesses in the area and that potential investors are put off due to its existence. The representative then referred to the Spearmint Rhino banner and felt that it was inappropriate due to the fact of the technological age where young children passing by using tablets could easily access the website and know what the club stood for. She then referred to proposed plans for the development of a block of flats at the former Bernard Works and the impact the SEV might have on future

tenants. Finally, she stated that the Notice of Application had been put in such a position that disabled persons would have been unable to read it.

Martine Taube

- 4.5.17 Martine Taube referred to the statement produced by the Women's Equality Party which was included within the report. She referred to the fact that the Council had emphasised the PSED in its report and she considered this a major change. She said that it was the first time she could be satisfied that the Council have considered PSED and that it was the first time that objectors been taken seriously when discussing equalities. She provided Members of the Sub-Committee with maps and images which appeared on the Spearmint Rhino website and stated that it was essential to respect the rights of the Spearmint Rhino workers, that society shouldn't allow men to police the way women should look and that the city didn't need to have strip clubs to have fun. She welcomed the fact that the objectors would be allowed to remain in the meeting during the deliberations by the applicant's Barrister as this had not been allowed in the past and hoped that the Sub-Committee would listen to what the objectors have had to say this year and come to the positive conclusion and not grant the application. She once again referred to the map she had circulated and stated that Sheffield was the only University City in the world to have its own lap-dancing club, something not to be proud of. She reiterated what many other objectors had said that students attending the University should not have to worry about their safety. As a transgender woman, she said that the area was a no-go area for herself and other LGBT people.

Nikki Bond

- 4.5.18 Nikki Bond stated that she was proud to live within a city which was empowering women and as such there was no place here for SEVs. She referred to the change in the city and in particular the Cultural Industries Quarter and she was campaigning hard for sexual education in schools given that it was estimated that four out of 10 young people would be victims of sexual harassment in their lives.

Anonymous Objector

- 4.5.19 The objector stated that she was a survivor of rape and domestic violence and that SEVs had no place in the 21<sup>st</sup> century. She further stated that unless people lived with domestic violence they didn't know how it affected people's lives. She felt that SEV's trigger men's attitudes towards harming women and women will alter their route through the city centre to avoid the club. She added that women with disabilities were more vulnerable to abuse and didn't feel it acceptable that a SEV could be located where there were so many educational establishment in the area. She referred to one of the other objections that had been put forward whereby one teenager had been put off attending Hallam University due to its close proximity to Spearmint Rhino. Finally she stated that full notice of the application had not been given and that, had appropriate time been given for people to prepare, there would have been a greater number of objections, such objections increasing year after year.

Shelley Roche-Jacques

- 4.5.20 Shelley Roche-Jacques stated that she was a lecturer at Sheffield Hallam University and often attends events in The Hubs and she had become aware at first-hand how uncomfortable students, colleagues and indeed herself, felt at the presence of Spearmint Rhino close by. She said that she had walked the route with a group of students and many had told her how they felt intimidated. She said that she had hosted a Poetry Festival in The Hub, the Showroom and the Workstation in 2015 and said how successful this had been, but many that attended had spoke about personal matters with regard to domestic violence and they had found it embarrassing being so close to the SEV. Although the Festival had been a success, many felt they would be unable to come again. Maybe it was time to relocate away from this area.
- 4.6 Philip Kolvin congratulated the speakers who he considered had spoken eloquently regarding their objections. He stated that he was a Regulatory Lawyer and as such, could not be as passionate as they had been, but would focus on the statutory tests when considering the impact of the premises. He stated that if the Licensing Authority wanted to monitor the premises, Spearmint Rhino would pay the costs to do so. He then provided a brief history of the venue, indicating that it opened as Spearmint Rhino in 2002, originally under the Public Entertainments Licence having formerly been a nightclub, and had traded successfully since that time. The venue employed 53 people, 40 of which are dancers, and there are two security staff on the doors every night. He added that the Manager had been at the premises for 12 years and that there were 10 years left to run on the lease. Mr. Kolvin stated that the club never trades during the day, and that there is no cross-over between the day-time and night-time opening hours. Mr. Kolvin further stated that there were no objections from the police with regard to crime and disorder, nor were there any objections from the Environmental Health Service, the Planning Service, the Safeguarding Children Board or from any residents who live close by. Mr. Kolvin said that each time the licence had been brought before the Sub-Committee, it had been considered appropriate to grant on those occasions and that this year was no different in that there had been no changes since last year, but the same arguments had been used again when objecting to the application.
- 4.7 Philip Kolvin acknowledged that there was space around the venue which could be developed but did not consider that this remained unused due to the Spearmint Rhino premises being there. He felt that Brown Street was generally a very quiet street at night and the gateway to the city centre was up Howard Street, not along Brown Street. He didn't feel that Spearmint Rhino impacted at all on Tudor Square or the Peace Gardens. With regard to allegations of crime in the area, South Yorkshire Police had stated that the presence of Spearmint Rhino does not create anti-social behaviour, nor was there any evidence of sex trafficking. With regard to the patrons using the club, he stated that there was a clear set of rules for them and also for the dancers, where there was no touching and the dancers never offered anything more. He felt that the objections should not be based on moral grounds and as could be seen from the representations from the dancers themselves, they worked there under their own free will. Relating to the premises, Mr. Kolvin stated that the facade on one side was blank and low key at the front,

that any activities taking place inside could not be seen from the outside, there was no queuing, no drinks were allowed outside and no mass exodus when the club closes at 5.00 a.m. He added that some people might feel safer walking along Brown Street late at night due to the presence of door staff at the venue.

- 4.8 In response to questions from Members of the Sub-Committee, with regard to leafleting in the city centre, Philip Kolvin stated that the dancers went into pubs fully dressed, not scantily-clad as had been suggested. He added that the dancers are protected due to the “no touching” rule and any attempts to breach this would result in the customers being asked to leave. The dancers are self-employed and travel around to different venues and its their choice as to how many hours per night or per week they wished to work.
- 4.9 In summing up, Philip Kolvin invited officers to monitor the premises and report back on their findings. He stated that in a developing city like Sheffield he accepted that there would always be objections to SEVs but this venue formed part of the night-time economy, and that there were no changes from last year.
- 4.10 Shelley Marshall outlined the options open to the Sub-Committee in relation to the application.
- 4.11 RESOLVED: That, in accordance with the agreed hearing procedure, the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 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 the application for the renewal, for a period of 12 months, of the Sexual Entertainment Venue Licence, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS, with the additional conditions as follows:-
- (a) that there be no leafleting around the city centre;
  - (b) a quarterly inspection of the premises be carried out by the Licensing Service; and
  - (c) there be no external signage depicting the name of the premises when the venue is closed.

(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 13 April 2017**

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson and Bob Pullin

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Neale Gibson.

**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 CASE**

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

4.2 The applicant in Case No. 31/17 attended the hearing and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
31/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the period of three years as requested and (b) the applicant be informed that if there are any further motoring offences incurred during the term of the licence, the licence will be brought back to the Sub-Committee.

(At this point in the proceedings, the meeting was re-opened to the public and press).

**5. LICENSING ACT 2003 - BLENHEIM REACH, 861-863 ECCLESALL ROAD, SHEFFIELD S11 8TJ**

5.1 The Chief Licensing Officer submitted a report to consider an application made

under Section 17 of the Licensing Act 2003, to grant a Premises Licence in respect of Blenheim Reach, 861-863 Ecclesall Road, Sheffield S11 8TJ.

- 5.2 Present at the meeting were Niall Gordon (Applicant), Charlotte Gibson (Applicant's Solicitor), Tim Shield (Solicitor acting on behalf of some of the objectors), Louise Shield and Mike Reynolds (Objectors), Jon Round (Environmental Health Officer), Sean Gibbons, (Environmental Health Officer), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Professional Officer, Legal Services) and Jennie Skiba (Democratic Services).
- 5.3 Charlotte Gibson, acting on behalf of the applicant, asked that the hearing be adjourned due to the fact that a number of objections that had been received were with regard to noise breakout from the premises. She stated that her clients were currently in negotiation with a specialist company with regard to the installation of a noise attenuation system and she said that when such negotiations had come to a close, she would consult with the Responsible Authorities. Jon Round, Sean Gibbons and Tim Shield agreed to the adjournment. Mr. Shield, in supporting the adjournment requested that the acoustic report, before it is finalised with the Responsible Authorities, be shared with himself and all the objectors in good time so that full consideration can be given to the proposal by all concerned. The applicant agreed to this request.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 18 April 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge 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 Councillor Andy Bainbridge declared an interest in item 6 on the agenda – Licensing Act 2003: Ramos (Takeaway), 6 Church Street, Sheffield S35 9WE – (item 5 of these minutes) as he was a Local Ward Councillor for the area. In view of the fact that one of the objectors to the application was a fellow Ward Councillor, Councillor Bainbridge stated that he would not participate in the consideration of the application.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - TINSLEY GREEN SCHOOL**

4.1 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 to trade at Tinsley Green School.

4.2 Present at the meeting were Peter Devoti (Applicant), Zoe Devoti (Applicant's wife) Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Professional Officer) 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 an objection to the application had been received from Tinsley Green School and was attached at Appendix "B" to the report. Tinsley Green School had been invited, but had not sent a representative to attend the hearing.

4.5 Peter Devoti stated that he had traded in the Tinsley area for 40 years and had always parked his vehicles safely, he had never received a parking ticket and that the only complaint he had received had been two or three years ago from a former

Headteacher at Tinsley School. He added that he had always parked considerately and would never put the life of anyone at risk and that there was never an issue of children being put at risk by standing in the road. Mrs. Devoti added that her husband would park the ice cream van outside the school at 2.30 p.m. and would not leave until the school had cleared. She added that all the company's vehicles complied with all health and safety regulations.

- 4.6 In response to questions from Members of the Sub-Committee, Zoe Devoti stated that she had tried to make contact with the Headteacher at the School, which was a new-build school and had opened in September, 2016, but unfortunately had had no response. She added that the infant and junior schools had merged and had re-opened last September and was situate within Tinsley Park, making it further away from the road.
- 4.7 Clive Stephenson reported on the options open to the Sub-Committee.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted and the representations now made, the application for a Static Street Trading Consent at Tinsley School off Norborough Road, Sheffield (Case. No.45/17), be granted.

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

**5. LICENSING ACT 2003 - RAMOS (TAKEAWAY), 6 CHURCH STREET, SHEFFIELD S35 9WE**

- 5.1 The Sub-Committee's attention was drawn to the fact that due to Councillor Andy Bainbridge having declared an interest in this item of business and deciding not to participate in the consideration of the application, the meeting was inquorate. This was explained to the applicant who was informed that a new hearing date would be set and he would be notified of this as soon as possible.

**6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - HOT FOOD & DRINK - FARGATE**

- 6.1 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 to trade at Fargate, Sheffield (Case No.47/17).

- 6.2 Present at the meeting were Hristo Hristov and Zima Simeonova (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Professional Officer) and Jennie Skiba (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 6.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that an objection to the application had been received from the Manager of a local business and was attached at Appendix "B" to the report. The Manager had been invited but did not attend the hearing.
- 6.5 Zima Simeonova stated that she and her husband already traded on Tudor Square and wanted to transfer to Fargate as they felt that they would attract more customers. She added that the food they served was traditional Balkan food and that they would not take away any custom from the objector's business. Mrs. Simeonova also stated that due to operating from Tudor Square, when any festivals or events were held in the city centre, they were not allowed to trade, meaning that although they paid an annual fee, they could not trade every week.
- 6.6 In response to questions from Members of the Sub-Committee, Ms. Simeonova stated that they have received favourable comments from regular clientele built up whilst trading at Tudor Square and would be able to establish their business more by bringing something different to Fargate on the site where the Hot Sausage Company used to be.
- 6.7 Clive Stephenson reported on the options open to the Sub-Committee.
- 6.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.11 RESOLVED: That, following consideration of the information contained in the report now submitted and the representations now made, the application for a Static Street Trading Consent in Fargate, Sheffield (Case. No.47/17), be granted.

(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 April 2017

**PRESENT:** Councillors Alan Law (Chair), Kieran Harpham and George Lindars-Hammond

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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 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 7 of Schedule 12A to the Local Government Act 1972, as amended.

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Case No.49/17).

4.2 Present at the meeting were John Maher (Trading Standards, Applicant), Neal Bates (Trading Standards), Julie Hague (Sheffield Safeguarding Children Board), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services). The Premises Licence Holder had been invited to attend but was not present.

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 the Sheffield Safeguarding Children Board and South Yorkshire Police, and were attached at Appendix 'B' to the report. South Yorkshire Police had been invited to attend but was not present.

4.5 John Maher reported on the grounds, and circulated additional information, as to why the application had been made by Trading Standards, referring to the receipt of information regarding the storage and sale of smuggled and counterfeit tobacco products at the premises.

- 4.6 Julie Hague made representations on behalf of the Sheffield Safeguarding Children Board.
- 4.7 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the premises licence be revoked (Case No.49/17).

(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 25 April 2017**

**PRESENT:** Councillors Andy Bainbridge and Bob Pullin and Andy Bainbridge

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**1. APPOINTMENT OF CHAIR**

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

**2. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**3. 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.

**4. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**5. 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. 50/17 attended the meeting, and addressed the Sub-Committee.

4.3 The applicant in Case No. 51/17 attended the meeting 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>
50/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the offences and convictions now reported, the licence holder be issued with a written warning, regarding his future conduct, to remain live for the term of his current licence.

51/17

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

In the light of the information now reported, and the responses to the questions raised, the Sub-Committee agrees that the applicant is a fit and proper person, and therefore grants a licence for the term requested.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 27 April 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Anne Murphy

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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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STATIC STREET TRADING CONSENT**

4.1 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 for a site on Livesey Street (Ref No. 52/17).

4.2 Present at the meeting were Katie Birks (Applicant), Danielle Cockburn (Applicant's friend), 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 an objection to the application had been received from Estates and Services, Sheffield College, and was attached at Appendix 'B' to the report. The Senior Administrator, Estates and Services, Sheffield College, had been invited to the meeting, but was not present.

4.5 Katie Birks stated that she did not consider that the objections from The Sheffield College were reasonable on the basis that, regarding the issue of litter, there were a number of restaurants and takeaways in close proximity to the trading site, and she believed that the majority of litter in the area was generated by such establishments. In terms of the issues regarding safety and safeguarding of the College pupils, Ms Birks considered that it was safer for the pupils to purchase food from her, as opposed to having to cross a busy main road to reach the other establishments.

- 4.6 In response to questions from Members of the Sub-Committee and Clive Stephenson, Ms Birks stated that, although she could not confirm for sure, she did not think there were any restrictions in terms of pupils leaving the College to purchase food or for any other reason on the basis that they were old enough to do so. Ms Birks confirmed there were a number of waste bins in the area, including a Council bin at the side of her trailer, two outside Hillsborough Fencing and two outside the College building. Ms Birks had just purchased the trailer from the previous occupant, and had received confirmation from Licensing Officers that the Service had not received any objections in connection with the previous owner trading at this site. This was the first time Ms Birks had run a business of this nature, and she confirmed that she would be willing, if necessary, to mark the bags she provided with a logo, if there were complaints of litter resulting from the operation of her business. Ms Birks believed the previous consent-holder traded from this site from March to November 2016, and that there had been no problems or complaints received in connection with such operation. She planned to trade from 07:00 hours to 14:30 hours, seven days a week.
- 4.7 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.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent on Livesey Street be granted (Ref No. 52/17).

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

## **5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STATIC STREET TRADING CONSENT**

- 5.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a Static Street Trading Consent in the Peace Gardens, Sheffield 1 (Ref No. 53/17).
- 5.2 Present at the meeting were Inglana Saqladi (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

- 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 the application had been referred to the Sub-Committee on the basis that it fell outside the Council's City Centre Qualitative Criteria (City Centre Street Trading – Small Trading Stalls). In response to a question from a member of the Sub-Committee, Mr Stephenson confirmed that details of the application had been referred to the relevant responsible authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and who had not submitted any representations.
- 5.5 Inglana Saqladi stated that the reason for the application to vary the Static Street Trading Consent was due to her partner having to recover from a medical condition, resulting in him not being able to undertake any physical work, which meant he was not able to lift and fix the existing mobile trailer onto the car, to drive it on and off the site. They had recently purchased a new motorised ice cream van, which Ms Saqladi would be able to drive on and off the site. Ms Saqladi stated that permission for use of the new vehicle would only be for a short period, up to the time when her partner had recovered from his illness.
- 5.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Ms Saqladi stated that the proposed trading times were from 11:00 hours to 17:30 hours, seven days a week. She stated that although there would be a requirement for the vehicle's engine to be running during trading, due to the vehicle's high specification, emissions would be kept to a minimum. Clive Stephenson confirmed that the vehicle would have to pass an MOT, which would include an emissions test. Ms Saqladi stated that they had been allowed to trade, using motorised vehicles, when special events had been held in the City Centre. She concluded by confirming that her partner's medical condition had been diagnosed on 21<sup>st</sup> March 2017, and that he had an appointment at hospital, for a MRI scan, around the middle of July 2017.
- 5.7 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.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made;
- (a) the application to vary the Static Street Trading Consent at a location in the Peace Gardens, Sheffield 1, be granted for a period of eight weeks (Ref No.

53/17); and

- (b) on receipt of confirmation of the applicant's medical condition, delegated authority be granted to the Chief Licensing Officer, in consultation with the Chair of the Sub-Committee, to extend the period of consent, if required, under the new conditions, for a further maximum period of eight weeks, subject to no objections being received from any of the responsible authorities.

(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 2 May 2017**

**PRESENT:** Councillors David Barker (Chair), George Lindars-Hammond and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Bob Pullin.

**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. 54/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 55/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 56/17 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>
54/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of two years as requested, but the applicant be given a written warning as to his future conduct.
55/17	Application for a	Grant the licence for the term of 12

	new Hackney Carriage and Private Hire Driver's Licence	months as requested.
56/17	Review of a Hackney Carriage and Private Hire Driver's Licence	No action be taken in relation to the licence.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 4 May 2017**

**PRESENT:** Councillors Alan Law (Chair), Jack Clarkson and Josie Paszek

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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 - RAMOS, 6 CHURCH STREET, SHEFFIELD S35 9WE**

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 Ramos, 6 Church Street, Sheffield, S35 9WE.

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

4.3 Clive Stephenson presented the report to the Sub-Committee, and it was noted that seven public objections and one Councillor objection had been received, and were attached at Appendix 'C' to the report. The applicant and all the objectors had been invited to the meeting, but none were present.

4.4 In response to questions from members of the Sub-Committee, it was stated that the applicant had owned the premises for some time, but now wanted to sell late night refreshments up until 02:00 hours, seven days a week, and until 03:00 hours on Bank Holidays, Christmas Eve and New Year's Eve. The nature of the business would comprise both takeaway and delivery services, and it was confirmed that, as shown on the plans included in the report, there would be no seating inside the premises. With reference to the complaints regarding noise nuisance caused by the extractor fan and the smells created by cooking on the premises, it was stated that officers from Environmental Health had visited and inspected the premises, as part of the application, and had raised no specific concerns in this regard. In terms of litter, it was stated that whilst there was no prescriptive distance in terms of the applicant's responsibilities for clearing up litter from around the premises, the Sub-Committee had the powers to implement conditions in connection with this. The applicant had extended the hours in terms of the provision of late night

refreshment, using Temporary Event Notices, in the past, and there had been no objections from the police, or concerns raised in connection with this.

- 4.5 RESOLVED: That the meeting be closed to the public and press and attendees involved in the application 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.
- 4.6 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.7 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.8 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Ramos, 6 Church Street, Sheffield, S35 9WE, in the terms requested and subject to the addition of the following condition:-

The applicant be requested to clear up any litter within a 100 yard radius of the premises, at the end of each trading day.

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

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 11 May 2017**

**PRESENT:** Councillors David Barker (Chair), Adam Hurst and Andy Bainbridge

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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 - ABBEYDALE PICTURE HOUSE, 385 ABBEYDALE ROAD, SHEFFIELD, S7 1FS**

4.1 The Chief Licensing Officer submitted a report to consider an objection to an application for a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, in respect of an event at Abbeydale Picture House, 385 Abbeydale Road, Sheffield, S7 1FS (Ref. No. 59/17).

4.2 Present at the meeting were Sean Gibbons (Environmental Health Service, 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 a notice of objection to the Temporary Event Notice (TEN) had been submitted by the Environmental Health Service on 4<sup>th</sup> May 2017, and was attached at Appendix 'B' to the report. The applicant had been invited to attend the meeting, but was not present.

4.5 Sean Gibbons stated that the Environmental Health Service had objected to the application on the grounds of public safety, specifically with regard to the proposed capacity of 250, the access/egress with respect to the steps in and out of the premises and a lack of toilet facilities for female customers. Mr Gibbons stated that he had tried to contact the applicant, who had held a similar event at the venue using a TEN, as he wanted to discuss a number of concerns with him, regarding the event, but had received no response. The application for the TEN had been received on 28<sup>th</sup> April 2017, and Mr Gibbons visited the venue with the

aim of speaking to the applicant, but he had gone abroad, therefore he had to discuss his concerns with a third party, who was involved in the organisation of the event. Due to a lack of assurances received, the Environmental Health Service had been forced to submit an objection to the TEN. Mr Gibbons elaborated on his concerns, emphasising the potential problems with regard to the proposed capacity, highlighting the fact that there was only one access/egress, and which would involve people attending the event having to pass through a 'pinch point' and navigate a set of steep, temporary steps. He also referred to his concerns regarding the toilet facilities, indicating that the plans for both male and female customers to use the male toilets raised issues regarding privacy, security and safety in the light of the steep staircase.

- 4.6 In response to questions from Members of the Sub-Committee and Clive Stephenson, Mr Gibbons stated that the applicant had acknowledged his concerns, and had agreed to look at possible alternative options, mainly regarding an additional means of escape in the event of a fire. He confirmed that the applicant had held similar events at the venue, with a similar capacity, and at which there had been no complaints. Mr Gibbons stated that, for various reasons, the Service had not been in a position to object to previous, similar events at the venue, but had made it clear to the applicant that it had serious concerns with regard to public safety should similar events be held in the future.
- 4.7 RESOLVED: That the meeting be closed to the public and press and attendees involved in the hearing 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.
- 4.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the case.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, in the light of the objection now made to the Temporary Event Notice (Ref. No. 59/17), the event organiser be issued with a counter notice on the basis that the Sub-Committee considers it necessary for the promotion of the licensing objectives.

**SHEFFIELD CITY COUNCIL**

**Licensing Committee**

**Meeting held 17 May 2017**

**PRESENT:** Councillors Andy Bainbridge, Lisa Banes, David Barker, Jack Clarkson, Dawn Dale, Neale Gibson, Kieran Harpham, Adam Hurst, George Lindars-Hammond, Andy Nash, Josie Paszek, Mick Rooney, Gail Smith and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

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

**2. APPOINTMENT OF THE JOINT CHAIRS**

2.1 RESOLVED: That Councillors David Barker and Josie Paszek be appointed as Joint Chairs of the Committee.

**3. DATES AND TIMES OF MEETINGS**

3.1 RESOLVED: That meetings of the Committee be held on Tuesdays and Thursdays weekly at 10.00am, and as and when required.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 18 May 2017

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Cliff Woodcraft

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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 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. LICENSING ACT 2003 - APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Premises Licence made under Section 17 of the Licensing Act 2003 (Ref. No. 57/17).
- 4.2 Present at the meeting were Nick Semper and June Clarke (JMC Licensing Consultants, for the Applicants), the Applicants, Landlord of the premises, member of staff at the premises, Neil Bates and David Palmer (Trading Standards), Sean Gibbons (Environmental Health Service), John O'Malley (South Yorkshire Police), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from South Yorkshire Police, the Council's Trading Standards and Environmental Health Services, and were attached at Appendix 'B' to the report.
- 4.5 David Palmer stated that the premises had been used for the sale and storage of illicit tobacco products and to a lesser extent, illicit alcohol, for over six years, with Trading Standards Officers having found, or test purchased, the illicit products at

the premises on eight occasions over that period. On another occasion, a large stock of illicit products had been discovered in a first floor flat at an adjacent premise, and strong evidence was found to link the flat to the licensed premises. Also, during the same period, five individuals had been convicted for offences relating to the supply or storage of illicit goods. The Premises Licence Holder and Designated Premises Supervisor had changed on numerous occasions during the same period. Mr Palmer stated that a licence review application had been submitted on 7<sup>th</sup> March 2017, which detailed the facts of many of the representations referred to, and he referred to the grounds for making such an application. Since the representations made by Trading Standards, a certain level of engagement had been made with the applicants, details of which were included in the report, and, although this information showed that some responses to questions raised had been provided, the general view of Trading Standards Officers was that the applicants, and other staff at the premises, were being evasive in terms of their responses. In the light of the past history in terms of the premises, and the nature of the response to the concerns and questions raised, Trading Standards Officers were still concerned there still remained a risk that illicit tobacco and alcohol would continue to be sold at the premises. Mr Palmer also responded to a number of questions raised by Members of the Sub-Committee, Marie-Claire Frankie and Nick Semper.

- 4.6 John O'Malley stated that the Police's objections were based on the prevention of crime and disorder. He stated that the police had similar concerns to Trading Standards, in that, based on the past history of the premises, there was no guarantee that the sale of illicit tobacco and alcohol would not continue to be made at the premises. Mr O'Malley did confirm, however, that, following background checks on the applicants, there was nothing at this stage to suggest that the sale of illicit tobacco and alcohol would continue at the premises.
- 4.7 Sean Gibbons stated that the Environmental Health Service had objected to the application on the grounds of public safety in that, at the time of making the objection, works at the premises, as requested by the Service, had yet to be completed. Mr Gibbons stated that he had met the applicant to discuss and explain the works required but, whilst some work had taken place, it had not been completed to the Service's satisfaction. Mr Gibbons also responded to a number of questions raised by Members of the Sub-Committee, Marie-Claire Frankie and the applicant's representatives.
- 4.8 Nick Semper put forward the applicant's case, focusing on the Council's Licensing Policy and legal aspects of the application. Mr Semper stressed that this was an application for a Premises Licence, and not a review, therefore, in the light of the fact that there was no evidence in terms of the applicant selling illicit goods, a decision of the Sub-Committee to not grant the application would be outside the scope of the Council's Licensing Policy. Mr Semper then referred to issues with regard to surveillance of the premises, by Trading Standards Officers, which, in his opinion, had not been necessary, proportionate and had not had the relevant authorisation.
- 4.9 June Clarke referred to the evidence which had been circulated to Members prior to the meeting, and which contained information provided by co-workers,

associates, landlords, solicitors, utility companies and the City Council, all of which supported the applicant's position that he was the proprietor of the premises, and did not deal in illicit tobacco and alcohol. Mrs Clarke also referred to a new, hi-tech CCTV system, which had recently been installed at the premises, and to various information and books used in association with staff training and Challenge 25. As part of her representations, Mrs Clarke introduced the landlord, who spoke on the applicant's behalf, as well as to a statement made by one of the employees of the shop.

- 4.10 Nick Semper and June Clarke responded to a number of questions raised by Members of the Sub-Committee, Marie-Claire Frankie and the objectors.
- 4.11 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of 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 in the light of the contents of the report now submitted, together with the additional information circulated and the representations now made, including the responses provided to the questions raised, the application for a Premises Licence in respect of the premises now mentioned, be granted, subject to the additional conditions now agreed, which will be set out in the Notice of Determination (Ref. No. 57/17).

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

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 23 May 2017

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge 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 **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 - WAINGATE EXPRESS, 36 WAINGATE, SHEFFIELD, S3 8LB**

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 Waingate Express, 36 Waingate, Sheffield, S3 8LB.

4.2 Present at the meeting were Patrick Robson (John Gaunt and Partners, Solicitors for the Applicant), Aron Nefetalam (Applicant), Valerie Bayliss (Chair, Friends of the Old Town Hall, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that representations had been received from a member of the public.

4.5 Valerie Bayliss stated that she was objecting to the application on behalf of the Friends of the Old Town Hall (FOTH), a community organisation established to secure the restoration and re-use of the building. The grounds for the refusal were to support the licensing objectives by containing or reducing risks to public safety, removing the scope for increased crime and disorder, and reducing the scope for public nuisance. Mrs Bayliss stated that the Waingate area was currently run-down, and was frequented by street drinkers, who were often

involved in anti-social behaviour and caused problems for the public passing through the area, and it was considered that having another outlet selling alcohol would add to the problems. There were already six licensed premises within a 200 yard radius of 36 Waingate, and it was believed that such premises were already servicing the demand in terms of alcohol sales in this area. Mrs Bayliss made specific reference to the long opening hours, resulting in people being able to have access to alcohol for a longer period, and she indicated that FOTH representatives often witnessed people drunk in the mornings, in the area. Reference was made to particular problems in terms of people waiting at the bus stops being harrassed by street drinkers, which had resulted in some people being forced to stop using these bus stops at night.

- 4.6 In response to questions from Members of the Sub-Committee and the applicant's representative, Mrs Bayliss confirmed that the FOTH were requesting that the application be refused, and not requesting a reduction in the opening hours and that, in relation to the Old Town Hall building, she stated that FOTH had established a charity, and sought to acquire the building as a community asset.
- 4.7 Patrick Robson stated that the premises would comprise a convenience store/off licence, selling wines and spirits, as well as food, newspapers, confectionary and coffee. The planned opening hours were 07:00 to 23:45 hours, Monday to Saturday, and 09:00 to 23:45 hours on Sundays. Mr Nefetalam had completed the application himself, without any advice or guidance, which had included steps he intended to take to promote the four licensing objectives and which included, amongst other things, the installation of a new, state of the art CCTV system, the implementation of strong management controls and effective training of staff, and the implementation of Challenge 25. Mr Robson circulated a list of additional conditions, which the applicant had indicated that he was happy to add to the Operating Schedule. In terms of the layout of the premises, it was planned that wines and spirits would be kept behind the counter, and the rest of the alcohol would be in the sight line of staff behind the counter. There were also plans for a silent alarm, if there were any problems in terms of public safety or crime and disorder, which would be linked to the police. Mr Robson made the point that no representations had been received from the responsible authorities, which indicated that they had no particular concerns in terms of the application, referring specifically to the police in terms of crime and disorder. He also stressed that as the premises were not yet open, it was not possible to link any existing problems with regard to public safety and crime and disorder in the area to the premises. In terms of the representations now made, it was stated that there was no propriety interest at the present time in respect of the Old Town Hall building. There was a small residential population in the surrounding area, and it was believed that the opening of the store would assist in the regeneration of the area. There had also not been any objections to the application from any other businesses in the surrounding area.
- 4.8 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Clive Stephenson and Valerie Bayliss, Mr Robson stated that Mr Nefetalam and his staff would refuse to serve any customers who appeared drunk or under the influence of drugs. In terms of litter, it was planned that staff would clear up any litter within the immediate vicinity of the premises, and provide a bin

at the entrance to the store. Whilst Mr Nefetalam intended to work in the shop for the majority of the time, he also planned to employ two to three additional staff to cover those periods when he was not present. One or two staff members would be trained in downloading images from the CCTV system. In terms of previous employment, Mr Nefetalam had run a family-owned shop in Africa, and had worked as a taxi driver when he came to England, during which time, he gained experience in dealing with customers, and had not experienced any problems. It was proposed that alcohol would comprise approximately 10%-20% of his sales, and that the applicant had always intended on selling alcohol in order to maximise business profits. It was believed that, in the light of the planned measures to be undertaken as part of the promotion of the licensing objectives, as well as the additional conditions now offered by the applicant, this would help to address any potential negative impact.

- 4.9 Patrick Robson summarised the case on behalf of the applicant.
- 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 the Sub-Committee agrees to grant a Premises Licence in respect of Waingate Express, 36 Waingate, Sheffield, S3 8LB, in the terms requested and subject to the addition of:-
- (a) the extra conditions offered, and circulated by the applicant's representative; and
  - (b) the additional condition as follows:-

A litter bin will be provided at the entrance to the store.

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

## **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 licence holder in Case No. 61/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.3 The applicant in Case No. 62/17 attended the hearing with a representative and they both 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>
61/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the information contained in the report now submitted, and the responses to the questions raised, the licence be revoked, with immediate effect, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006.
62/17	Application for a 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 to hold a licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 30 May 2017**

**PRESENT:** Councillors David Barker (Chair), Josie Paszek and Andy Bainbridge

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Kieran Harpham attended the meeting as a 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 - TERMINUS TAVERN, 150A MAIN ROAD, DARNALL, SHEFFIELD, S9 5HQ**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 53 of the Licensing Act 2003, for a summary review of the Premises Licence in respect of the premises known as Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ.

4.2 Present at the meeting were Patrick Robson (John Gaunt & Partners, Solicitors for the Premises), Tansy Bagshaw (Premises Licence Holder, Terminus Tavern), Kelly Stubbs (Staff Member, Terminus Tavern), John O'Malley (South Yorkshire Police, Applicants), James Ketteringham (South Yorkshire Police Legal Services), 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, referring specifically to the application made by South Yorkshire Police, for a summary review of the Premises Licence, which had initially been considered by the Sub-Committee, at an informal meeting held on 4<sup>th</sup> May 2017, and to the meeting of the Sub-Committee held on 9<sup>th</sup> May 2017, to consider representations by the Premises Licence Holder against the interim steps imposed by the Sub-Committee on 4<sup>th</sup> May.

4.5 James Ketteringham, on behalf of South Yorkshire Police, referred to the witness statement of Cheryl Topham, which set out details of a number of incidents of

crime and disorder at the premises, and focusing specifically on the most recent incident, on 30<sup>th</sup> April 2017, where two people had been seriously assaulted, one inside the premises and one just outside. Mr Ketteringham stated that, in the light of the number, and nature of, the incidents at the premises, which he believed had been mainly as a result of poor management, there were likely to be further incidents in the future. Focusing on the incident on 30<sup>th</sup> April 2017, Mr Ketteringham stated that the poor management procedures, both during and after the incident, included the lack of adequate security, the lack of calls to the emergency services, the reliance on customers to administer first aid at the scene and the lack of ability to download images from the CCTV system. In addition to this, on 1<sup>st</sup> May 2017, when police officers visited the premises, there were no management staff present, and the staff member present was not able to operate the CCTV system. Mr Ketteringham stated that, in the light of the record of incidents of crime and disorder at the premises, and the likelihood of further incidents occurring in the future, he did not believe that adding further conditions to the Premises Licence would stop the risk of further serious incidents occurring at the premises in the future.

- 4.6 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Mr Ketteringham stated that the risk in terms of potential serious incidents occurring at the premises in the future had been evaluated by the police, based on the information set out in Cheryl Topham's witness statement. It was very difficult to determine whether such incidents had occurred due to the nature of the area or the management of the premises, particularly in the light of the fact that on the night of the serious incident on 30<sup>th</sup> April 2017, customers in the pub had come from a number of different areas in the City. Mr Ketteringham stated that, if security at the premises was improved, particularly with regard to the use of registered door supervisors, and if there were suitable management measures in place, there was no reason why a community pub, such as the Terminus Tavern, could not safely operate in this area. However, the police were of the opinion that there were likely to be similar problems in the future if the present management remained at the premises. In terms of ongoing communication, it was stated that it had been made clear to the management of the premises that police staff were available to offer advice in terms of ongoing security issues, and that the local policing team was monitoring the premises. Mr Ketteringham stated that he was not aware as to whether the police had met Darroll Palmer, the Designated Premises Supervisor (DPS) at the premises, and referred to the efforts made in terms of contact in this regard, in Cheryl Topham's witness statement.
- 4.7 Patrick Robson referred to the legal position in terms of the Sub-Committee's decision in connection with the application, stating that any proposed measures needed to be appropriate and necessary in terms of the promotion of the licensing objectives. He stated that the Terminus Tavern was the last community pub of its kind in Darnall, and that there were a number of flats above the pub, which were let out by the landlord of the premises. There were presently seven staff working at the premises, and the current Premises Licence Holder (PLH), Tansy Bagshaw, regularly organised charity and other fund-raising events at the pub, as well as there being pool and football teams operating from the premises. The pub was a popular meeting place for friends and families, and although there were other licensed premises in the area, this was the last community pub of its kind. Mr

Robson made reference to the information and evidence circulated prior to the meeting, specifically the letters and petitions supporting the continued operation of the pub. In terms of the number of incidents at the pub, as detailed in Cheryl Topham's witness statement, he pointed out that there had been three in 2015, three in 2016 and two, to date, in 2017 which, contradictory to comments made by Ms Topham, did not represent an increase over the last few years. Mr Robson also referred to an application to review the Premises Licence of another pub in the City, the Three Feathers, indicating that, in the same period, there had been eleven serious incidents, and that the Sub-Committee had not been minded to revoke that Licence. Reference was made to the last review of the premises, by the Sub-Committee, in November 2014, following which the Sub-Committee determined that no under 18s be allowed on the premises, and which condition had been fully adhered to by the PLH. Mr Robson also referred to comments made during that hearing, where a police licensing officer stated that the number of serious incidents at the premises was not uncommon for a pub of this type.

4.8 Mr Robson referred to each of the incidents as detailed in Ms Topham's witness statement, and which required police to attend the premises, which occurred on 23<sup>rd</sup> December and 31<sup>st</sup> December 2014, 24<sup>th</sup> January, 25<sup>th</sup> May and 31<sup>st</sup> October 2015, 27<sup>th</sup> January, 23<sup>rd</sup> and 24<sup>th</sup> April 2016, and 22<sup>nd</sup> and 30<sup>th</sup> April 2017. He stated that, despite police intervention, there was very little evidence, as shown on the police's ProCad records, of any serious crime or disorder which had occurred inside the premises and/or was the fault of the management of the premises. Many of the incidents had occurred outside, or near the premises, and that on most occasions, the management took action, where possible, to deal with the issues and/or prevent further trouble. In terms of the incident on 30<sup>th</sup> April 2017, where two people were seriously assaulted, Mr Robson believed that no action by the management could have prevented the assaults from occurring, and provided proof to show that it was a member of staff who rang the emergency services that night. He stressed that the staff on duty assisted the people who had been assaulted, with a number of customers, one a qualified nurse, also assisting without being requested. Both the assailants in terms of the assaults were not customers, and were not known to staff at the pub. It was also believed that the assaults were connected to an ongoing family feud, thereby outside the control of the management, and which could have occurred anywhere. Mr Robson stressed that the premises management had not caused, escalated or contributed to the assaults on this day and, due to the nature and location of the incidents, it was very unlikely that having door staff on duty at the time would have stopped the assaults. Mr Robson concluded by referring to the list of suggested, additional/amended conditions, which the PLH was willing to have added to the Premises Licence.

4.9 In response to questions from Members of the Sub-Committee and James Ketteringham, it was stated that, with regard to one of the more serious incidents at the premises, on 22<sup>nd</sup> April 2017, despite there being evidence of a fight, the police officers who attended were not able to find any evidence of any weapons used, nor gain any further information as no-one appeared to want to talk to them about the incident. In terms of the serious incident on 30<sup>th</sup> April 2017, Mr Robson stated that the management would not have been able to stop either assault, and that how they reacted after the incidents was the most important factor. Consideration would be given to hiring door supervisors for other special events held at the pub,

other than pre-booked events. In terms of the management of the premises, Tansey Bagshaw was the PLH and who, due to the Designated Premises Supervisor (DPS) not being on the premises as much as he would like to, was generally in charge. Ms Bagshaw was assisted in the day to day running of the pub by her business partner, Kelly Stubbs. The majority of customers visited the pub during the day, or early evening, and Ms Bagshaw would often close early if there was not many people in. Private parties were held at the pub every now and then, but Ms Bagshaw had decided not to hold 18<sup>th</sup> or 21<sup>st</sup> birthday parties as it created too many problems for staff in terms of checking young peoples' ID, as well as there being an increased likelihood of alcohol-related issues. Mr Robson stated that the management followed the Violent Incident Protocol on those occasions where there had been such incidents, and staff would always consider customer safety important and would always preserve any crime scenes if required. There was no set procedure in terms of staff training, with most training being done internally, on an as and when required basis. Ms Bagshaw had been the PLH at the premises since November 2013, and her and Ms Stubbs described the approximate size of the premises, based on the size of the Committee Room hosting this meeting. Ms Bagshaw confirmed that the premises operated as a community pub, mainly comprising regular customers, that it was the last pub of its kind in the Darnall area and that management always paid special attention to people who came into the pub that they did not know. Ms Bagshaw stated that she was previously a Personal Licence Holder, but this Licence had been revoked by the Magistrates' Court, following issues connected with underage sales. Following a number of questions relating specifically to the reported incidents at the premises, Ms Bagshaw stated that, in respect of the incident on 23<sup>rd</sup> December 2014, where a customer had called the police, reporting around 30/40 people fighting outside the premises, police officers had arrived at the premises, but had not witnessed any fighting, and that she had informed the police that there had been a scuffle, started by an unknown male, who left the premises. No persons had been banned from the pub following the incident on 31<sup>st</sup> December 2014, during which four men tried to gain entry to the pub after having been refused. Ms Bagshaw also confirmed that on that night, there were no door supervisors in attendance as staff considered themselves capable of dealing with any problems themselves. On 25<sup>th</sup> May 2015, one of the men hurt following two assaults had sought shelter in the pub, and had been assisted by staff and customers, with the other man who was assaulted not requiring any help. Ms Bagshaw confirmed that a man had thrown a bar stool at a staff member in the pub on 27<sup>th</sup> January 2016, and that this man had been barred from the premises following a previous, similar incident. All the staff at the pub were aware of those customers who had been barred. With regard to the incident on 23<sup>rd</sup> April 2016, Ms Bagshaw stated that she was not aware of what had happened until the morning after, and confirmed there was no security on duty on that occasion. With regard to the incident on 22<sup>nd</sup> April 2016, Ms Bagshaw confirmed that there was no security on the premises that night, and that some people were banned from the pub following the incident. She stated that there was a possibility that having security present on this night could have helped stop, or stop the incident escalating. In terms of the statement made by Ms Bagshaw following the serious incident on 30<sup>th</sup> April 2017, Ms Bagshaw stated that, despite stating so in her statement, she could not recall asking a customer to call for an ambulance, and that staff handed cloths and towels to the customer who was assisting one of the men assaulted, and not a first aid kit, simply

because this was what she had asked for. At least two members of staff had received first aid training, and Ms Bagshaw confirmed that they did not rely on customers to administer first aid and that, in this instance, the customer offered to help in her capacity as a nurse. It was accepted that the staff member on duty the day after the incident did not know how to download the CCTV images. Ms Bagshaw stated that there had only been one occasion that she could recall where a customer had tried to gain entry to the pub after having been barred, therefore she believed that action taken by management to bar customers was successful. Ms Bagshaw accepted the fact that as a result of the incidents at the premises, having security staff would help to either stop any further incidents or stop any incidents escalating to a serious nature. She stated, however, that if there had been security staff at the premises in the past, when the incidents had occurred, such staff would not necessarily have prevented the incidents from occurring. It was stated that when police officers visited the premises on 1<sup>st</sup> May 2017, Ms Bagshaw was not present, but that officers were assisted by Ms Gaynor, who was not a Personal Licence Holder, and it was accepted that she was not able to access the CCTV on the basis that she had only started working there recently.

- 4.10 James Ketteringham and Patrick Robson summarised their cases.
- 4.11 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.12 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.
- 4.13 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, in the light of the information contained in the report now submitted and the information now circulated, and the representations now made, the Sub-Committee agrees to:-
- (a) lift the interim steps imposed at its informal meeting held on 4<sup>th</sup> May 2017, in respect of the premises known as Terminus Tavern, 150a Main Road, Darnall, Sheffield, S9 5HQ; and
  - (b) modify the conditions of the Premises Licence, by:-
    - (i) the replacement of Annexe 3, Condition 5, with the following:-

A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 28 days. Police will be given access to, and copies of, images for

purposes in connection with the prevention of crime and disorder as long as such request is compliant with the principles of the Data Protection Act 1998.

Members of staff at the premises will be trained to be able to provide viewable copies of CCTV images. A minimum of one staff member will be on duty during opening hours that can operate the system, and provide viewable copies of CCTV images; and

(ii) the addition of the following conditions:-

- (1) An SIA door supervisor will be deployed from the commencement of booked events, to remain for the duration of the event. They should wear their SIA badges at all times, and a record of door staff should be kept on the premises at all times. A written risk assessment will be undertaken for all pub-planned special events, and a decision on security staff will be made following this. The risk assessments will be kept on the premises at all times, and made available for inspection by officers;
- (2) On Friday and Saturday nights and Bank Holiday Sundays, no new customers shall be permitted entry after 22:00 hours; and
- (3) The Premises Licence Holder, Designated Premises Supervisor or other Personal Licence Holder will be present from 20:00 hours on any day, and from the commencement of all booked and pub-planned special events.

(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 1 June 2017**

**PRESENT:** Councillors Josie Paszek (Chair), George Lindars-Hammond and Gail Smith

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Jack Clarkson 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 - PAGE HALL OFF LICENCE, 81-83 PAGE HALL ROAD, SHEFFIELD S4 8GU**

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 Page Hall Off Licence, 81-83 Page Hall Road, Sheffield S4 8GU (Ref No.63/17).

4.2 Present at the meeting were Shokat Ali (Applicant), Paul Henocq (Solicitor for the Applicant), John Maher (Trading Standards), Alicia Marsden (South Yorkshire Police), Cheryl Topham (South Yorkshire Police), 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 objections had been received from Trading Standards and South Yorkshire Police and were attached at Appendix "C" to the report.

4.5 John Maher outlined the history of the premises which were previously known as Double Diamond and stated that on 15<sup>th</sup> July, 2014, over 11,000 illicit cigarettes were found on the premises by Trading Standards Officers and at that time, Shokat Ali (the applicant) was the Designated Premises Supervisor (DPS) and Premises Licence Holder (PLH). He produced two photographs which showed where the illicit goods were concealed on the premises. John Maher further

stated that in March, 2016, officers from South Yorkshire Police and Safeguarding Children Board visited the premises and it appeared that no-one was in control of the premises, that the measures intended to control age-restricted sales were very poor and were informed that Mr. Ali was abroad. On 13<sup>th</sup> April, 2016, Mr. Ali telephoned Trading Standards and informed them that he no longer had any involvement in the business and was transferring it to Sherko Mohammed. After the business was transferred, a multi-agency support group was set up with the aim of assisting the new owner to improve its procedures regarding the licensing objectives and an action plan was put in place. John Maher informed Members that on 27<sup>th</sup> October, 2016 an un-announced visit was made to the premises and four bottles of smuggled vodka were found on the shelves. He said that Trading Standards were concerned that, although a “new broom” approach had been suggested on the application notice, the criminal activities that had taken place at the premises over a number of years would appear to still continue. John Maher further stated that Mr. Ali had indicated that, should the application be successful, there were a range of steps he intended to put in place to promote the licensing objectives and had even suggested trading under a new name, but Mr. Maher felt that Mr. Ali was just paying lip service to this. It was then noted that the premises licence had been revoked at a review hearing on 9<sup>th</sup> February, 2017 and was pending appeal at the Magistrates Court.

- 4.6 Cheryl Topham reiterated the history surrounding the premises and stated that when the offences referred to had occurred, the owner should have been in full control of the premises but this had not been the case. She had visited the premises with Julie Hague, Safeguarding Children Board, and had been informed by the shop assistant that the owner lived next door, but at that time he was abroad and that he had leased the premises to someone else. Ms. Topham stated that when asked about the challenge scheme and the refusals log, the shop assistant knew very little about it. She further stated that she was aware that Mr. Ali had been the owner of another property within the City and that there had been failed test purchases at such premises.
- 4.7 In response to a question from a Member of the Sub-Committee, John Maher stated that Mr. Ali had not been prosecuted because it was found that he was not the owner of the illicit cigarettes, just the owner of the property.
- 4.8 Paul Heniq questioned why, when the illegal cigarettes had been found in 2014, a review of the owner at that time had not been made and also why the five passed test purchases had not been mentioned by the Police. He also questioned why an action plan had been put in place.
- 4.9 In response to these questions, Cheryl Topham stated that the Police were always willing to assist businesses by putting in place an action plan and that the Conditions to which Mr. Heniq referred to on the licence were standard Conditions on the majority of licences. She added that the fact that Mr. Ali was the holder of a taxi driver’s licence was not something that the Police were required to know.
- 4.10 Paul Heniq stated that Mr. Ali was the owner and landlord of the premises and leased the property out and there was no evidence against Mr. Ali. He was aware of the history of the premises when it was known as Double Diamond and stated

that his client would rebrand and reinvent the business.

- 4.11 In response to questions from Members of the Sub-Committee, Mr. Heniq stated that Mr. Ali had had a business relationship with Mr. Mohammed since 2012, but when the premises licence was revoked on 9th February, 2017, Mr. Mohammed no longer had anything to do with the business. Mr. Ali stated that, if granted the licence, it was his intention to run the business himself, assisted by two fully trained staff. When asked what the key issues of the Challenge 25 scheme were, Mr. Ali failed to name them. Mr. Heniq said that with regard to the stock in the premises, Mr. Ali would be in a position to buy everything from Mr. Mohammed if he wanted to sell, if not he would be able to restock the shop within 24 hours.
- 4.12 Paul Heniq summarised the case on behalf of the applicant, stating that it had been the proprietor who had been prosecuted not Mr. Ali.
- 4.13 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 4.14 **RESOLVED:** That, in accordance with the agreed hearing procedure, 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 Samantha Bond 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 in the light of the contents of the report now submitted, together with the representations now made, including the responses provided to the questions raised, the application to grant a premises licence in respect of Page Hall Off Licence, 81-83 Page Hall Road, Sheffield S4 8GU (Ref. No. 63/17), be refused on the grounds that:-
- (a) the applicant was unable to uphold the licensing objectives whilst he was the Designated Premises Supervisor; and
  - (b) the history of the premises deemed that the premises would stock illicit and smuggled goods in the future.

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

**5. LICENSING ACT 2003 - TACO BELL, 116-118 DEVONSHIRE STREET, SHEFFIELD S3 7SF**

- 5.1 An application for the variation of a premises licence at Taco Bell, 116-118

Devonshire Street, Sheffield S3 7SF (Ref. No.67/17), 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.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 13 June 2017**

**PRESENT:** Councillors David Barker (Chair) and Adam Hurst

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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 three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 64/17 did not attend the hearing.

4.3 The applicant in Case No. 65/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 66/17 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>
64/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow the licence holder to obtain legal advice.
65/17	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 the

remainder of the term requested, subject to there being no further cause for concern.

66/17	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 the remainder of the term requested, subject to there being no further cause for concern.
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(At this point in the proceedings, the meeting was re-opened to the public and press).

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - PAUL CHAFER**

- 5.1 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 to trade at Windmill Hill School, Ash View, Chapeltown, Sheffield S35 1ZD.
- 5.2 Present at the meeting were Paul and Angela Chafer (Applicants), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Clive Stephenson presented the report, and it was noted that objections had been received from a School Representative and was attached at Appendix "B". The objector had been invited to the meeting, but was not present.
- 5.5 Paul Chafer circulated to those present, a statement he had prepared which outlined his application to trade outside Windmill Hill School. The statement said that he had over 28 years' experience in the business of selling ice cream and held all the legal documentation needed to trading including street trading licence, public liability insurance, NVQ in catering, is CRB checked and holds a food hygiene certificate rating of 5. In all the years of trading, there has never been a complaint made against him and that children's safety is his highest priority. He added that, in his experience, parents liked to treat their children after school, often rewarding good behaviour in school. He felt that many parents preferred ice cream and lollies because they are a healthier option to alternatives such as sweets and crisps. Paul Chafer stated that he stocked a wide range of lollies containing no additives or preservatives and most containing a large percentage of fruit, giving parents a good choice of the healthier option. Mr. Chafer believed that if this matter were to be discussed with parents and the general public, their opinions were taken into account, that the majority would be in favour of the ice

cream van trading outside the school.

- 5.6 Mr. Chafer stated that the school had not offered any explanation as to why they objected to the ice cream van trading there, the only suggestion he could make was that he had heard that the school was selling lollies and sweets on Fridays themselves, which had been purchased as multipacks from a local supermarket.
- 5.7 Mr. Chafer raised some road safety issues regarding the risk of children crossing the road while they were in the vicinity of an ice cream van and in his opinion if vans were correctly parked outside a school, it had the effect of slowing traffic down by acting as a visual aid to drivers, increasing their awareness that children were in the vicinity and that “slow children crossing” signs were clearly marked on the van.
- 5.8 In response to questions from Members of the Sub-Committee, Mr. Chafer informed them that he had parked in the same space for the past 17 years, in one of two parking spaces. He added that when he heard about the objection from the school, he had tried on numerous occasions to contact them but had had no response.
- 5.9 Clive Stephenson outlined the options open to the Sub-Committee.
- 5.10 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.
- 5.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.13 RESOLVED: That following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent to trade outside Windmill Hill Primary School, Ash View, Chapeltown, Sheffield S35 1ZD (Ref No. 68/17) be granted as applied for.

(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 15 June 2017

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor George Lindars-Hammond 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 licence holder in Case No. 69/17 attended the meeting and addressed the Sub-Committee.

4.3 The applicant in Case No. 70/17 attended the meeting and addressed the Sub-Committee.

4.4 The licence holder in Case No. 71/17 attended the meeting 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>
69/17	Review of a Hackney Carriage and Private Hire Driver's Licence	At the request of the applicant, defer consideration of the review in order to give the applicant the opportunity to obtain legal advice.
70/17	Application for a first Hackney Carriage and	Grant the licence for the term of one year as requested, but the

	Private Hire Driver's Licence	applicant be given a written warning as to his future conduct.
71/17	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 Sub-Committee decided that there were exceptional circumstances to deviate from the policy and to reinstate the licence, but the licence holder be given a written warning as to his future conduct, to remain in place until the end of his next licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 21 June 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham, Adam Hurst and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 6 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 ACT 2003 - TWISTED BURGER COMPANY, 267 FULWOOD ROAD, SHEFFIELD S10 3BD**

4.1 An application for the variation of a premises licence at Twisted Burger Company Limited, 267 Fulwood Road, Sheffield S10 3BD, 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 2003 - STREET TRADING HOT FOOD AND DRINK - MOBILE**

5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Mobile Street Trading Consent to trade at various locations in Sheffield (Ref No.74/17).

5.2 Present at the meeting were Iqbal Khan (applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

5.4 Clive Stephenson presented the report and it was noted that the application had been referred to the Sub-Committee because Licensing Officers do not have

delegated powers to approve the application as it does not meet the criteria as set out in the Street Trading Policy.

- 5.5 Iqbal Khan stated that he had held a licence in 2014 to serve hot food and drinks in an area similar to that applied for now. Mr. Khan said that he had had to give his round up in 2015 to look after a sick relative who had subsequently passed away in October 2016 and he had not worked since that time. In hindsight, Mr. Khan accepted that he should have checked the licence conditions before purchasing a new vehicle, but because he had previously held a similar licence, he did not think that there would be a problem.
- 5.6 Members expressed their concerns about a gas bottle being inside the vehicle whilst Mr. Khan was driving around and requested that a copy of the previous licence be produced. Clive Stephenson contacted the Licensing Service and the licence was sent by email and circulated to Members.
- 5.7 In response to questions from Members of the Sub-Committee, Mr. Khan stated that it was his intention to visit garages, small businesses, office blocks etc. at lunchtimes offering a range of hot and cold food. He said that the food would be cooked fresh each morning at home and then it would be kept warm on two small gas rings in the custom-made van he had bought. Regarding the question whether it would breach health and safety regulations by driving around with a gas bottle in the vehicle, Mr. Khan informed Members that the van was purpose built for this purpose.
- 5.8 Clive Stephenson outlined the options open to the Sub-Committee.
- 5.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That following consideration of the information contained in the report now submitted, including the representations now made, the application for a Mobile Street Trading Consent to trade at various locations in Sheffield (Ref No. 74/17) be granted as applied for, subject to:-
- (a) a gas safety certificate being obtained for the catering unit;
  - (b) a current food hygiene certificate for the address of the food preparation kitchen being obtained;

- (c) the vehicle being inspected and deemed health and safety compliant by an officer of the Council's Health and Safety Service and a notice confirming such inspection being produced to the Licensing Service; and
- (d) if any other person is to drive or operate the vehicle, the applicant must supply a relevant certificate of insurance for the vehicle covering that person to drive.

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

After consideration of this item, Councillor Cliff Woodcraft left the meeting and Councillor Adam Hurst entered the room.

## **6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

- 6.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing.
- 6.2 The licence holder in Case No. 73/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 6.3 **RESOLVED:** That the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
73/17	Renewal of a Private Hire Vehicle Licence	Grant the licence until the 30 <sup>th</sup> September, 2017, to give the licence holder enough time to take delivery of a new vehicle.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 27 June 2017

**PRESENT:** Councillors David Barker (Chair), Neale Gibson and Adam Hurst

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 5 on the 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 - THE BLOOMERY, NILE STREET, SHEFFIELD, S10 2PQ**

4.1 The Chief Licensing Officer submitted a report to consider an application made under Section 34 of the Licensing Act 2003, to vary a Premises Licence in respect of the premises known as The Bloomery, Nile Street, Sheffield, S10 2PQ.

4.2 Present at the meeting were Suraj Desor (Popleston Allen, Solicitors for the Applicant), Grace Baxter (Designated Premises Supervisor), Sam Bouzida (Designated Premises Supervisor at The Graduate – Lead General Manager, Stonegate Pub Company Limited, for Sheffield), Craig Harper (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 Craig Harper presented the report to the Sub-Committee, and it was noted that representations had been received from a member of the public, and were attached at Appendix 'C' to the report. The member of the public had been invited to the meeting, but was not present.

4.5 Suraj Desor referred to the nature of the proposed variation, the key element being the extension of the opening hours to allow the premises to close at 00:30 hours on Sunday. He stated that the main purpose of the extension was to allow customers to continue their night in a safe and comfortable environment, rather than have to

leave and find another premise. It would also result in customers dispersing the premises more gradually, thereby reducing the potential for noise nuisance late at night. He referred to the fact that there had been no formal complaints of noise nuisance in respect of the premises, and that none of the responsible authorities had submitted representations in connection with the application. Mr Desor referred to the other elements of the application, which included the extension of the start time for opening hours and films from 07:00 hours, Monday to Sunday, the removal of obsolete conditions and the amendment of one condition on the Premises Licence, and the amendment, and addition of, additional non-standard timings on notable days, indicating that none of these changes would have an adverse impact on the licensing objectives. Reference was made to the information which had been circulated prior to the hearing, and which included general information on the Stonegate Pub Company, together with details of the Company's Noise Management and Outside Areas Policies. Mr Desor stated that the Company had invested a considerable amount of time and money in the application, specifically with regard to staff training, and made the point that there had not been any reviews of the Company's Premises Licences following applications to vary the Licences with regard to the other nine premises it managed in Sheffield. The Company's nine other premises in Sheffield all operated with similar, or later opening hours on Sunday, therefore the Company had considerable experience of managing later opening hours. In terms of the representations, Mr Desor stated that there was a level of misunderstanding in the comments made, and that the applicants would have liked an opportunity to speak to residents in connection with their concerns. There were a number of residents who, although they lived closer to the premises than the resident who had objected, had not raised any concerns. The applicants indicated that they would be happy to close the outer doors on Sunday if there were problems with noise breakout.

- 4.6 In response to questions from members of the Sub-Committee, Mr Desor stated that, in connection with the allegations made by the member of the public regarding noise nuisance at the premises on 26<sup>th</sup> May 2017, the applicants had not been made aware of any specific concerns regarding noise nuisance and, in any event, the licensing conditions would have been complied with. Some of Stonegate's public houses were situated close to residential properties, but it was accepted that The Bloomery was closest to residential properties than any other of their pubs. The applicants believed that, as the premises were already open on weekdays, at the same times as now proposed on Sunday, they didn't envisage any problems in terms of noise nuisance created by customers leaving the premises on Sunday. The applicants had not received any complaints direct to the premises or through the Environmental Health Service with regard to noise nuisance. The inner doors were always kept shut, except for access and egress. The reason for making the application to vary the opening hours on Sunday was that there was evidence that some customers would like extended opening hours on this day, and that this would also assist with the gradual dispersal of customers, thereby lessening the potential for noise nuisance. Deliveries to the premises were made between 10:00 and 12:00 hours, and the premises currently opened at 11:00 hours. It was not envisaged that, on the basis of Stonegate Pub Company Limited being a well-experienced licensed operator, opening at 07:00 hours on Sunday would create any additional problems for local residents. The main reason for extending the opening hours on Sunday was simply to bring the times in line with the weekdays.

The clientele at the premises comprised local residents, students and people from other areas. If the applicants received any complaints of noise nuisance, they would liaise with the complainant, and address any concerns in line with the Company policy. In terms of pro-active co-operation with the local community, management of the premises regularly liaised with Sheffield Pubwatch and supported local community groups by providing facilities for local clubs and teams.

- 4.7 Suraj Desor summarised the case on behalf of the applicants.
- 4.8 Craig Harper reported on the options open to the Sub-Committee.
- 4.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of The Bloomery, Nile Street, Sheffield, S10 2PQ, in the terms requested and subject to the addition of the following condition:-

“The front doors to the premises shall remain closed, save for access and egress, after 23:00 hours on a Sunday, when regulated entertainment in the form of amplified live, or recorded, music, is taking place on the premises.”

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

## **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. 76/17 attended the meeting with a representative and a business colleague, and they all addressed the Sub-Committee.
- 5.3 The applicant in Case No. 77/17 attended the hearing with a representative, and they both 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>
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76/17	Application for the grant of a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person and (b) in connection with the conviction now reported, if there are any further problems, the licence be referred back to the Sub-Committee.
77/17	Application for the renewal of a Private Hire Vehicle Licence	Agree to grant a licence up to 25th March, 2018, 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 29 June 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Jack Clarkson and Kieran Harpham

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**1. APOLOGIES FOR ABSENCE**

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

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the 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 - STATIC STREET TRADING CONSENT**

4.1 An application for the variation of a Static Street Trading consent to trade at Peace Gardens, Sheffield (Ref.No.53/17) 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. SCRAP METAL DEALERS ACT 2013 - APPLICATION FOR A SCRAP METAL COLLECTORS LICENCE**

5.1 An application for the grant of a Scrap Metal Collectors Licence had been received and, following discussion, Members decided that the item be deferred to give the applicant a further opportunity to attend the hearing (Ref. No.78/17).

**6. LICENSING ACT 2003 - DAM HOUSE, MUSHROOM LANE, SHEFFIELD S3 7NZ - OBJECTION TO A TEMPORARY EVENT NOTICE**

6.1 The Chief Licensing Officer submitted a report to consider an objection to a Temporary Event Notice, made under Section 104(2) of the Licensing Act 2003, as amended, for the premises known as Dam House, Mushroom Lane, Sheffield S3 7NZ (Ref. No.80/17).

6.2 Present at the meeting were Neal Pates (Environmental Protection Officer), Marc Wagstaff (Promoter), Kamal Sangha (Co-Owner, Dam House), Harminder Bains

(Co-Owner, Dam House), Simsan Badh (Partner, Dam House), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee), Samantha Bond (Legal Services) and Jennie Skiba (Democratic Services).

- 6.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 6.4 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 the Environmental Protection Service (EPS) on 23<sup>rd</sup> June, 2017, and was attached at Appendix 'B' to the report.
- 6.5 Neal Pates stated that there was a potential for noise nuisance following several complaints from local residents in previous years. He said that under normal operation, no complaints had been received but the problem arose when music was played outdoors. Neal Pates outlined a history of complaints received and stated that last year a significant number of complaints had been received from residents of Harcourt Road. He referred in particular to an incident in August, 2016, when following several complaints, the music was monitored and found to be at, or close to, the pre-determined noise level. Neal Pates also asked for clarity from the applicants regarding the hours which had been applied for.
- 6.6 Marc Wagstaff stated that it was planned to hold the music event on Saturday, 22<sup>nd</sup> July, which coincided with the Tramlines event. He said that it was planned to drop the music level at 9.00 p.m. and switch it off altogether at 10.00 p.m. as it was felt that, by having a gradual reduction in music this lends to better dispersal of people leaving the premises, thereby reducing noise created by people leaving in large groups. He added that over the years, the owners had always worked with officers from the Council to ensure that the noise was kept down and had looked at a number of different sound systems, and moved speakers to different areas so that the music didn't bounce off buildings. Mr. Wagstaff further stated that the noise nuisance could emanate from Ponderosa but with the resultant complaints directed at Dam House.
- 6.7 In response to questions from Members of the Sub-Committee, Marc Wagstaff stated that local residents were to be leafleted informing them that Dam House would be part of the Tramlines Festival and what the event would be. He circulated the proposed leaflet which gave a dedicated phone number so that if any issues did arise, they could contact the restaurant. Kamal Sangha, co-owner of the premises, added that noise level readings had been taken in the surrounding area, from the top to the bottom of the banking surrounding the premises. Marc Wagstaff stated that the event was to be advertised as a free event, attendees would be wrist-banded and numbers would be monitored, and the event would match Tramlines hours and finish at 10.00 p.m. He finished by saying that every effort would be taken to minimise complaints from local residents.
- 6.8 Clive Stephenson outlined the options open to the Sub-Committee in relation to the objection.

- 6.9 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.
- 6.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the case.
- 6.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.12 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on 22<sup>nd</sup> July, 2017, subject to the amendments to the application as follows:-
- (a) 10:00 to 00:00 on Saturday 22<sup>nd</sup> June 2017 and 00:00 to 02:00 on Sunday 23<sup>rd</sup> June 2017 and the use of the outdoor area for regulated entertainment will cease at 23:00 hours; and
  - (b) 10:00 to 23:00 on Sunday 23<sup>rd</sup> June and the use of the outdoor area for regulated entertainment will cease at 21:00 hours.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 4 July 2017**

**PRESENT:** Councillors David Barker (Chair), Josie Paszek and Andy Bainbridge

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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. COMMONS ACT 2006 - APPLICATION TO REGISTER LAND KNOWN AS "LOWER WALKLEY GREEN", SHEFFIELD, AS A TOWN OR VILLAGE GREEN**

4.1 The Chief Licensing Officer submitted a report to consider an application to register land known as "Lower Walkley Green", Sheffield, made under Section 15 of the Commons Act 2006, as a Town or Village Green.

4.2 Present at the meeting were Councillor Neale Gibson, Kate Jeeves and Phil Walker (Applicants), Shimla Finch (Licensing Strategy and Policy Officer and Clerk to the Registration Authority), Louise Bate (Solicitor to the Sub-Committee (Commons Registration)) and Jennie Skiba (Democratic Services).

4.3 The Chair outlined the procedure which would be followed during the hearing and stated that the Sub-Committee (Commons Registration) would be considering how the application should be progressed by either with or without a non-statutory public inquiry.

4.4 Kate Jeeves stated that she would like to see the land protected because, over a number of years, it had been under threat several times by developers wishing to build on it. She had carried out extensive searches to determine who owned the land but her efforts had proven been unsuccessful. She had established that many years ago the land had been used for grazing and added that since the application was made, local residents had become more aware of the land and how lovely it was, being a safe place for children to play.

4.5 Phil Walker stated that, over the years, a few businessmen had tried to claim the land and there had been a long battle to retain the right of way over the land before it was registered, and he felt that the application was necessary to protect the land for "village green" purposes.

- 4.6 In response to questions from Members of the Sub-Committee, Kate Jeeves and Phil Walker stated that they would arrange for as many people to speak on behalf of the application as was necessary.
- 4.7 Louise Bate stated that the applicants could submit as many statements as they wanted and the purpose of this hearing was for the Sub-Committee to decide whether the matter should be determined with or without a non-statutory public inquiry.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Louise Bate reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted, the application to register land known as "Lower Walkley Green", Sheffield, as a Town or Village Green, be progressed to a meeting of the Licensing Sub-Committee (Commons Registration) to be held as soon as possible.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 11 July 2017**

**PRESENT:** Councillors David Barker (Chair), Jack Clarkson and Neale Gibson

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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 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 - LO SFIZIO PIZZA, 97 LINDSAY AVENUE, SHEFFIELD S5 7SD**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of premises known as Lo Sfizio Pizza, 97 Lindsay Avenue, Sheffield S5 7SD (Ref. No.81/17).

4.2 Present at the meeting were Sean Gibbons (Health and Safety Enforcement Officer), Adil Raouf (Solicitor for the applicant), Abdul Hanan (Applicant), Abdul Khundi, Abdul Manan and Habir Rahman Manan (Applicant's family), 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 in respect of the application had been received from South Yorkshire Fire and Rescue, Environmental Health Services and a petition containing 15 signatures from members of the public, and were attached at Appendix "B" to the report.

4.5 Sean Gibbons stated that he had met with the applicant and looked at the suitability of the premises. He then referred to an email that had been sent from the Solicitors acting on behalf of the applicant addressing his concerns. The areas of concern were a fixed wiring electrical certificate, a gas installation certificate, improvements to the windows and doors to ensure safety, the step

- leading to the premises to be highlighted and made safe and a call for assistance bell/sign to be fitted to enable customers not able to use the steps to access the premises. Sean Gibbons stated that due to the fact that the applicants were willing to carry out the works, he was formally withdrawing his objection to the application but attended today to hold any in depth discussions necessary to get the premises to the correct safety standards.
- 4.6 In response to questions from Members of the Sub-Committee, Sean Gibbons stated that he would remain in contact with the applicants and carry out further inspections when 80% of the required works had been carried out.
- 4.7 Adil Raof stated that the applicant intends to run the business with the help of his family who have over 25 years' experience in the trade and who are fully aware of the regulations and appreciate the importance of health and safety standards. The reason for delaying the start of the works was that the applicant wanted to be sure of obtaining the licence before committing any finance to the project. Mr. Raof referred to the petition from local residents and said that the applicants had made themselves available to answer any concerns raised, but no-one had come forward. He added that it was not anticipated that the business would generate extra traffic and noise nuisance and there would only be one small delivery vehicle which had access to off-street parking.
- 4.8 In response to questions from Members of the Sub-Committee, Adil Raof stated that if the licence was granted, work on the premises would start straight away, having already gained two quotes and waiting on a third from contractors. With regard to the opening hours, it was hoped to attract steady trade and these hours had proved successful in previous businesses. He added that the applicant's family also had a wealth of experience in dealing with potential anti-social behaviour.
- 4.9 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 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, including the responses provided to the questions raised, the application to grant a premises licence in respect of Lo Sfizio Pizza, 97 Lindsay Avenue, Sheffield S5 7SD, be granted in

the terms requested, subject to a final inspection being carried out by the Health and Safety Enforcement Team (Ref. No.81/17).

(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 13 July 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Kieran Harpham

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - CUBBINS CATERING (GERMAN SAUSAGE)**

4.1 An application for the grant of a Static Street Trading Consent at Fargate, had been received and, following discussion, Members decided that the item be deferred to give the applicant a further opportunity to attend the hearing (Ref. No.82/17).

**5. LICENSING ACT 2003 - SADACCA, 48 WICKER, SHEFFIELD S3 8JB - OBJECTION TO A TEMPORARY EVENT NOTICE**

5.1 The Chief Licensing Officer submitted a report to consider an objection to a Temporary Event Notice, under Section 104(2) of the Licensing Act 2003, for the premises known as SADACCA, 43 Wicker, Sheffield S3 8LB (Ref. No. 84/17).

5.2 Present at the meeting were Robert Cotterell (Chair of SADACCA), Winston Hazel and Aaron Stewart (SADACCA), James Ketteringham (Solicitor, South Yorkshire Police), Cheryl Topham (Licensing Enforcement Officer, South Yorkshire Police), Clive Stephenson (Licensing Enforcement and Technical Officer), Brendan Twomey (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

5.3 Brendan Twomey 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 3<sup>rd</sup> July, 2017 and was attached at Appendix "B" to the report.

- 5.5 James Ketteringham stated that there had been an incident during the early hours of 2<sup>nd</sup> July while the premises was operating under a Temporary Event Notice (TEN). He said that CCTV footage had shown that there was a fight in the bar area of the premises and that a male had been stabbed, although it was not apparent to the staff that this was the case. It would appear that the male left the premises and was subsequently chased to another venue, where he was attacked once more and an ambulance had been called. James Ketteringham expressed concern that on entry to the club, thorough searches had not been carried out and weapons had been taken inside. He also stated that at the time of the incident, the staff had failed to contact the Police and had started to clear away some of the evidence of the altercation and when the Police did arrive, footage of the incident on CCTV could only be viewed in real-time and no-one was available at the premises to download it. James Ketteringham felt that in the light of the serious nature of the incident and the fact that the TEN was less than three weeks away, it would be inappropriate for the event to go ahead.
- 5.6 Cheryl Topham reiterated the case made by James Ketteringham and added that over the past few weeks, within a half mile radius of the premises, there had been a number of serious incidents including stabbings and firearms offences. She said that Police resources would be stretched over the Tramlines weekend and the application had failed to detail how further measures would be put in place to uphold the licensing objectives and protect the attendees during one of the busiest weekends of the year.
- 5.7 In response to questions from Members of the Sub-Committee, James Ketteringham stated that a TEN opened up a business to members of the public, and that the incident had happened during a private party where non-members of SADACCA were present. He referred to an action plan which was to be considered at a review meeting and said that the Committee had always been very helpful with the Police and other responsible authorities. On request from the Sub-Committee, James Ketteringham provided a copy of the action plan. Cheryl Topham stated that although the TEN had been for a private party, the Notice was issued for the premises, not the applicant, as was the case for all TEN applications. She added that it had been agreed that, until a review had taken place, at weekends the premises would close at 11.30 p.m. instead of 2.00 a.m. She felt that this was necessary due to the fact that quite a number of people had been involved in the incident and that it would be safer to close earlier. James Ketteringham stated that when CCTV footage had eventually been downloaded, it was clear that the incident had started inside SADACCA and continued in the second venue.
- 5.8 Robert Cotterell stated that SADACCA had issued a TEN last year but the event was refused and expressed his concern that this event might also be refused. He said that SADACCA had been in operation since 1986 and there had been very few incidents, the last serious one being in 2011 which was for noise nuisance. He suggested that the Police rationale could be used for any city centre venue holding an event during the Tramlines weekend and the incident could have happened anywhere regardless of security measures that were put in place. Mr. Cotterell referred to the action plan put forward by South Yorkshire Police and

stated that anything that could be put in place, had been and work was still ongoing. He said that, initially, the event was to have taken place outside the premises as a street party, which would have meant street closures and the Police had asked for a fool proof risk assessment of this which proved not possible at that time, so it was then decided that the event would be held indoors.

- 5.9 Winston Hazel stated that SADACCA is a catalyst to bring together communities and felt that more needs to be done to encourage pop-up events during the Tramlines weekend. He added that SADACCA wanted to give the international community in Sheffield a feeling of inclusion and felt the need to put on a good event and show that it could be done well. He further stated that those involved with SADACCA were always willing to work with the Police and were aware of the need for better security and once the proposed action plan was put in place, it could alleviate many problems in the area.
- 5.10 Aaron Stewart referred to the recent incident in Manchester and stated that although procedures were in place, the attack still happened.
- 5.11 In response to questions from Members of the Sub-Committee, Robert Cotterell stated that when the fight broke out, about 100 people then got involved, at which stage the party organiser tried to break it up and took the decision to empty the premises and this was done within five minutes of the disturbance starting. He said that in hindsight, the Police should have been contacted straight away. He added that some staff members had started to clean the premises but then realised it was a possible crime scene and coats, drinks, etc. were left in place. In addition, Mr. Cotterell confirmed that the event period stated on the TEN should be amended, so that the event period for the 22<sup>nd</sup> and 23<sup>rd</sup> July, 2017 should be between 12 noon and 8.00 p.m. He added that better practices would be in force, including a proper risk assessment, better briefed stewards and an incident reporting process. Also, a new security firm would be employed who would deploy metal scanners at the access to the building.
- 5.12 James Ketteringham summed up by saying that SADACCA operating as a club works extremely well, but there were serious security issues around the venue being open to the public and these needed to be addressed.
- 5.13 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 5.14 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.
- 5.15 Brendan Twomey reported orally, giving legal advice on various aspects of the case.
- 5.16 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notice, allowing the event to go ahead on the 22<sup>nd</sup> and 23<sup>rd</sup> July, 2017,

subject to licensable activities being allowed between 12 noon and 8.00 p.m. and after 8.00 p.m., members only are allowed on the premises, in line with the Club Premises Certificate and action plan.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 18 July 2017**

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

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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 licence holder in Case No. 64/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 69/17 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 83/17 did not attend the hearing.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
64/17	Review of a Hackney Carriage and Private Hire Driver's Licence	After consideration of the evidence provided by the licensee and the complainant, the Sub-Committee agreed that no action be taken.
69/17	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, such warning to remain active for the life of his current licence.

83/17	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.
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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 25 July 2017**

**PRESENT:** Councillors David Barker (Chair) and Andy Bainbridge

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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 four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 85/17 attended the hearing with his wife, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 86/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 87/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The licence holder in Case No. 88/17 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>
85/17	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 representations now made, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

86/17	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, regarding his future conduct, to remain live for a period of 12 months, and indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
87/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested.
88/17	Current Status of a Hackney Carriage and Private Hire Driver's Licence	Agree to re-instate the licence based on the evidence now submitted and the representations now made.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 27 July 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham and Gail Smith

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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 items 4 and 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. SCRAP METAL DEALERS ACT 2013 - APPLICATION FOR THE GRANT OF A SCRAP METAL COLLECTOR'S LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application for a Scrap Metal Dealers Collector's Licence made under the Scrap Metal Dealers Act 2013 (Case No. 78/17).

4.2 Present at the meeting were the applicant, Craig Harper (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 Craig Harper presented the report to the Sub-Committee and it was noted that the application and supporting documents were attached at Appendix 'A' to the report.

4.5 The applicant provided information in connection with the application and outlined the reasons for his conviction and responded to questions raised by Members of the Sub-Committee.

4.6 RESOLVED: That the attendees involved in the application for a Scrap Metal Dealers Collector's Licence 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.

- 4.7 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 RESOLVED: That the application for a Scrap Metal Dealers Collector's Licence be granted in the terms now requested (Ref No. 78/17).

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

## **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. 89/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.3 The applicant in Case No. 90/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.4 The applicant in Case No. 91/17 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
89/17	Application for a Private Hire Vehicle Licence	Grant a licence for the normal term of 12 months with a Section 75(2) exemption notice, such notice to be carried in the vehicle at all times when used by the applicant for the purposes stated.
90/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of 12 months as requested, subject to the applicant taking and passing an advanced driving test.
91/17	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of 12 months as requested, but the applicant be given a written warning as to his future conduct.

# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 8 August 2017

**PRESENT:** Councillors David Barker (Chair), George Lindars-Hammond and Cliff Woodcraft

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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 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 - DOMINO'S PIZZA, 371-373 ECCLESALL ROAD, SHEFFIELD, S11 8PF**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Domino's Pizza, 371-373 Ecclesall Road, Sheffield S11 8PF (Ref. No. 94/17).

4.2 Present at the meeting were Lisa Lee (for the applicant – DPSK Ltd), Vivienne Smith and Mike West (Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from three members of the public, and were attached at Appendix 'B' to the report. Two of the public objectors attended the meeting and made representations.

4.5 Mike West, who lived approximately 300 metres away from the premises, in a densely populated residential area, stated that his objection to the application related predominantly to the late opening hours. He stated that the premises' customer base would comprise people who had been drinking in the City Centre, or in bars on Ecclesall Road, and there would be an increase in noise nuisance and litter. Mr West stated that residents in the area were regularly disturbed or

woken up by people walking along Ecclesall Road late at night or early morning, and that having yet another takeaway, which could potentially open until 05:00 hours, would increase the potential for noise nuisance. He referred to the additional conditions being offered by the applicants, namely with regard to litter picks and the change of operation primarily to a delivery service during the early morning, indicating that, by offering such conditions, the applicants were basically accepting the likelihood of an increase in public nuisance and litter in the area.

- 4.6 Vivienne Smith, Secretary of the Botanical Gate Community Association, stated that she shared Mr West's concerns with regard to the potential increase in public nuisance and litter. She stated that there was often takeaway food containers strewn along Ecclesall Road, and adjoining roads, as well as in residents' front gardens, and that having another hot food takeaway in the area, which planned to open until 05:00 hours, would result in an increase in litter in the area, as well as an increase in noise nuisance caused by customers visiting the premises. There was also likely to be an increase in half-eaten food left on streets in the surrounding area, which she considered was not a pleasant or safe thing to find in a neighbourhood, and which could also attract rats or foxes. Ms Smith stated that she believed that the latest closing time for the premises, in line with other hot food takeaways in this residential area, should be 23:30 hours.
- 4.7 In response to questions from Members of the Sub-Committee, and the representative of the applicants, the objectors stated that, although there was another pizza takeaway already operating in this area, it was over 50 metres away, and a lot smaller than the Domino's Pizza premises. It was accepted that there were a number of other licensed premises on Ecclesall Road, but such premises did not experience problems of litter, had strict conditions in terms of the control of external areas, some had security staff on the doors and the majority closed at 23:30 hours. The objectors explained the precise location of the premises, indicating that there was dense residential accommodation very close by, with a number of properties comprising student accommodation, where there could be up to six students living, meaning a lot of people could be affected. In terms of public nuisance in the area, the main problems related to litter, although a number of residents continued to be affected by noise nuisance late at night and early morning created by people walking along Ecclesall Road and getting in and out of taxis. Whilst appreciating the offer to carry out litter picks within a 100 metres radius of the premises, the objectors considered that this distance should be increased, given the time it took to eat a pizza, and should be extended to a 500 metre radius.
- 4.8 Lisa Lee stated that there had been a Domino's takeaway on Ecclesall Road for a number of years and that the operation, which had previously been located higher up Ecclesall Road, at Banner Cross, had relocated to 371-373 Ecclesall Road. There had been no problems in terms of litter and noise nuisance associated with the previous premises. Ms Lee stated that she would be happy to offer further conditions, in the light of the objectors' concerns with regard to litter and noise nuisance, and assured the Sub-Committee that staff arranged litter picks at all its premises, regardless of opening hours.
- 4.9 In response to questions from Members of, and the Legal Advisor to, the Sub-

Committee and Clive Stephenson, Ms Lee confirmed that the former premises on Ecclesall Road had been open until 05:00 hours, and that there had been no problems associated with those premises. The opening hours of Domino's Pizza takeaways varied nationally, with approximately 40 of the 185 takeaways opening until 05:00 hours. It was planned that regular litter picks would be undertaken during opening hours. Whilst the premises had planning permission to open until 05:00 hours, Ms Lee considered a reasonable closing time in terms of collections would be between 00:00 and 01:00 hours. Whilst the company did not have signs by the door, asking customers to be quiet when leaving the premises, staff would often speak to customers, particularly if they appeared to be rowdy, asking them to quieten down. Noise nuisance was not considered a particular issue on the basis that there were usually only one or two customers in the takeaways at any one time. Ms Lee stated that approximately 70% of business took place between 18:00 and 21:00 hours, the busiest evenings being Friday and Saturday, and there were three to four drivers working on the delivery service.

- 4.10 Clive Stephenson reported on the options available to the Sub-Committee.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of Domino's Pizza, 371-373 Ecclesall Road, Sheffield, S11 8PF, in the terms requested and subject to the addition of the following two conditions, as per the amended operating schedule (Ref. No. 94/17):-
- (a) The opening hours shall be 11:00 to 23:30 hours, Sunday to Thursday, and 11:00 to 00:30 hours, Friday and Saturday, with a delivery service being available between 11:00 and 05:00 hours, Sunday to Saturday; and
  - (b) Litter picks will be conducted throughout the day and the evening within a 100 metre radius of the premises.

(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 15 August 2017

**PRESENT:** Councillors Josie Paszek (Chair), Jack Clarkson, Neale Gibson and Lisa Banes

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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 three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. 95/17 was not able to attend the hearing.

4.3 The applicant in Case No. 96/17 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 97/17 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>
95/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to enable the applicant to attend a future hearing.
96/17	Application for a Hackney Carriage and Private Hire	(a) Grant a licence for the shorter term of three months in the light of the offence and conviction now reported, subject to the applicant taking and

	Driver's Licence	passing the knowledge and driving tests and, subject to there being no cause for concern, a licence be granted for a further term of six months and, subject to there being no further cause for concern, a licence be granted for the term requested, (b) the applicant be requested to undertake a drugs test within the first three-month licence period and (c) the applicant be given a written warning, to remain on his licence for a period of nine months, indicating that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
97/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 17 August 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.

**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 - APPLICATION FOR A STATIC STREET TRADING CONSENT**

4.1 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 for Fargate (Ref No. 82/17).

4.2 Present at the meeting were Joanne Cubbins (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that there was already an existing Static Street Trading Consent for Fargate, to trade between 09:00 and 19:00 hours, Monday to Sunday. Mr Stephenson stated that the current consent-holder had not been trading on Fargate for some time and, whilst this was not against any conditions as they had paid their site fees to date, if such fees were not paid going forward, the Service would have to take action in relation to non-payment. He confirmed that a consent-holder may surrender a consent at any time. The consent period was due to end in November 2017, with the final quarterly site fee due in September 2017, so it was suggested that consideration of this application be deferred until mid-September 2017 at the earliest, to see if the site fees were paid.

4.5 RESOLVED: That, in the light of the information now reported, and the current circumstances regarding this case, consideration of the application be deferred to a hearing in mid-September 2017.

**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. 99/17 attended the hearing and addressed the Sub-Committee.

5.3 The applicant in Case No. 19/17 was not able to attend the hearing, but had requested that the application be considered in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
98/17	Application for an exemption from a condition of a Private Hire Vehicle Licence	(a) Defer consideration of the application to enable Licensing Officers to work with the trade to find a suitable, alternative solution with regard to the circumstances under consideration, to the satisfaction of both parties and (b) Licensing Enforcement Officers be requested to be mindful of this, and other cases of this nature, when undertaking vehicle inspections.
99/17	Application for the renewal of a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 22 August 2017**

**PRESENT:** Councillors David Barker (Chair), Dawn Dale and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge 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. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - APPLICATION FOR A STATIC STREET TRADING CONSENT - BARKER'S POOL, SHEFFIELD CITY CENTRE**

4.1 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 for Barker's Pool, Sheffield City Centre (Ref No. 100/17).

4.2 Present at the meeting were Steve Lokwa (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that the objection to the application, which had been received from the City Centre Management Team, had now been withdrawn on the grounds of a change in the catering unit to be used.

4.5 Steve Lokwa stated that the food he planned to sell would bring something different to the City Centre. He wanted to trade at Barker's Pool on the basis that it was a good location, with plenty of people passing by. He hoped to use the Consent as the start of a growing catering business.

4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-

Committee, and Clive Stephenson, Mr Lokwa stated that the food he would be preparing and selling included wraps, hot dogs, burgers and soft drinks. He confirmed that there was no-one else selling food at Barker's Pool at the present time, which therefore meant that there would be no conflict in terms of trading at this location. Whilst he did not have any experience of the catering trade, Mr Lokwa stated that his sister, who would be helping him, was a good cook, and that he had a friend who owned a restaurant, and who would also be helping him out providing any advice he needed. He planned to carry out weekly maintenance checks in terms of the catering unit, ensuring that it was kept clean and in good working order, as he considered image to be very important. Mr Lokwa pointed out the precise location at Barker's Pool where he intended to trade. He planned to transport the catering unit on and off the site by using a vehicle, which would be moved away from the site during trading hours.

- 4.7 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.
- 4.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, following consideration of the information contained in the report now submitted, together with the representations now made, the application for the grant of a Static Street Trading Consent for Barker's Pool, Sheffield City Centre (Ref No. 100/17), as amended, be granted.

(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 August 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Andy Nash

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - APPLICATION FOR A STATIC STREET TRADING CONSENT (DEVONSHIRE GREEN)**

4.1 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 for Devonshire Green, Sheffield City Centre (Case No. 103/17).

4.2 Present at the meeting were Edward Bishop (Applicant), 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 the application had been circulated to all the Responsible Authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and no objections had been received.

4.5 Edward Bishop stated that he had been trading as "Coffika" at Meadowhall since November, 2016 and now wanted to build on that brand and extend the business. He circulated copies of photographs showing the 1972 Citroen van which had been converted and was well kitted out for the purpose of travelling around selling coffee and cakes. Mr. Bishop added that all the products used and sold were locally sourced in the Sheffield area.

4.6 In response to questions from Members of the Sub-Committee, Edward Bishop

stated that he had made enquiries of the Licensing Service as to available sites in the City Centre and was informed there was a static pitch available on Devonshire Green. He further stated that he had traded at the recent Tramlines event and would be on Devonshire Green on the forthcoming weekend. Mr. Bishop felt that the business matched the demographics of the clientele in and around the area with plenty of footfall from the University. Until the business gets established, Mr. Bishop was unsure at the present time what the hours of trading would be, but envisaged that he would be there from early mornings to mid- afternoon.

- 4.7 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent on Devonshire Green be granted (Ref No. 103/17).

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - APPLICATION FOR A STATIC STREET TRADING CONSENT (PEACE GARDENS)**

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the variation of a Static Street Trading Consent in the Peace Gardens, Sheffield 1 (Ref No. 104/17).
- 5.2 Present at the meeting were Inglanga Saqladi (Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Samantha Bond 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 the application had been circulated to all the Responsible Authorities, including City Centre Management Team and Traffic, Transport and Parking Services, and no objections had been received, although City Centre Management had suggested three minor alterations to the ice cream van. Mr.

Stephenson reported that there was an error on the report which stated that the application was for a period of eight weeks, when in fact, if granted, it was to start at the beginning of November for a period of 12 months from that date.

- 5.5 Inglana Saqladi stated that the reason for the application to vary the Static Street Trading Consent was due to the fact that her partner was still unwell, and not able to undertake any physical work, which meant he was not able to lift and fix the mobile trailer onto the car, to drive it on and off the site. Therefore, Ms. Saqladi and her daughter continued to run the business from the motorised ice cream van.
- 5.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Ms. Saqladi stated that, at this moment in time, she could not envisage her husband ever being fit enough again to be able to lift and fix the mobile trailer onto the car, to drive it on and off the site. Ms. Saqladi further stated that City Centre Management had contacted her and requested that the ice cream van be resprayed a different colour, an awning be attached to the roof of the van and a skirt be attached around the bottom. She said that the respray would not be a problem and had agreed to it, but to attach the awning to the roof would mean that the roof would have to be taken off to be fitted which would be costly and to fit a skirt around the bottom would have to be something that was detachable as it would be considered hazardous to drive with something around the bottom of the van. Ms. Saqladi said that discussions with City Centre Management were still ongoing. She added that as far as she was aware, there had not been any complaints with regard to the ice cream van being parked at the site as opposed to the mobile trailer.
- 5.7 Clive Stephenson outlined the options open to the Sub-Committee in relation to the application.
- 5.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That, following consideration of the information contained in the report now submitted, including the representations now made, the application to vary the Static Street Trading Consent in the Peace Gardens, be granted without the need for a skirt or awning on the vehicle as discussed with City Centre Management (Ref No. 104/17).

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 29 August 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Adam Hurst and Gail Smith

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Lisa Banes 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. 104/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 105/17 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 106/17 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>
104/17	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 does not consider the applicant to be a fit and proper person to hold a licence.

- |        |   |  |
|--------|---|--|
| 105/17 | Application for an exemption from a condition of a Private Hire Vehicle Licence | (a) Defer consideration of the application to enable Licensing Officers to work with the trade to find a suitable, alternative solution with regard to the circumstances under consideration, to the satisfaction of both parties and (b) Licensing Enforcement Officers be requested to be mindful of this, and other cases of this nature, when undertaking vehicle inspections. |
| 106/17 | Review of a Hackney Carriage and Private Hire Driver's Licence                  | In the light of the offences and convictions now reported, and the representations now made, the licence holder be issued with a written warning in terms of his future conduct, to remain live for the term of his current licence.   |

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 31 August 2017**

**PRESENT:** Councillors David Barker (Chair), Dawn Dale and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 **RESOLVED:** That the public and press be excluded from the meeting before discussion takes place on item 6 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 CONSENT - FARGATE**

4.1 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 for Fargate, Sheffield 1 (Ref No. 101/17).

4.2 Present at the meeting were Michael Desmond (Applicant), 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 informed Members that the applicant had submitted an application for a Static Street Trading Consent at a pitch at the top of Fargate and also an application for a variation to the Consent he already holds half-way down Fargate, not at the Peace Gardens as indicated on the agenda. Members agreed to consider both applications at the same time. Clive Stephenson then gave a brief synopsis of both cases (Ref Nos.101/17 and 102/17).

4.5 Mr Stephenson clarified the position with regard to the three consent pitches on Fargate and informed Members that the current consent-holder of the pitch at the top of Fargate had not been trading on Fargate for some time, although this was not in breach of any conditions as their site fees had been paid up to date. He added that a consent-holder may surrender a consent at any time. The consent

period for the pitch at the top of Fargate was due to end in November 2017, with the final quarterly site fee due on 1<sup>st</sup> September 2017. If such fees were not paid in September, the Service would have to take action in relation to non-payment.

- 4.6 Michael Desmond stated that he had made enquiries of the Licensing Service regarding the pitch at the top of Fargate and had paid both consultancy and application fees to try and secure the pitch. He said that he would not have applied had he known that someone already held a consent to trade there. He believed that a genuine mistake had been made by the Service in giving him the wrong information. Mr. Desmond added that, as far as he was aware, the consent holder had not been trading on Fargate for several months, which was why he believed the pitch to be empty. Mr. Desmond stated that, following medical advice, it was no longer feasible for him to work in direct sunlight on Fargate, this being the reason to vary the consent to sell pancakes from a mobile catering unit, rather than flowers from his custom made bicycle. Mr. Desmond further stated that no-one else in the vicinity of Fargate sold pancakes so therefore he would pose no threat to any other business.
- 4.7 In response to questions from Members of the Sub-Committee, Mr. Desmond stated that he had been trading for 15 years and had researched the area and felt that his pancake business would add to the vibrancy of the area. He went on to state that he had always had a good working relationship with City Centre Management and if the application and/or variation was granted, he would contact them to establish where the pitch would be.
- 4.8 Clive Stephenson reported on the options open to the Sub-Committee, as set out in both reports.
- 4.9 RESOLVED: That the press and public 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.
- 4.10 Samantha Bond reported orally, giving legal advice on various aspects of the applications.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.12 RESOLVED: That following consideration of the information contained in the reports now submitted, including the representations now made, the Sub-Committee agrees to:-
- (a) defer the application for the Static Street Trading Consent (Ref. No.101/17) until the 31<sup>st</sup> December, 2017, however, if by 31<sup>st</sup> December the spot is still unavailable, the application will be deemed refused; and
  - (b) grant the application to vary the Static Street Trading Consent (Ref. No.102/17) and request the applicant to consult with City Centre Management to determine the most suitable site to trade in the centre of

Fargate.

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

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - PEACE GARDENS**

5.1 The application for the variation of a Static Street Trading Consent was considered with item 4 on the agenda.

**6. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

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

6.2 The applicant in Case No. 95/17 attended the hearing with a representative and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
95/17	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years as requested.

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# SHEFFIELD CITY COUNCIL

## Licensing Sub-Committee

### Meeting held 5 September 2017

**PRESENT:** Councillors David Barker (Chair), George Lindars-Hammond and Andy Nash

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#### **1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Andy Bainbridge 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 - SADACCA, 48 WICKER, SHEFFIELD S3 8LB - REVIEW OF CLUB PREMISES LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police under Section 87 of the Licensing Act 2003, for a review of a Club Premises Certificate in respect of SADACCA, 48 Wicker, Sheffield, S3 8LB (Ref No.107/17).

4.2 Present at the meeting were Robert Cotterell (Chair of SADACCA), Winston Hazel and Aaron Stewart (SADACCA), James Ketteringham (Solicitor, South Yorkshire Police), Cheryl Topham (Licensing Enforcement Officer, South Yorkshire Police), Clive Stephenson (Licensing Enforcement and Technical Officer, Sheffield City Council), 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 South Yorkshire Police and the Sheffield Safeguarding Children Board, and were attached at Appendix 'B' to the report. Clive Stephenson stated that Julie Hague, Sheffield Safeguarding Children Board was unable to attend the hearing but had submitted her apologies and requested that her representation be read out at the meeting.

4.5 James Ketteringham stated that South Yorkshire Police, following the incident that had occurred on 2nd July, 2017 in which a fight had broken out and a person had

been stabbed, were not asking for revocation of the premises licence but that a number of conditions be imposed on the licence. He further stated that a number of concerns were raised, these being, that evidence had been cleaned up, there had been difficulty in reading the CCTV images and there had been no calls to the Police from the club at the time of the incident. He added that the club were unaware that weapons had been brought onto the premises. Mr. Ketteringham stated that an application for a Temporary Event Notice (TEN), had since been received and was granted by the Licensing Sub-Committee on 13<sup>th</sup> July, 2017, and he referred to an action plan that had been drawn up and stated that SADACCA had agreed to the plan and had already implemented the majority of the proposed conditions.

- 4.6 In response to questions from Members of the Sub-Committee, James Ketteringham stated that all Committee Members of SADACCA were to be made aware that anyone who applied for a TEN, would do so in the name of the Committee and that the Committee had sole discretion whether to allow the application to be made. Cheryl Topham stated that South Yorkshire Police and the Committee had a very good relationship and that all the conditions were being adhered to. Regarding the concerns raised by Julie Hague in her statement, Cheryl Topham informed Members that SADACCA had sent a representative on the safeguarding course run by the Safeguarding Board.
- 4.7 Rob Cotterell accepted the seriousness of the incident that had occurred but stated that it was still unclear whether the stabbing had happened inside the club. He confirmed that a fight had broken out inside the club and everyone present had been asked to leave and staff had started to clean up the blood that was there because they knew someone had received a bloody nose and thought the blood was from that. He accepted what the Police were saying about cleaning up the evidence but said this had been done inadvertently. He said the staff were guilty of not reporting the incident to the Police but were unaware of the seriousness of the matter. Mr. Cotterell stated that the CCTV system in place at the premises was a very good system, the problem on the night had been the Police were unable to download images and take the evidence with them. The Police had suggested that another camera might be installed. Mr. Cotterell further stated that he had concerns with regard to Condition Nos. 2 and 4 of the Action Plan. Condition 2 suggested that the club should be closed at 23.30 hours Monday to Saturday and 22.30 on Sundays. He said that the incident in July had happened at around 3.00 a.m. as had the previously recorded incident in April, 2011 and suggested that the normal closing time of 2.00 a.m. was adequate and in line with similar other City Centre venues. Regarding Condition 4, Mr. Cotterell stated that he couldn't see how this fitted with the normal running of the club. He said that general practice was for promoters to contact the Committee outlining their proposed event and then the Committee considered the booking before a TEN was applied for. Mr. Cotterell added that a number of bookings had already been cancelled whilst waiting the review of the licence and this was proving to be very costly.
- 4.8 Winston Hazel stated that the future vision for SADACCA and the Wicker was at a crossroads as to how to go forward to maintain music events in the area. He added that he was hoping to host a Carnival stretching from the Wicker to Sharrow

next year and was hoping to maintain the close working relationship the Club has with South Yorkshire Police.

- 4.9 Aaron Stewart stated that he was a former Mayor of a City in the USA and as such understood the dynamics of a good working relationship with the Police and was happy to be involved and support SADACCA and hoped to hold events there once a month.
- 4.10 In response to questions from Members of the Sub-Committee, Rob Cotterell stated that he thought the action plan was a good plan and he and the Committee had learned from mistakes made, and in the event of an incident in the premises in the future, the Committee and staff members had a part to play in dealing with it different to the last incident. Mr. Cotterell stated that, on the whole, promoters were known to the Committee and in any event, background checks were always carried out. Winston Hazel added that new security measures were in place, a body scanner had been installed and he detailed how security at the front door would operate in the future. The way forward was to focus on prevention rather than reaction.
- 4.11 James Ketteringham and Cheryl Topham summed up on behalf of South Yorkshire Police.
- 4.12 Rob Cotterell was given the opportunity to sum-up the case on behalf of SADACCA.
- 4.13 Clive Stephenson reported on the options available to the Sub-Committee.
- 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 Samantha Bond 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 attendees.
- 4.17 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises known as SADACCA, 48 Wicker, Sheffield S3 8LB, by the addition of the following conditions:-
- (a) applications for a Temporary Event Notice shall be submitted by a named member of the Committee;
  - (b) 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 the images for the purposes of and 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;

- (c) a copy of the South Yorkshire Police Violent Incident Protocol is to be displayed within the premises in clear sight of staff. This protocol should also form part of staff training and training records shall be maintained to reflect this;
- (d) any incidents at the premises will be recorded in the incident book and any criminal behaviour is to be reported to the Police;
- (e) a register will be maintained at the premises of each person whose duties include deciding who is admitted to the premises, and the direction and control of such persons. The register will contain the full name, address, date of birth, photograph (portrait style and minimum passport size) and a physical description. The register shall be made available for inspection by any Police Officer or Authorised Officer of the Council upon request and shall be kept on the premises for a period of not less than 12 months;
- (f) the use of door supervisors will be risk assessed on an event-by-event basis. A written record of the risk assessment shall be kept on the premises for 6 months and will be made available to the Police and/or Authorised Officers of the Council upon request;
- (g) a signing-in book will be maintained on the premises and completed by each member of security staff prior to the start of their duties each day; the entry will detail the name, start and finish time of the security staff. The signing-in book shall be made available for inspection by any Police Officer or Authorised Officer of the Council upon request. These records shall be kept on the premises for a period of not less than 12 months;
- (h) where door supervisors are utilised, customers entering the premises will be subjected to searches in accordance with the premises risk assessment;
- (i) security staff are to display their SIA badges at all times;
- (j) the Club Chair or other such qualified and responsible person will be designated to the role of Safeguarding Co-ordinator. This person must act with reference to the guidance and training provided by the Sheffield Safeguarding Children Board;
- (k) a written safeguarding risk assessment must be undertaken for all activities at the premises involving children and young people who are socialising, at work (paid or voluntary), performing, entertaining, or who are present for any other reason at the premises. This document must be retained and made available for inspection to the Responsible Authorities on request;

- (l) all persons under the age of 18 years to be signed in and out of the premises by a responsible adult using a membership scheme/register; and
- (m) for events, parties and functions:
  - (a) a booking form stipulating the conditions of booking and to record the details of the event/party organiser must be used and retained; and
  - (b) checks will be made by the management committee to ensure that the music policy and reputation of promoters/event organisers is suitable for events to which children and young people are admitted.

(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 7 September 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Mick Rooney and Neale Gibson

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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 - AKENTANNOS, 270 SHARROW VALE ROAD, SHEFFIELD, S11 8ZH**

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 34 of the Licensing Act 2003, to vary the Premises Licence in respect of the premises known as Akentannos, 270 Sharrow Vale Road, Sheffield, S11 8ZH (Ref. No. 108/17).

4.2 Present at the meeting were Giovanna Casiddu (Applicant), Mario Masia (Manager), Paul Henocq (John Gaunt, Solicitors, for the Applicant), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that initially, representations had been received from five members of the public and the Council's Health Protection Service. Subsequently, the Health Protection Service and one of the members of the public's objections had been withdrawn on the basis that the applicant had agreed to offer additional conditions relating to the movement, sorting and removal of waste bottles by the applicants or the collection of glass bottles by collection contractors between certain hours of the day. There was therefore only four public objections outstanding. All the objectors had been invited to attend the hearing, but none were present.

4.5 Paul Henocq presented the case on behalf of the applicant, indicating that they had been operating on the current Premises Licence since February 2016, and that the premises had operated as a restaurant since 2010. Mr Henocq circulated

photographs showing the internal layout of the premises, together with a current menu, stating that the applicant wished to increase the size of the restaurant in order to increase the number of covers and provide a suitable waiting area for customers. The proposed expansion involved knocking through to the former Post Office premises, which had relocated across the road. In terms of the outstanding objections to the application, Mr Henocq stated that there would be no change to the opening hours and that some of the other issues the objectors had raised, such as traffic and car parking problems, were not within the remit of this Sub-Committee. Although not relevant to this hearing, Mr Henocq pointed out that there had been no concerns raised as part of the pre-application planning process regarding the proposed variation. He added that most of the issues raised by the objectors referred to other licensed premises in the area, with any issues regarding Akentannos being speculative. He stressed that the current owners had operated the premises at this location since February 2016, and there had not been any problems associated with the Premises Licence. Mr Henocq concluded by stating that the applicant was happy to accept the two suggested conditions relating to the disposal and clearing away of glass bottles.

- 4.6 In response to questions raised by Members of, and the Legal Adviser to, the Sub-Committee, Clive Stephenson confirmed that, as far as he was aware, the applicant had followed the correct procedures in terms of the advertisement of the proposed application. Mr Henocq confirmed that when the applicant had knocked through to the former post office premises next door, the frontage of the restaurant would increase from 3.8 metres to over 6 metres. As part of the renovation works, there would be no requirement for an additional extraction flue. The issue of noise attenuation measures, particularly with regard to the living accommodation above the former post office building, had been dealt with as part of the pre-application planning process. As there was a river running directly to the rear of the building, this meant that no residents would be directly affected by noise nuisance created by waste disposal activity or by cooking smells from the kitchen. As part of the expansion plans, there would be no more than 40 covers, and it was not envisaged that the increase, specifically the likelihood of there being larger parties dining at the restaurant, would create any problems of noise nuisance caused by customers leaving the premises. The last customers were usually admitted at 22:00 hours, with the restaurant closing at 00:00 hours, and there was a gradual dispersal of customers throughout the night. Mr Masia stated that they often had large groups of customers in the restaurant, and that they had never received any complaints from local residents with regard to noise nuisance with customers leaving the premises late at night.
- 4.7 Mr Henocq summarised the case on behalf of the applicant.
- 4.8 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.

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

4.11 RESOLVED: That the Sub-Committee agrees to grant a variation to the Premises Licence in respect of Akentannos, 270 Sharrow Vale Road, Sheffield, S11 8ZH (Ref. No. 108/17), in the terms requested and subject to the two conditions offered by the applicant, as follows:-

(a) There will be no movements, sorting or removal of waste bottles, material or other articles, nor movement of skips or bins outside the building between 22:00 and 08:30 hours, Monday to Saturday, and 22:00 and 09:00 hours on Sundays and Bank Holidays. No deliveries to the building will be carried out between these hours; and

(b) There will be no collection of glass/bottles/skips and refuse bins/skips by collection contractors between 22:00 and 08:30 hours, Monday to Saturday, and 22:00 and 09:00 hours on Sundays and Bank Holidays.

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

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 12 September 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and George Lindars-Hammond

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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. 109/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 110/17 did not attend the hearing.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
109/17	Application for a new 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 does not consider the applicant to be a fit and proper person to hold a licence.
110/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case to allow the licence holder the opportunity to attend on a future date to be arranged.



**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 14 September 2017**

**PRESENT:** Councillors David Barker (Chair), Adam Hurst and Gail Smith

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received. Councillor Jack Clarkson 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. 111/17 did not attend the hearing.

4.3 The applicant in Case No. 112/17 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 113/17 did not attend the hearing.

4.5 The applicant in Case No. 114/17 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>
111/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to enable the applicant to attend a future hearing.
112/17	Application for a new	Grant a licence for the term of three

	Hackney Carriage and Private Hire Driver's Licence	years, as requested.
113/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application to enable the applicant to attend a future hearing.
114/17	Renewal of a Hackney Carriage and Private Hire Driver's Licence.	Grant the licence for the term of three years as requested, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct to remain live for the term of his current licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 19 September 2017**

**PRESENT:** Councillors David Barker (Chair), Dawn Dale 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 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 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. SCRAP METAL DEALERS ACT 2013 - APPLICATION FOR THE GRANT OF A SCRAP METAL DEALERS SITE LICENCE**

4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a Scrap Metal Dealers Site Licence, made under Section 1(1) of the Scrap Metal Dealers Act 2013 (Case No.115/17).

4.2 Present at the meeting were the applicant, the applicant's partner and the applicant's mother, Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Craig Harper presented the report to the Sub-Committee, and it was noted that the applicant had been convicted of two offences, details of which were set out in Appendix "B" to the report.

4.5 The applicant addressed the Sub-Committee, referring to the application and providing information in terms of the convictions.

4.6 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5

of Schedule 12A to the Local Government Act 1972, as amended.

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

4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.

4.9 RESOLVED: That, in the light of the representations now made, the application for a Scrap Metal Dealers Site Licence now made be granted in the terms now requested (Case No.115/17).

## **5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE**

5.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing (Case No.115A/17). The applicant attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
115A/17	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term requested and (b) in the light of the offences and convictions now reported, the applicant be given a written warning, regarding his future conduct, to remain live for a period of 12 months.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 26 September 2017**

**PRESENT:** Councillors Josie Paszek (Chair), George Lindars-Hammond and Vickie Priestley

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**1. APOLOGIES FOR ABSENCE**

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

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on items 4 and 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 (a) 1 and 2 and (b) 7, respectively, of Schedule 12A to the Local Government Act 1972, as amended.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES**

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

4.2 The licence holder in Case No. 117/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 118/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 110/17 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>
117/17	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Agree to re-instate the licence on the grounds that, in light of the representations now made and the licence holder's record, the Sub-Committee considers him to be a fit and proper

person to hold a licence and (b) in the light of the incident now reported, the licence holder be given a written warning, regarding his future conduct, to remain live for the period of his current licence.

118/17	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning with regard to his future conduct, to remain live for the period of his current licence.
110/17	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, in the interests of public safety and on the basis that the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence.

**5. LICENSING ACT 2003 - TO CONSIDER INTERIM STEPS IN RESPECT OF A REVIEW OF A PREMISES LICENCE**

- 5.1 The Chief Licensing Officer submitted a report to consider the imposition of interim steps following the receipt of an application from South Yorkshire Police, for a summary licence review made under Section 53A of the Licensing Act 2003, in respect of the Premises Licence now mentioned (Ref No. 127/17).
- 5.2 Present at the meeting were Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Craig Harper presented the report to the Sub-Committee, and it was noted that the application for the review had been made by Superintendent Una Jennings as, in her opinion, the premises were associated with serious crime and/or disorder.
- 5.4 Samantha Bond provided advice in terms of how the Sub-Committee should proceed, indicating that it would have to consider the nature of the serious crime and/or disorder at the premises, and then look to see if imposing any interim conditions to the Premises Licence, pending the formal review of the Licence, would immediately address the concerns of such serious crime and/or disorder reoccurring. Ms Bond advised that if any representations were made from the Premises Licence Holder in terms of any interim steps made at this informal meeting, arrangements would have to be made for a further hearing to take place within 48 hours from the receipt of the representations, to allow such representations to be considered.
- 5.5 Following consideration of the report, and the receipt of the legal advice provided, it was agreed that the following interim steps be applied, in the form of

additional/amended conditions to the Premises Licence (Ref No. 127/17):-

- (a) SIA-registered door staff to be on duty during opening hours on days of all Sheffield Wednesday Football Club home games;
- (b) polycarbonates to be used and all liquids from glass bottles to be decanted into polycarbonates on days of all Sheffield Wednesday Football Club home games; and
- (c) the Designated Premises Supervisor be removed from the Premises Licence.

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**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 28 September 2017**

**PRESENT:** Councillors David Barker (Chair), Mick Rooney and Gail Smith

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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 four cases relating to hackney carriage and private hire licensing. The Chief Licensing Officer reported that Case No.111/17 had been withdrawn by the applicant prior to the meeting.

4.2 The licence holder in Case No.113/17 did not attend the hearing.

4.3 The licence holder in Case No. 119/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 120/17 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>
113/17	Review of a Hackney Carriage and Private Hire Driver's Licence	Suspend the licence for a period of three months, under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, due to the number of warnings received by the licence holder, in a short period of time, regarding his conduct.
119/17	Review of a	The licence holder be issued with a further

	Hackney Carriage and Private Hire Driver's Licence	written warning with regard to his future conduct, to remain live for the term of his current licence and the licence holder be required to undertake a speed awareness course during this calendar year and provide evidence to the Licensing Service that he has done so.
120/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years as requested.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 3 October 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and Andy Nash

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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 CASE**

4.1 The Chief Licensing Officer submitted details in respect of a case relating to hackney carriage and private hire licensing (Case No. 121/17). The licence holder attended the hearing with a representative, and family members, and they all addressed the Sub-Committee

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
121/17	Review of a Hackney Carriage and Private Hire Driver's Licence	In the light of the representations now made, the licence holder be issued with a written warning with regard to his future conduct, to remain live for the term of his current licence.

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

**5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - SCHOOLS (ICE CREAM) STREET TRADING CONSENT**

5.1 The Chief Licensing Officer submitted a report to consider an application, under

the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Schools (Ice Cream) Street Trading Consent to trade at Birley Community Primary School, Thornbridge Avenue (Ref No. 122/17).

- 5.2 Present at the meeting were Paul Grayson (Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that an objection to the application had been received from the Head Teacher of Birley Community Primary School, and was attached at Appendix 'C' to the report. The Head Teacher had been invited to the meeting, but was not present.
- 5.5 Paul Grayson stated that a friend of his had traded at this location for a number of years, and had not experienced any problems. Since commencing trading at the site in March 2017, Mr Grayson stated that he had experienced a number of problems, mainly with regard to local residents and school representatives in connection with traffic issues and pupil safety, respectively. Mr Grayson stated that he had been selling ice cream for around 27 years, at various different locations across the City, and had experienced very few problems. He stressed that no objections had been received from the responsible authorities, including Highways and Planning, who had visited the site. Mr Grayson also made reference to a petition he had organised, which contained 1,186 signatures, expressing support for him to operate at this location.
- 5.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Grayson stated that he had started a petition from the ice cream van, but following advice to publicise his operation on social media, a considerable amount of interest had been generated. He stated that, in addition to the one formal objection to the application, from the Head Teacher of the School, he had also received adverse comments from residents on Thornbridge Avenue, regarding increased traffic congestion and problems with pupils hanging around on the pavement outside their properties. Mr Grayson stated that he had spoken to someone he believed was the Head Teacher of the School, and recalled that person indicating that, whilst she was not willing to offer her consent in respect of the application, she was not opposed to the principle of him trading at the location. He added that he was surprised to see that the Head Teacher had formally objected to the application. He stated that he wasn't trading outside other schools in the City at the present time on the basis that he wanted to follow proper procedures, and apply for a licence to allow him to trade at this specific location. On those occasions he had been forced to park further away from the school, business had not been as profitable, resulting in him losing considerable amounts of money every day. He stated that the resident who had complained direct to him had a long-standing issue in terms of people parking near his house. Mr Grayson stated that there were no major traffic problems, at or around, the location where he wished to park as it was a one-way system, and there were double-yellow lines on large sections of the road. He commented that, as with

other schools in the City, there were problems in terms of parents parking to drop off or pick up their children from the school, with some parents parking on grass verges. Mr Grayson indicated that he would often get up early, and drive his car to the site in order to reserve a space, then move the car and drive the ice cream van into the space later in the day. As well as there being no major traffic problems at the location, Mr Grayson stated that, in his opinion, there were no major concerns in terms of the safety of the school pupils. He stated that his usual trading hours were 15:00 to 20:00 hours during the winter and 12:00 to 20:00 hours in the summer.

- 5.7 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.
- 5.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a Schools (Ice Cream) Street Trading Consent at Birley Community Primary School, Thornbridge Avenue (Ref No. 122/17), for a period of 12 months, subject to the ice cream van not causing an obstruction to traffic and/or endangering public safety.

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

## **6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - CITY CENTRE STREET TRADING CONSENT**

- 6.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a City Centre Street Trading Consent for Fargate (Ref No. 123/17).
- 6.2 Present at the meeting were Adi Sela (Applicant), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that the applicant was requesting the grant of a Street Trading Consent on Fargate,

which would be outside the agreed policy on numbers of consents in that area.

- 6.5 Mr Sela stated that he had noticed that there was no-one trading on Fargate at the present time and that, with regard to the food he was planning to sell, namely vegan, there were only two vegetarian restaurants/cafes currently operating in the City Centre. He stated that his business would be called 'No Meat Today', and he would be selling quality vegan burgers and sausages, at a reasonable price. Mr Sela stated that he had 15 years of experience of working with some of the best restaurants world-wide, and had recently attained the Level 3 Food Hygiene Rating.
- 6.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Sela stated that he would be using a high quality liquid propane gas griddle, as recommended by the National Catering Association (NCA), with the gas bottle being placed inside the end box of the trade unit. Mr Sela had worked closely with the NCA in connection with health and safety requirements regarding his business. In terms of the position with regard to consent to trade on Fargate, which had been explained to him, Mr Sela stated that, although he had looked at Tudor Square, at which a consent was available, he did not consider this as a viable option in light of the low footfall. He stated that his proposed trading hours would be from 10:00 to 18:00 hours, and that if consent was granted, he would be able to commence trading within three weeks. In terms of his vision, Mr Sela stated that he had been born and raised in Israel, where there was a huge demand for vegan food, and he wanted an opportunity to offer high quality, vegan food, at a reasonable price, in Sheffield.
- 6.7 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.
- 6.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.10 RESOLVED: That, in light of the information contained in the report now submitted, and the representations now made, approval be given for the grant of a City Centre Street Trading Consent, at a suitable location in the City Centre area (Ref No. 123/17), to be agreed by the applicant and the City Centre Management Team, before 31<sup>st</sup> December 2017.

(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 October 2017**

**PRESENT:** Councillors David Barker (Chair), Adam Hurst 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 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. 125/17 attended the hearing with his father, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 124/17 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 126/17 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>
125/17	Application for a Hackney Carriage and Private Hire Driver's Licence	Agree to grant a licence for the term requested on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional circumstances to deviate from the current policy relating to the age and experience of drivers.

124/17	Application for the renewal of a Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to age limit for Hackney Carriage Vehicles.
126/17	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.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 10 October 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham and Cliff Woodcraft

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**1. APOLOGIES FOR ABSENCE**

1.1 No apologies for absence were received.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3. There were no declarations of interest.

**4. LICENSING ACT 2003 - CADS, EAGLE WORKS, 90 STEVENSON ROAD, SHEFFIELD, S9 3GX**

4.1 The Chief Licensing Officer submitted a report to consider objections to two Temporary Event Notices (TENs), under Section 104(2) of the Licensing Act 2003, in respect of the premises known as CADS, Eagle Works, 90 Stevenson Road, Sheffield S9 3GX (Ref No. 131/17).

4.2 Present at the meeting were Sean Gibbons and Shiva Prasad (Health and Safety Enforcement, Objectors), Russ Parramore (Emergency Planning Officer, South Yorkshire Fire and Rescue Service, supporting the Objectors), Steve Rimmer (Trustee, CADS), Craig Harper (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Craig Harper presented the report to the Sub-Committee, and it was noted that notices of objection to the Temporary Event Notices (TENs) had been submitted by the Environmental Protection Service on 5<sup>th</sup> October, 2017, and were attached at Appendix "B" to the report.

4.5 Sean Gibbons stated that the Health and Safety Enforcement Team had always had a good working relationship with CADS (Creative Arts Development Space) in connection with previous TENs. Officers had visited Eagle Works to discuss the practicalities with regard to proposed events, including the most recent event held in September 2017. The Council's Environmental Regulation Service (ERS) had been made aware of concerns of the Emergency Planning Officer from the South

Yorkshire Fire and Rescue Service with regard to the close proximity between Eagle Works and Outokumpu ASR Rod Mill on Stevenson Road. The concerns related to the potential release of noxious substances from the Outokumpu site, in the event of a major incident. Mr Gibbons stated that the Control of Major Accident Hazard Regulations 2015 (COMAH) applied to the Outokumpu site. Shiva Prasad added that the ERS undertook a similar role as the Health and Safety Executive (HSE). However, the HSE was the enforcing authority for regulating COMAH sites.

4.6 Russ Parramore indicated that he was attending the meeting in support of the objections to the two TENs, and to provide more detailed, technical information with regard to the COMAH Regulations, and the risks involved in the event of a major incident. The COMAH sites, of which there were eight in South Yorkshire, were categorised in terms of the quantity of hazardous substances stored on site. The Health and Safety Executive had overall responsibility for the COMAH sites, with the local Emergency Planning Service having the responsibility for the local plan for the Outokumpu site. Mr Parramore stated that, due to the level of hazardous substances stored on the site, Outokumpu had been designated as upper-tier site although, to date, there had been no need to activate the off-site plan. Mr Parramore referred to the two biggest potential risks in terms of gas leaks and to the various acids that were stored on site, which included hydrofluoric acid which, in the event of an accidental leak, would result in hydrofluoric gas being released into the atmosphere. There were serious concerns, given the close proximity of Eagle Works to the Outokumpu site which, in the event of a major incident, could result in serious injury to those people attending the event, which would include skin irritation and difficulty in breathing and, in the worst case scenario, death. Reference was made to the statutory responsibility of the Emergency Planning Service, in the light of a major incident, which would involve informing all local residents and businesses within the immediate vicinity of the affected site, and there were concerns, given the nature of the event, that the organisers may struggle to hear any warning sirens or telephone calls. In terms of action by the emergency services in the event of a major incident, it was envisaged that the Fire Service would reach the site within approximately 20 minutes, then take a further 30 minutes to douse any gas leakage in order to weaken any adverse effects. Mr Parramore stressed that, whilst he believed the Outokumpu site to be very safe in terms of its health and safety protocols in place, there was always the risk of equipment failure, human error or deliberate acts, which could create a gas leak. Mr Parramore concluded by stating that there had not been any major incidents at the Outokumpu site, since it commenced operations in 1996, but there had been a major incident at a site in Rotherham. Shiva Prasad stated that the ERS was supportive of CADS, but had objected to the TENs due to the potential risks involved due to the large number of people within very close proximity to Outokumpu, and potential difficulties in the light of the nature of the event.

4.7 In response to questions from Members of the Sub-Committee and Steve Rimmer, Mr Parramore provided technical information in terms of the percentage level, and concentration of, the acid stored on the site, highlighting the fact that the acid would generally gas off at a level of 48%, whereas the acid stored at the Outokumpu site was stored at 35%. The major incident which occurred in Rotherham was the result of a faulty gas valve on a storage tank. The appropriate emergency procedures were put in place, and there were no major problems arising from the

incident, mainly due to the location of the site in question, in that there was little, or no, housing or other businesses in the immediate vicinity. Although the Outokumpu site was in operation 24 hours a day, meaning that the site was permanently manned, the time taken to raise an alarm, and put the emergency planning procedures into place, was dependent on the location of the staff on duty at the time. In the light of a major incident, the Emergency Planning Service's plan required as many people as possible, within a seven km radius of the site, being informed of the incident. Mr Parramore confirmed that the distance between the Outokumpu site and Eagle Works was between 200 and 250 metres. The Emergency Planning Service and the Council's Health and Safety Enforcement Team had been informed about the previous event held at Eagle Works at around 16:30 hours on the day of the event. Mr Parramore confirmed that the area within the immediate vicinity of the Outokumpu site comprised mainly industrial units, with Attercliffe Road and Brightside Lane being located approximately a quarter of a mile away, in different directions, with the majority of residential accommodation being situated in the Attercliffe Road area. All householders and business owners within the immediate vicinity of the site will have been provided with information in terms of the risks involved, and the action to be taken in the light of a major incident.

- 4.8 Steve Rimmer referred to the role of CADS, indicating that it was a Charity with a mission to provide affordable space to people, in connection with creative arts, regardless of their social or economic circumstances. It took on Eagle Works in 2016, with the aim of renting it out for events in order to raise income. Mr Rimmer stated that they had held a test event at the premises in Spring 2017, seeking advice from the Environmental Regulation Service, with who they had always had a good working relationship. CADS submitted a TEN in September 2017, prior to which officers from the Health and Safety Enforcement Team had visited the premises to express their concerns. The Charity had taken steps in order to mitigate such concerns and, as part of the TEN process, had assumed that all relevant authorities had been informed. Mr Rimmer stated that, although he had received a telephone call from the Council's Health and Safety Team, acting on advice from the EPO on the day of the event, expressing concerns at the risks involved, the precise nature, and level of, risk was not made clear to him, nor was he offered any advice in terms of control measures to be put in place. In addition to this, Mr Rimmer indicated that he had only received basic health and safety advice from Outokumpu. He stated that CADS took its responsibilities with regard to health and safety very seriously, and was very respectful in terms of any advice provided. He added that they would take on board any advice regarding control measures and risk management in terms of the organisation of any future events at the premises. Mr Rimmer referred to representations made by Councillor Douglas Johnson, in support of the work of CADS in general, and more specifically, the two TENs. He also made reference to the support of other Members to the work undertaken by CADS. He concluded by stating that, whilst being respectful, he considered the level of risk very low, given all the advice provided at the hearing.
- 4.9 In response to questions from Members of the Sub-Committee, and officers in attendance, Mr Rimmer stated that a number of security staff would be employed to manage the event, all of whom would be Security Industry Association (SIA) accredited, and who would all have been trained to deal with any circumstances

arising from a major incident. Mr Rimmer confirmed that they had sold a number of tickets for both events, and having to cancel the events at this late stage would cause a number of problems. In terms of control measures in light of an incident, Mr Rimmer stated that he believed that the security staff on duty at the events would be able to control the crowds sufficiently, and that they would be able to seal an area within the premises to ensure the attendees' safety. Although he accepted that there could be issues in terms of people being under the influence of alcohol, he stated that similar procedures would be adopted as with a fire, and believed that the organisers and security staff would be able to manage any incidents in an efficient manner. Mr Rimmer confirmed that there had been no requirement to apply for planning permission in connection with the use of the building and that permitted uses for the building included anything relating to creative activity. Mr Rimmer stated that, if this application was not granted, it was likely that CADS would not submit any further TENs of this nature, at Eagle Works. In terms of moving forward, CADS would be open to looking at applying for a full Premises Licence, but would have to give consideration to the financial viability involved in this. CADS had a space hire agreement with all groups and organisations who hired their premises for events, all of whom were known to the Charity, and were required to conform to such conditions. In terms of control measures, in the light of a major incident, Mr Rimmer confirmed that whilst the garage unit had sealable doors, the warehouse unit was not totally enclosed, although people could be moved to other areas of the site, which could be sealed. The events would comprise a DJ and amplified music, with attendees, who would be within the 18 to 35 year old age range, being in both the garage and warehouse units. All tankers storing acid on the Outokumpu site would have sensors on the valves, but the incident in Rotherham had been caused as a result of a faulty valve, where the sensor had not been activated. It was confirmed that the Outokumpu site operated in accordance with all required safety measures, including sensors on all the storage tanks.

- 4.10 The objectors and Mr Rimmer summarised their cases.
- 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 Samantha Bond 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to acknowledge the Temporary Event Notices, in respect of the premises known as CADS, Eagle Works, 90 Stevenson Road, Sheffield S9 3GX (Ref No. 131/17) allowing the events to go ahead on the proposed dates as per the Notices.

(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 17 October 2017**

**PRESENT:** Councillors David Barker (Chair), Andy Bainbridge and George Lindars-Hammond

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Gail Smith.

**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. 128/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 130/17 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>
128/17	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offence and conviction now reported and, subject to there being no further cause for concern, the Chief Licensing Officer be authorised to grant a licence for a further term of 24 months and (b) the applicant be given a written warning, to remain live for the period of his initial licence, indicating that if there is any further cause for concern, the

licence will be referred back to the Sub-Committee.

130/17

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

In the light of the representations now made, the licence holder be issued with a written warning with regard to his future conduct, to remain live for the period of his current licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 19 October 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Adam Hurst and Jack Clarkson

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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 three cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No.132/17 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 133/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 134/17 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>
132/17	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.

133/17	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 and convictions 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.
134/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years as requested.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 24 October 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Kieran Harpham and George Lindars-Hammond

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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 three cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 113/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 135/17 attended the hearing addressed the Sub-Committee.

4.4 The licence holder in Case No. 136/17 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>
113/17	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Lift the current suspension of the licence and the licensee be given a written warning as to his future conduct, operative for the period of the licence and (b) should there be any further cause for concern, then the licence be referred back to the Sub-Committee.

135/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for one year and officers be authorised to extend the licence if the applicant is granted leave to remain in the country.
136/17	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, such warning to remain active for the life of his current licence.

**SHEFFIELD CITY COUNCIL**

**Licensing Sub-Committee**

**Meeting held 26 October 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Lisa Banes and Vickie Priestley

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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 - STREET CITY LTD (WAREHOUSE), 863 ECCLESALL ROAD, SHEFFIELD, S11 8TJ**

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 Street City Ltd (Warehouse), 863 Ecclesall Road, Sheffield, S11 8TJ (Ref No. 44/17).

4.2 Present at the meeting were Tim Shield (John Gaunt and Partners, Solicitors, for the Public Objectors), Louise Shield, Richard Watts, Christine Watts, John Dawson, Jenny Allen and Renato Martins (Public Objectors), Sean Gibbons (Health Protection Service, Objector), Jonathan Round (Environmental Protection Service, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that 48 public objections and objections from the Council's Environmental Protection Service and Health Protection Service had been received, and were attached at Appendix 'B' to the report. All 48 public objectors had been invited to attend the meeting. Seven attended the meeting, with three wishing to make making oral representations. The applicants had also been invited to the meeting, but did not attend. Mr Stephenson added that the application had initially been submitted for consideration at a meeting on 13<sup>th</sup> April, 2017, but the Sub-Committee, on the request of the applicant's representative, adjourned the

hearing to allow the applicants to submit an acoustic report.

- 4.5 Sean Gibbons stated that the Health Protection Service's (HPS) objections referred to public safety aspects regarding the application. Mr Gibbons referred to the plan accompanying the application, indicating that it did not clearly define the licensed areas, nor did it clearly show access and egress routes in and out of the premises. There was no internal access to the toilet facilities, and there were also concerns regarding the use of the mezzanine level, potential overcrowding and public access to the raised stage. Mr Gibbons stated that he had made a number of attempts to discuss his concerns with the applicants, in connection with the events held on the premises using Temporary Event Notices (TENs), and had met with them following the submission of his notice of objection, in order to discuss such concerns. He had also suggested a number of conditions, but had not received any response from them following such action. He therefore still had outstanding concerns with regard to the holding of licensed events, as proposed, at this location.
- 4.6 Following a question raised by Tim Shield, Mr Gibbons confirmed that the Health Protection Service had submitted an outright objection to the application.
- 4.7 Jonathan Round stated that the applicants had held two events, using TENs, on the site after the Environmental Protection Service (EPS) had formally objected to the application for a Premises Licence in April 2017, in connection with the original application. As part of the events, the Service had been led to believe that the amplified music would cease at 23:00 hours, but reports of it going on longer than this had been received. As well as the music, there were also complaints of noise nuisance as a result of vehicles arriving and leaving the site, both as part of the setting up, and clearing up, of the events, sometimes as late as 02:00 hours. Mr Round, together with Sean Gibbons and an officer from Development Control, had met with the applicant's agent, prior to the meeting of the Sub-Committee on 13<sup>th</sup> April, 2017, to consider the application for a Premises Licence. It was made clear that the Council would only accept a market-style operation on the site, finishing at 20:00 hours. Mr Round also stated that an acoustic report had been requested at that meeting, with a similar request being made at the Sub-Committee meeting on 13<sup>th</sup> April 2017. He concluded by stating that, although he was aware of such a report having been completed before 13<sup>th</sup> April 2017, such report had still not been submitted to the Authority.
- 4.8 Following a question raised by Tim Shield, Mr Round confirmed that the Environmental Protection Service had submitted an outright objection to the application.
- 4.9 In response to a question by the Chair, addressed to both the EPS and HPS, Mr Gibbons stated that he had had a brief discussion with the applicants, following the Sub-Committee's meeting on 13<sup>th</sup> April 2017, during which he had passed on his contact details, together with a request for the applicant to contact him to discuss any outstanding issues, but he had not received any contact from the applicants. Mr Round confirmed that he had had a conversation with the applicants in connection with an event held under a TEN, in June 2017, but had not had any discussions in connection with the application for a Premises Licence.

He added that his Service had been involved with two incidents of controlled burning on the site, one such incident involving the applicants. He also stated that he believed planning permission had been granted in respect of an application for the use of buildings on the same site to be used as a nursery, indicating that this could likely result in safeguarding concerns.

- 4.10 Tim Shield indicated that he was acting on behalf of St William of York Church, the Church Priest and a number of Church parishioners and local residents. He stated that the objectors' primary concerns related to public nuisance arising from the activities on the site. Mr Shield stated that the events on the site have significantly impacted upon parishioners attending St William's Church, particularly the 18:30 mass, which was held every Saturday evening. Reference was made to existing traffic problems in the area, with a number of restaurants, takeaways, Napoleon's Casino and the Co-operative Supermarket, all within the immediate vicinity of the site, with Street City events resulting in a significant increase in traffic congestion. This also created parking problems and noise nuisance issues for local residents. The events also resulted in an increase in rubbish on the surrounding streets, including the driveway to, and the area outside, the Church Hall. Mr Shield referred to the Sub-Committee meeting held on 13<sup>th</sup> April 2017, stressing that the meeting had been adjourned at the request of the applicants, subject to them arranging an acoustic report, for submission to the Authority, but this had not materialised. He also made reference to the fact that the applicants had not attended this meeting, and had not notified the Licensing Authority that they would not be doing so. In terms of the application, Mr Shield stated that whilst the TENs had allowed activity up to 23:00 hours, the applicants were now requesting activity up to 01:00 hours on Friday and Saturday, which would greatly increase the potential for noise nuisance. Mr Shield concluded by stating that as the applicants had failed to provide any evidence in connection with how noise would be contained, and for all the other reasons outlined in his and the other objectors' representations, the application should be refused.
- 4.11 Councillor Bob Pullin, speaking, with the leave of the Chair, both as an interested party and representing a number of local residents, stated that he had attended two events held on the site, under TENs, and had a number of concerns with regard to both organisational and health and safety aspects of the events. He stated that there was no clear traffic management plan, which was required in an already congested area. Despite this, there was no-one directing traffic, which he believed was necessary, particularly in the light of the number of young children attending the events. Councillor Pullin also stated there were no notices in terms of lost children or first aid which, he believed, should be a necessity. He believed that there would be problems in terms of evacuating the site in the event of an incident, given how densely populated the area was when events were taking place. He also made reference to an apparent lack of operational procedures, which he considered necessary given the potential for issues with regard to the mixed activity on the site, namely children's rides, including bouncy castles, food vans/stalls and a licensed bar. Councillor Pullin made specific reference to the area named 'Bouncy City', which comprised a selection of bouncy castles, indicating that there was only one member of staff looking after all the equipment.

- 4.12 Renato Martins stated that, as well as all the other problems faced by residents when events were being held at the site, there was also an issue in terms of light pollution, both during the events and when setting up and clearing away.
- 4.13 Richard Watts stated that weddings were often held at St Williams' Church on Saturdays, which could be affected by noise nuisance connected to the events on the site. He also emphasised the potential problems involved in an emergency evacuation, indicating that the only pedestrian route on and off the site, comprised a pavement leading to Ecclesall Road, and this was only 1.5 metres at its widest point.
- 4.14 Tim Shield summarised his case, indicating that the onus should be on the applicants to show how they are going to promote the licensing objectives and, apart from a brief reference to this in the application, there was no other evidence provided.
- 4.15 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.16 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.
- 4.17 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.18 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.19 RESOLVED: That the application for the grant of a Premises Licence in respect of the premises known as Street City Ltd (Warehouse), 863 Ecclesall Road, Sheffield, S11 8TJ (Ref No. 44/17), be rejected on the basis that the Sub-Committee do not consider the licensing objectives to have been upheld.

(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 2 November 2017**

**PRESENT:** Councillors Josie Paszek (Chair), Andy Bainbridge and Lisa Banes

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**1. APOLOGIES FOR ABSENCE**

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

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on 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. 137/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 138/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 139/17 attended the hearing with a representative, and they both addressed the Sub-Committee.

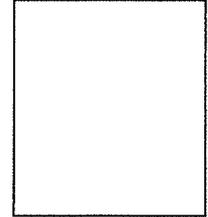
4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
137/17	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offences and convictions now reported, (b) the applicant be given a written warning, regarding his future conduct and (c) on renewal, authority be given to grant the applicant a licence for the remainder of

		the term requested, subject to there being no further cause for concern.
138/17	Application for a Hackney Carriage Vehicle Licence	Grant a licence for the term of one year as requested.
139/17	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months in the light of the offences and convictions now reported, (b) the applicant be given a second and final written warning regarding his future conduct and (c) on renewal, authority be given to grant the applicant a licence for the remainder of the term requested, subject to there being no further cause for concern.



**SHEFFIELD CITY COUNCIL  
Committee Report**



**Report of:** Chief Licensing Officer and Head of Licensing

**Date and Time:** Thursday 23<sup>rd</sup> November 2017 at 10am

**Subject:** Sex Establishment Policy  
(Incorporating Sex Shops, Sex Cinemas and Sexual  
Entertainment Venues)

**Author of Report:** Stephen Lonnia

**Summary:** To seek Members approval on the 'Sex Establishment Policy'  
with an effective date of the 1<sup>st</sup> January 2018

**Recommendations:** Members of the Licensing Committee to approve the Sex  
Establishment Policy.

**Background Papers:** Not applicable

**Category of Report:** OPEN

# REPORT OF THE CHIEF LICENSING OFFICER / HEAD OF LICENSING TO THE LICENSING COMMITTEE

Ref 149/17

## Sex Establishment Policy (Incorporating Sex Shops, Sex Cinemas and Sexual Entertainment Venues) - Approval

### 1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the results of the consultation process undertaken on Sheffield City Council's new 'Sex Establishments Policy'
- 1.2 To seek Members approval of the final updated 'Sex Establishment Policy' with an effective date as the 1<sup>st</sup> January 2018.

### 2.0 BACKGROUND

- 2.1 Sheffield City Council regulates sex establishments through Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), in particular sex shops and sex cinemas.
- 2.2 On 6 April 2010 the Policing and Crime Act 2009 ("the 2009 Act") came into force and amended Schedule 3 of the 1982 Act. Sexual Entertainment Venues ("SEVs") were added as a category of sex establishments to enable local authorities to regulate premises, which provide lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows and other similar entertainment.
- 2.3 The Council resolved to adopt the new amendments and exercise regulatory control over SEVs in Sheffield effective from 1<sup>st</sup> May 2011.
- 2.4 Whilst the 1982 Act makes no provision for publishing a Sex Establishment Policy, it is recognised in modern legislation, and as best practice, that policies bring many benefits, including, but not limited to: transparency, accountability, consistency and localism.
- 2.5 The Licensing Authority, acting as the Council, currently has in place a Sexual Entertainment Venue Policy, first published in 2011. The policy deals solely with the licensing of sexual entertainment venues, and does not refer to sex shops or sex cinemas.
- 2.6 The Licensing Authority is proposing a new updated policy to incorporate all three sex establishment categories – sex shops, sex cinemas and sexual entertainment venues. This document creates a unified policy that aims to provide clarity for applicants, Councillors, residents and businesses, local people, and any other interested person.
- 2.7 The Licensing Authority recognises that Parliament has made it lawful to operate a sex establishment and that such businesses are a legitimate part of the retail and leisure industries. The licensing authority's role is to administer the licensing regime in accordance with the law and associated guidance.

2.8 The Sex Establishment Policy requested for approval is attached at **Appendix 'A'**.

### **3.0 WHAT DOES THE POLICY DEAL WITH?**

3.1 The policy deals solely with sex establishment licensing, including, but not limited, to:

- application requirements
- applicant suitability
- numbers
- locations
- conditions
- enforcement

3.2 The policy provides information, guidance and our objectives on all things pertaining to the licensing of sex establishments.

3.3 The policy will guide the Licensing Committee when determining applications and assist the Licensing Authority in administering and enforcing the licensing of sex establishments.

3.4 It provides new applicants and those already licensed clarity as to the Council's approach in one policy document.

### **4.0 WHAT THE POLICY DELIVERS**

4.1 We are proud of Sheffield's reputation as a safe and vibrant city, which at present includes the provision of licensed sex shops and sexual entertainment venues.

4.2 Sheffield City Council has always sought to set some of highest standards in the country, and to be recognised for delivering best practice. This policy ensures that licensed premises operating in our City are of the highest quality and meet our high standards.

4.3 The policy shows our commitment to promote:

- High management standards at licensed sex establishments;
- Public Safety of staff, performers and patrons at sex establishments;
- Safeguarding of staff, performers and patrons at sex establishments; and
- Safeguarding vulnerable persons in the locality of sex establishments

4.4 The policy also assists the Council in achieving its priorities as set out in the Corporate Plan 2015 – 2018 as detailed below.

- **An in touch organisation**

To listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield by ensuring we are:

- Intelligent – making full use of information to inform decision making and drive service improvement
- Efficient – continually strive to provide value for money improving quality and outcomes

- **Strong Economy**

Contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:

- Vibrant City – help get the right mix of business leisure and retail
- Support and develop the licensed business sector and build relationships with businesses to encourage jobs and growth in the city

- **Thriving neighbourhoods and communities**

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour.
- Recognises the needs of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit and ensuring the policy recognises this.
- Ensuring licensees understand the importance of safe well run premises.
- Help local businesses provide well-run and appropriate licensed activity.

- **Better health and wellbeing**

Promote good health, and assist in preventing and tackling ill health:

- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health.

- **Tackling inequalities**

Help invest in the most deprived communities and support individuals to help themselves

- By providing early help, listening and being responsive.
- Promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities to deliver education around licensing

## **5.0 CONSULTATION**

- 5.1 The Licensing Authority have undertaken a detailed consultation process, consisting of three separate stages detailed at Part 3 of the Sex Establishment Policy attached at **Appendix 'A'**.

## **6.0 THE RESULTS AND AMENDMENTS TO THE POLICY FOLLOWING CONSULTATION**

- 6.1 An overview of all responses are attached at **Appendix 'B'** which include those responses received via Citizen Space.
- 6.2 Full responses and the original policy consultation document which the responses refer to will be available to Members at the meeting.
- 6.3 A questionnaire was also carried out with performers at one of the sexual entertainment venues. Details of the questions and a table of the results are attached at **Appendix 'C'**.

## **7.0 FINANCIAL IMPLICATIONS**

- 7.1 The cost to the licensing service of administering sex establishment licence applications is covered by the licence fee.
- 7.2 The work undertaken on the Sex Establishment Policy has been within the current resources and budget of the Licensing Service.
- 7.3 Any cost of a legal challenge arising from policy or licence decision making cannot be recovered as part of the application fee and would be paid by Sheffield City Council.

## **8.0 EQUALITIES – PUBLIC SECTOR EQUALITY DUTY**

- 8.1 The Public Sector Equality Duty was created by the Equality Act 2010, and replaces the race, disability and gender equality duties. It is supported by the specific duties contained in the Equality Act 2010 (Specific Duties) Regulations 2011.
- 8.2 Those subject to the equality duty must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not;
  - Foster good relations between people who share a protected characteristic and those who do not.
- 8.3 These are sometimes referred to as the three aims or arms of the general equality duty. The Act explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
  - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 8.4 The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.
- 8.5 The equality duty covers nine protected characteristics:
- Age
  - Disability
  - Gender reassignment
  - Marriage and Civil Partnership
  - Pregnancy and maternity
  - Race

- Religion and belief
- Sex
- Sex and sexual orientation

8.6 Members, when making decisions on whether to adopt the policy should consider the above duty.

8.7 In order to aid decision-making an Equality Impact Assessment (EIA) has been completed and approved by the Council's Equality Team and is attached at **Appendix 'D'**. Members should be aware that EIA's are under constant review.

## **9.0 RECOMMENDATIONS**

9.1 That Members of the Licensing Committee approve the Sex Establishment Policy as attached at **Appendix 'A'** with an effective date of 1<sup>st</sup> January 2018.

## **10.0 OPTIONS OPEN TO THE COMMITTEE**

10.1 To approve the Sex Establishment Policy as attached at **Appendix 'A'** to come into force on the 1<sup>st</sup> January 2018.

10.2 To approve the Sex Establishment Policy as attached at **Appendix 'A'** with amendments to come into force on the 1<sup>st</sup> January 2018.

10.3 To approve the Sex Establishment Policy as attached at **Appendix 'A'** with or without amendments to come into force on an agreed date.

10.4 To defer the Sex Establishment Policy as attached at **Appendix 'A'** for further consideration.

Date: 14<sup>th</sup> November 2017

Stephen Lonnia  
Chief Licensing Officer and Head of Licensing  
Business Strategy and Regulation  
Block C, Staniforth Road Depot  
Sheffield  
S9 3HD

# **APPENDIX 'A'**

## **Draft Sex Establishment Policy Document for Approval**

# SHEFFIELD CITY COUNCIL

## Sex Establishment Policy

Incorporating Sexual Entertainment Venues, Sex Shops and Sex Cinemas

Document title	Draft	Date	Author
Sex Establishment Policy	Draft 1.0	14/2/17	SJL
Sex Establishment Policy	Draft 1.1 – Tracked Changes	20/2/17	
Sex Establishment Policy	Draft 1.2 WIP T.C	24/4/17	?
Sex Establishment Policy	Draft 2.1 CB	25/5/17	CB
Sex Entertainment Venues Policy (Incorporating Sex Shops & Sex Cinemas)	Draft 3.0 L Charalambides – Tracked changes	8/8/17	LC
Sex Establishment Policy	Draft 3.1 L Charalambides – changes accepted – CB Working Document	17/8/17	CB
Sex Establishment Policy	Draft 3.2 L Charalambides – Tracked Changes	10/10/17	LC
Sex Establishment Policy	Draft 4 FINAL draft	12/10/17	CB

DRAFT Version 4

**Part 1 - Introduction**

**Part 2 - Overview**

**Part 3 - Consultation on this Policy**

**Part 4- Definitions**

**Part 5- Integration with other Statutes**

Equality Act 2010

Human Rights Act 1998

Provision of Services Regulations 2009

Crime & Disorder Act 1998

**Part 6 - The process of applying for a Licence**

Objecting to Applications

Determination of Applications

Mandatory grounds for refusal

Discretionary grounds for refusal

Appeals

**Part 7 - POLICY**

**Discretionary Grounds a & b:**

Suitability of the Applicant, Manager & Beneficiary Policy

**Discretionary Ground c:**

Number of Sex Establishments

**Discretionary Ground d:**

Location

Conditions

Representations

Waivers

**Part 8 - Safeguarding and Public Health**

Safeguarding

Public Health

**Part 9 - Enforcement**

Better Regulation Delivery Office: Regulators' Code 2014

Complaints

Data Sharing

**Part 10 - Parallel Consent Schemes**

The Licensing Act 2003 (the 2003 Act)

Planning and Building Regulation Control

## **Part 1 – INTRODUCTION**

Licensed sex establishments in Sheffield contribute to the recreation, entertainment and night-time economy and provide an additional appeal to residents, tourists, visitors and the students that attend the two universities.

To promote a vibrant city the Licensing Authority regulates the scale, diversity and concentration of all licensed entertainment in an open, fair and legal manner.

This policy provides Sheffield City Council's approach to the regulation and licensing of sex establishments which incorporates sexual entertainment venues, sex shops and sex cinemas, as set out in the Local Government (Miscellaneous Provisions Act) 1982 as amended by the Policing and Crime Act 2009, within the City of Sheffield.

The policy provides a framework to assist applicants and decision makers in making and considering applications and ensuring all relevant factors are given proper attention.

## **Part 2 – OVERVIEW**

The Sheffield City Council Sex Establishment Policy ("the Policy") sets out the City Council's approach to the regulation of all types of sex establishment and the procedure relating to applications for sex establishment licences.

The sex establishments this policy applies to are:

- sexual entertainment venues
- sex cinemas
- sex shops

The aim of this policy is to provide guidance for prospective applicants, existing licence holders, those who may wish to object to an application, South Yorkshire Police and members of the Licensing Committee when determining an application.

This policy will be kept under review and revised where necessary.

Each application will be dealt with on its own merits on a case-by-case basis.

Consideration will be given to the Equality Act 2010, the Human Rights Act 1998, the Provision of Services Regulations 2009 and the Crime and Disorder Act 1998 and the Home Office Guidance for England and Wales on Sexual Entertainment Venues (March 2010).

The City Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the City Council's role as the Licensing Authority to regulate such premises in accordance with the law.

The City Council is committed to applying the law and policy to promote:

- High management standards at licensed sex establishments;
- Public Safety of staff, performers and patrons at sex establishments;
- Safeguarding of staff, performers and patrons at sex establishments; and
- Safeguarding vulnerable persons in the locality of sex establishments.

## Part 3 – CONSULTATION ON THIS POLICY

The Council has consulted with stakeholders on the content of this policy. These stakeholders have included:

- All current sex establishment licence holders
- Current staff and performers
- Elected Members of Sheffield City Council
- The local Member of Parliament
- South Yorkshire Police
- Environmental Protection Service
- South Yorkshire Fire and Rescue
- Sheffield Safeguarding Children Board
- Sheffield Safeguarding Adults Board
- Health Protection
- Director of Business Strategy and Regulation
- Trading Standards
- Planning
- The Executive Director – Place
- Other Local Authorities in South Yorkshire
- Religious Establishments
- Sheffield Schools
- Objectors to previous sex establishment licence applications or renewals
- Equality Groups

The Council conducted a number of **pre-consultation workshops** between the 21 November 2016 and 28 November 2016.

Invitations to the pre-consultation workshops were sent to Sheffield City Council Elected Members, the members of the Licensing Committee, existing sex establishment licence holders, religious establishments, schools and equality groups. A total of 768 invitations were sent out by post and e-mail, and the workshops were attended by:

- Current licence holders
- Elected Members
- Representatives of Schools
- Representatives of Religious Groups
- Representatives of Equality Groups
- Groups/Individuals that have previously objected to sex establishment licence applications.

The **First Stage** of the consultation process was conducted over a seven week period from the 19 December 2016 to the 3 February 2017 where comments were invited via email and post to Sheffield City Council's Consultation Hub – Citizen Space. Letters and emails were sent and interested parties were invited to submit comments via email, in writing and on the City Councils online consultation hub, "Citizen Space".

82 responses were received; respondents included South Yorkshire Police, local businesses, Elected Members, a Member of Parliament, equality groups, religious groups and local residents.

The **Second Stage** of the consultation process was undertaken over a four week period from the 3 March 2017 to the 31 March 2017 where comments were invited via email and post to Sheffield City Council's Consultation Hub – Citizen Space. Letters and emails were sent and interested parties were invited to submit comments via email, in writing and on the City Councils online consultation hub, "Citizen Space".

47 responses were received; respondents included religious groups, current licence holders, equality groups, and a Member of Parliament.

The consultation highlighted a number of local concerns, in particular:

- The suitability of applicants for sex establishment licences;
- Public safety of staff, performers and patrons at sex establishments;
- The safeguarding of staff, performers and patrons at sex establishments;
- The safeguarding of vulnerable persons in the locality of sex establishments; and
- The Public Sector Equality Duty.

The City Council has had regard to the views of staff and performers of existing sexual entertainment venues.

There have been no upheld complaints with any of the existing premises in the time they have been licensed nor have any issues been identified by the Sheffield Safeguarding Board and South Yorkshire Police.

## Part 4 – DEFINITIONS

**“the Act”**

refers to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

**“the Council”**

means Sheffield City Council.

**“the Policy”**

refers to the Sheffield City Council Sex Establishment Policy.

**“sex establishment”**

the collective term for sex shops, sex cinemas and sexual entertainment venues.

**“relevant locality”**

means the locality in which the premises, vehicle, vessel or stall are situated. For the purposes of this policy, each application will be determined on a case-by-case basis. In individual cases, if it is necessary to decide the precise boundaries of the relevant locality, this will be done on the facts of the individual case.

**“character of the relevant locality”**

means the character or characteristics of the locality in which the premises, vehicle, vessel or stall are situated. In determining the character of the area, the Council will consider what the primary use premises in the locality are put to, any additional uses of premises in that locality, and any purposes that may require persons to use that locality, for example transport hubs, cultural hubs, etc.

**“the premises”**

means the premises, vehicle, vessel or stall that are the subject of the sex establishment licence or of the application for a sex establishment licence.

**“sex cinema”**

means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures related to, or intended to stimulate or encourage, sexual activity, acts of force or restraint associated with sexual activity, or concerned primarily with the portrayal of or primarily deal with, or relate to, genital organs or excretory or urinary functions, but does not include a dwelling house to which the public is not admitted.

**“sex shop”**

means any premises, vehicle, vessel or stall used for a business consisting to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- (a) sex articles; or
- (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
  - i. sexual activity; or
  - ii. acts of force or restraint which are associated with sexual activity.

**“sex articles”**

include written or visual material such as sex magazines or books, or visual or audio recordings concerned with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage, sexual activity or acts of force and restraint associated with sexual activity, or which are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

**“sexual entertainment venue”**

means any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

**“relevant entertainment”**

means any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths). This definition would apply to the following forms of entertainment [as they are commonly known]: pole dancing; table dancing; strip shows; peep

shows and live sex shows. This list is not exhaustive and should only be treated as indicative. The decision to licence premises as sexual entertainment venues shall depend on the content of the relevant entertainment and not the name given to it. An applicant will be expected to set out the exact nature, extent and scope of the relevant entertainment.

**“display of nudity”**

means, in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and in the case of a man, exposure of his pubic area, genitals or anus.

**“the organiser”**

means any person involved in the organisation or management of relevant entertainment.

**“significant degree”**

in the context of sex shops, shall be considered by the Council on a case-by-case basis. In considering significant degree, the Council will consider, amongst other things:

- the amount of shelf space devoted to relevant articles
- the annual turnover in relation to relevant articles and other things
- the way the business is marketed and advertised and
- the primary intention of the majority of customers in visiting the shop.

**“permitted hours”**

are the hours of activity and operation that have been authorised by the Council under the sex establishment licence.

## Part 5 – INTEGRATION WITH OTHER STATUTES

There are a number of statutory provisions which apply to every action the Council takes as a public authority. These include, but are not limited to:

- the Equality Act 2010;
- the Human Rights Act 1998;
- the Provision of Services Regulations 2009; and
- the Crime & Disorder Act 1998.

### **Equality Act 2010**

This Act legally protects people from discrimination in the workplace and wider society. This includes the Public Sector Equality Duty (PSED), which means that the Council must thoroughly consider, in the discharge of its licensing functions, the need to:

- promote equality of opportunity;
- eliminate unlawful discrimination, harassment and victimisation;
- promote good relations.

This applies for this policy and to the consideration and determination of applications for sex establishments.

A detailed Equality Impact Assessment (EIA) has been undertaken and kept under review throughout the drafting of this policy and then finalised on publication of the policy. Further EIA's will be conducted where necessary.

It is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the services between different equality groups, save for those under 18.

Licensing Committee members have undertaken equality and diversity training and will be reviewing their learning on a regular basis to ensure their knowledge and understanding of all matters concerning equality and diversity are at the highest standard to allow them to make decisions.

This policy includes a clear and unequivocal commitment to meeting the PSED in the exercise of all of the functions under the Act. The policy and the documentation flowing from it are intended to be a key means of

facilitating compliance with all of the Council's obligations. Great care has been taken in developing a policy that is fit for purpose in this regard but it is only when it is tested in action that it will be possible to evaluate its effectiveness. This assessment will be kept under regular review, particularly in the early period of implementation, so that any shortcomings identified in the document itself and/or the way it has been implemented can be addressed.

### **Human Rights Act 1998**

Incorporates the European Convention on Human Rights and makes it unlawful for a Local Authority to act in a way which is incompatible with a convention right. The Council will have particular regards to the following relevant provisions of the European Convention on Human Rights:-

- Article 1 of the first protocol: Everyone is entitled to the peaceful enjoyment of his or her possessions. It should be noted that the Courts have held that a licence is a person's possession;
- Article 6, in relation to the determination of civil rights and obligations: Everyone is entitled to a fair and public hearing within a reasonable time, by an independent and impartial tribunal established by law;
- Article 8: Everyone has the right to respect for one's home and private life, including, for example, the right to a "good night's sleep".
- Article 10: Freedom of expression.

### **Provision of Services Regulations 2009**

These Regulations require that applications are processed as quickly as possible and, in any event, within a reasonable period. The Regulations also specify that in the event of failure to process the application within the period or as extended in accordance with the provisions of these Regulations, the authorisation is deemed to be granted (tacit approval) by the Council, unless different arrangements are in place.

The Council considers that it would not be in the public interest, for reasons of public safety, for tacit approval to apply with regards to applications for sex establishments.

The Regulations also state that any charges (fees) provided for by a competent authority, which applicants may incur under an authorisation scheme, must be reasonable and proportionate to the cost of the procedures and formalities under the scheme, and must not exceed the cost of these procedures and formalities.

The Regulations suggest that all fees within the scope of the Directive be separable in two parts.

Firstly, the pre-application costs; mainly the administrative costs incurred when dealing with the application from when it is first received up until it being determined (issued/refused).

Secondly, the on-going costs; monitoring and enforcing the terms and conditions of that licence. This is to show clearly which part of the fee is repayable should an application (applicant) be unsuccessful.

### **Crime & Disorder Act 1998**

Under this Act, Local Authorities must have regard to the likely effect of the exercise of their functions, and do all that they can to prevent crime & disorder in their area. This policy will have regard to the likely impact that the granting of licences may have on related crime & disorder in the city.

# Part 6 – THE PROCESS OF APPLYING FOR A LICENCE

## Making an Application

The Act provides a maximum licence period of one year. The Authority may grant a shorter licence if it sees fit. A shorter period may be granted for example, where a licensee wants a licence for a limited period for a trade exhibition or a show.

An application for the **grant, variation, renewal or transfer** of a licence must be made in writing to the Licensing Authority together with the application fee in accordance with the requirements set out below.

There are three separate notice requirements:

[1] The applicant must, within seven days after the date of the application, publish an advertisement in a local newspaper circulating in the local authority's area. A suggested form of advertisement is available on request from the Licensing Section.

[2] Where the application is in respect of a premises, the applicant must display a notice of the application on or near the premises where it can be conveniently read by the public. The notice must be displayed for 21 days starting with the date of application. Again a suggested form of notice is available on request.

[3] The applicant must send a copy of the application to the Chief Officer of Police no later than seven days after the date of the application. Where the application is made electronically it is for the local authority itself to send the copy within seven days of receipt of the application.

The application form can be used for grant, variation, transfer and renewal applications. Applicants must provide their name, address, age (where the applicant is an individual), the premises address and the proposed licensed name of the premises.

Applicants must, at the time of submission of a new grant, renewal or variation application, provide:

- a scheme showing the exterior design for consideration by the Licensing Authority before the premises are opened for business in order to ensure that exterior design of the premises.
- details as to the exact nature, extent and scope of the business for consideration by the Licensing Authority.
- a plan showing the interior layout of the premises and where relevant entertainment will take place for consideration by the Licensing Authority (SEV's only).
- a copy of the codes of practice for performers, the rules for customers and the policy of welfare for performers (SEV's only). Such documents will form part of the licence (if granted) and may be subject to amendment by the Licensing Authority prior to approval.

Officers of the Licensing Authority may, as part of the application process, visit the relevant locality of the premises to establish whether there are any characteristics of the locality which may require consideration by the Licensing Committee.

## Objecting to Applications

The Act permits a wide range of persons to raise objections about the **grant, renewal, variation or transfer** of a licence. Objectors can include residents, resident associations, trade associations, businesses, Councillors or local MPs. South Yorkshire Police are a statutory consultee for all applications.

Objections must be made in writing (email is acceptable) no later than 28 days after the date of the application to the Licensing Authority and should include the following:

- the name and address of the person or organisation making the objection;
- the premises to which the objection relates;
- the proximity of the premises to the person making the objection, a sketch map or plan may be helpful to show this.

Objectors should limit their objection to matters which are relevant to the statutory grounds for refusal as set out in the Act. The relevant grounds of objection are:

- That the applicant is unsuitable to hold a licence;
- That the licence, if granted, would be carried on for the benefit of person/s who would be refused a licence if they had applied themselves;
- That the layout, character or condition of the premises are inappropriate for the proposed establishment;
- That the use of the premises as a sex establishment would be inappropriate due to the use of premises in the vicinity;
- That the use of the premises as a sex establishment would be inappropriate due to the character of the relevant locality; and / or
- That the number of sex establishments or sex establishments of a particular type is inappropriate in the relevant locality.

Any objections received by the Licensing Authority which do not relate to the grounds set out in the Act will be rejected by the Licensing Authority.

Objections will be considered by the Licensing Sub-Committee determining the application. The applicant will be informed of any objections received in respect of their application and the objection(s) will become public documents. (However, objector's personal details such as name, address and telephone number will be removed.)

A copy of the hearing procedure will be sent to the applicant and any objectors prior to the hearing.

### **Determination of Applications**

All applications for the grant of a sex establishment licence will be determined by the Licensing Committee or Sub-Committee.

Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application. Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing Committee's procedure for hearings, which is available from the Licensing Service.

The Act provides five mandatory grounds and four discretionary grounds for refusal of a licence. Each application will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions. Any decision to refuse a licence **MUST** be relevant to one or more of the following grounds:

#### **MANDATORY GROUNDS FOR REFUSAL**

Specific mandatory grounds for refusal of a licence are set out in paragraph 12(1)(a to e) of Schedule 3 in the 1982 Act. A licence cannot be granted:

- (a) to any person under the age of 18 years;
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
- (c) to any person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA State; or
- (e) to any person who has, within a period of 12 months immediately preceding that date when the application was made, been refused that grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

## **DISCRETIONARY GROUNDS FOR REFUSAL**

The only discretionary grounds upon which the Council may refuse an application for the grant or renewal of a licence on one or more of the grounds specified in Schedule 3 paragraph 12(3) are that:

- (a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reasons;
- (b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he/she made the application himself/herself;
- (c) the number of sex establishments, or of sex establishments of a particular kind, 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 the locality;
- (d) the grant or renewal of the licence would be inappropriate, having regard:
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

## **Appeals**

There is a right of appeal to the Magistrates Court against decisions for the refusal to grant, renew, vary or transfer of a licence, the imposition of conditions and revocations may also be appealed.

Appeals must be made to the Magistrates Court within 21 days, starting from the date the applicant is notified of the Licensing Authority's decision.

It is important to note that appeals only lie against the mandatory refusals on the basis that the mandatory ground does not apply to the applicant/licence holder. Further, no appeal lies against the Licensing Authority's decision made on the discretionary grounds namely:

- that it is inappropriate to grant or renew a licence on the grounds of the character of the locality or the number of premises in it; or
- the use of premises in the vicinity or the layout, character or condition of the premises.

The only discretionary grounds against which an appeal lies are those relating to the suitability of the applicant, the manager and/or the beneficiary of the operation

There is no right of appeal to the Magistrates' Court for the police or objectors.

# Part 7 - POLICY

## **Discretionary Grounds a & b: SUITABILITY OF THE APPLICANT, MANAGER & BENEFICIARY**

The Licensing Authority needs to be satisfied of the suitability of the following persons relevant to the application:

- (a) the applicant;
- (b) each of the partners (if a partnership);
- (c) each of the directors, secretary or other persons (if applicant is a company);
- (d) each of the managers;
- (e) each person the business will benefit. This includes third parties such as funders and suppliers where the arrangements are not on normal arm's length commercial terms or any persons who may share in the profits.

The provision of a management structure as part of the application will assist the Authority in determining suitability.

In order for the Licensing Authority to be satisfied that the relevant individuals are suitable to operate a sex establishment, a "Disclosure Scotland" certificate that is dated no earlier than 5 weeks prior to the application being submitted should accompany the application.

Where the relevant individuals have convictions for;

- (a) dishonesty;
- (b) violence;
- (c) sexual offences;
- (d) drugs;
- (e) public order; or
- (f) people trafficking;

it is unlikely that a licence will be granted.

Further,

- if the applicant has previously been involved in running an unlicensed sex establishment; or
- if the licence were to be granted, the business to which it relates would be managed by or run for the benefit of a person other than the applicant who would be refused the grant of such a licence if they made it themselves;

the application will likely be refused.

The Licensing Authority needs to be satisfied that those applying for a licence for a sex establishment (individuals detailed above) are suitable to operate the business by ensuring:

- (a) that the operator is honest;
- (b) that the operator is qualified by experience to run the type of establishment in question;
- (c) that the operator fully understands the licence conditions;
- (d) that the operator is proposing a management structure which will deliver compliance with licence conditions;
  - i. managerial competence;
  - ii. attendance at the premises;
  - iii. a credible management structure;
  - iv. enforcement of business rules (internal) through training and monitoring;
  - v. a viable business plan (e.g. sufficient to employ door staff and install CCTV (SEV only)); and
  - vi. existing policies in place for the welfare of staff, performers and patrons (SEV only)
- (e) that the operator will act in the best interests of the staff and performers, in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only).

It is anticipated that the above expectations will be demonstrated by the operator through their completed application form, accompanying documentation, and disclosure certificates as part of the application process.

## **Discretionary Ground c) NUMBER OF SEX ESTABLISHMENTS**

The Act allows local authorities to impose numerical control on the number of sex establishments within a particular location. This can be to the number overall and the number of each kind and allows that the appropriate number may be nil.

This Policy does not specify any limit on sex establishments.

Each application must in any event be considered on its merits at the time the application is determined by the local authority.

## **Discretionary Ground d) LOCATION**

The Act permits applications to be refused:

- i. where the grant would be inappropriate having regard to the character of the relevant locality;
- ii. where the grant would be inappropriate having regard to other premises in the vicinity;
- iii. on the basis of the layout, character or condition of the premises.

### **i) Character of the relevant locality**

The Licensing Authority will have regard to, but not limited to, the following:

- (a) the fact that the premises are sited in a residential area;
- (b) the premises are sited near shops used by or directed to families or children, or on frontages frequently passed by the same;
- (c) the premises are sited near properties which are sensitive for religious purposes e.g. synagogues, churches, mosques, temples;
- (d) the premises are sited near premises or areas which are sensitive because they are frequented by children, young persons or families, including but not limited to educational establishments, leisure facilities such as parks, libraries or swimming pools, markets and covered markets;
- (e) the premises are sited near places and or buildings of historical/cultural interest and other tourist attractions.
- (f) the premises are sited near civic buildings.

The Council will consider the extent of the relevant locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define locality as the whole of the Council's administrative area or on a ward by ward basis.

### **ii) Use of other premises in the vicinity**

The Licensing Authority will have regard to, but not limited to, the following:

- (a) schools, nurseries or other premises substantially used by or for children under 18 years of age,
- (b) parks or other recreational areas designed for use by or for children under 18 years of age;
- (c) places primarily used for religious worship;
- (d) hospitals, mental health or disability centres, substance misuse treatment centres, sexual exploitation services, sexual abuse centres or similar premises;
- (e) any central gateway to the city or other city landmark, historic building or tourist attraction;
- (f) predominately residential areas; and
- (g) The Cultural Hub (Millennium Galleries, Tudor Square, theatres and library).

Whether a premises is in close proximity to the above will be a matter of fact in each individual case and cannot be determined by reference to a fixed distance. What constitutes a city landmark, historic building, tourist attraction or cultural area will be determined by the Licensing Authority on a case-by-case basis, after hearing from the parties.

The nature of the premises and the opening hours of the premises will also be considered in relation to the above.

In the case of renewal applications, the fact of whether development has occurred since the premises has been in operation will be considered. Applicants are advised to be aware of new developments occurring in the area of their premises and detail in renewal applications how negative impact on new developments may be mitigated.

Licences will be refused if the Licensing Authority perceives a venue will have negative impacts on members of the public or vulnerable persons living, working or engaged in normal activity in the area.

The Licensing Authority will also consider the following factors when deciding if an application is appropriate:

- (a) any cumulative adverse impact of existing sex establishment related activities in the vicinity of the proposed premises;
- (b) proximity to areas with high levels of crime;
- (c) whether the premises has met the relevant planning requirements;
- (d) the design of the premises frontage (signage/images etc.);
- (e) any relevant representation to the application; and/or
- (f) the proposed operating hours.

### **iii) Suitability of the Premises**

The Council expects:

- when an application for a licence at a permanent commercial property is made, the applicant will be able to demonstrate that the layout, character and / or condition of the premises is appropriate to the relevant entertainment proposed at the premises.
- when an application for a licence at a permanent commercial property is made, that property should have the appropriate planning and building regulation consents.
- the applicant to consider and detail in any application, the visible and physical impact of the premises including any external signage, advertising or displays.

## **CONDITIONS**

The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to a licence should be necessary, proportionate and tailored to the individual premises.

The Licensing Authority is permitted under The Act to make regulations prescribing standard conditions.

The standard conditions that may be attached on an individual basis to a sex establishment licence are available from the Licensing Service.

The Licensing Authority reserves the right to grant and/or renew a licence on such terms and conditions, and subject to such restrictions as may be so specified in each individual case/application.

Any applicant not wishing to be bound by the standard conditions will need to state so in the application and provide justification as to why they should not apply.

## **REPRESENTATIONS**

The Act allows any person to submit representations to the application of a sex establishment licence.

## **WAIVERS**

Schedule 3 of The Act makes provision for the Council to grant a waiver from the requirement to hold a sex establishment licence in any case where it considers that to require a licence would be unreasonable or inappropriate.

A waiver may be for such a period as the Council thinks fit.

Each application will be considered on its own merits by the Licensing Committee.

In light of the exemption in relation to the provision of relevant entertainment on an infrequent basis, the Council takes the view that waivers are unlikely to arise in relation to relevant entertainment and would only be considered in exceptional circumstances.

## Part 8 – SAFEGUARDING AND PUBLIC HEALTH

### Safeguarding

The licence holder will ensure that all members of management and staff attend training regarding safeguarding children, vulnerable adults and licensing.

This training is provided in partnership by the Sheffield Safeguarding Board and Adult Safeguarding Partnership with the Licensing Authority. Such training is designed to support management and staff to recognise vulnerability and take appropriate safeguarding actions. This will include training to implement an age verification scheme and how to recognise and respond to vulnerable adults, as employees or customers. The training will also include a session regarding licensing law, conditions and expectations.

An appropriate member of the premises management must be assigned to act as the Safeguarding Coordinator. This person should act in accordance with the guidance and training provided by the local safeguarding children/adults boards.

### Public Health

Holders of sex establishment licences must display and make available, without charge, literature on matters relating to sexual health the prevention of sexually transmitted diseases and HIV, and information about local health services as may be supplied to them by relevant local bodies. This information must be made available to patrons, employees and performers.

## Part 9 - ENFORCEMENT

Licensing Service Principles of Enforcement:

- **Open:** The Licensing Authority will provide information in plain language and will be transparent in the activities it undertakes. It will also be clear with customers on how the service operates.
- **Helpful:** The Licensing Authority will work with licensees to advise and assist with compliance. A courteous and efficient service will be provided by all staff, and licensees will have a single point of contact and telephone number for further dealings. Applications will be dealt with promptly and where possible, enforcement services will operate effectively to minimise overlaps and time delays.
- **Proportionate:** The Licensing Authority will minimise the costs of compliance for licensees by ensuring any action taken is proportionate to the risks involved; an account of the circumstances and attitude of licensee will be considered at all times.
- **Consistent:** The Licensing Authority will carry out all duties in a fair, equitable and consistent manner. Licensing officers will exercise judgment in all cases and arrangements will be put in place to promote consistency.

The Licensing Authority will also provide a well-publicised, effective and timely complaints procedure that is easily accessible to licensees and members of the public alike.

Advice given by licensing officers on behalf of the Licensing Authority will be put clearly and simply at all times and confirmed in writing.

The Licensing Authority will also ensure that before action is taken as a result of enforcement or compliance checks, an opportunity to discuss the circumstances will be provided in order to resolve the points of difference. However, in circumstances where immediate action is necessary, such as health and safety or preventing evidence being destroyed, the Licensing Authority will be required to take a more formal approach. An explanation as to why such action was required will be given at the time and confirmed in writing, in most cases within five working days and, in all cases, within 10 working days.

### **Better Regulation Delivery Office: Regulators' Code 2014**

In undertaking enforcement duties, the Licensing Authority will pay particular attention to the Regulators' Code. This sets out the standards that the Licensing Authority should follow when undertaking compliance and enforcement checks. Therefore the Licensing Authority will:

- carry out their activities in a way that supports those they regulate to comply;
- provide simple and straightforward ways to engage with those they regulate and hear their views;
- base their regulatory framework activities on risk;
- share information about compliance and risk;
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
- ensure that their approach to their regulatory activities is transparent.

The Licensing Authority will work very closely with South Yorkshire Police and the Planning Service and look to establish task teams to deal with problem premises.

### **Complaints**

The Licensing Authority does understand the difficulty for some residents to follow up issues with particular premises due to concerns for their safety. In these circumstances, residents should contact the Licensing Service, their local Councillor or South Yorkshire Police who may assist them in these matters.

The Licensing Authority and South Yorkshire Police will work closely in order to ensure consistency, transparency and proportionality in their enforcement activities. They will continue to investigate complaints and conduct proactive enforcement exercises to ensure that licences and the conditions attached to the authorisations are complied with and that unlicensed activity is dealt with as appropriate to ensure the highest standards of licensees and premises in the city of Sheffield.

The Licensing Authority will investigate general complaints regarding premises. This will allow us to give an early warning to licence holders of any concerns identified at their premises and the need for improvement.

They may call on other relevant authorities to assist in the investigation of complaints or in formulating action plans for improvement.

### **Data Sharing**

Subject to the provisions of the Data Protection Act 1998, the Licensing Authority and police will share information about licensees, licensed premises and activities associated with them. Further open access to data will be given to those police officers and Licensing Authority officers discharging their functions under this Act.

## Part 10 - PARALLEL CONSENT SCHEMES

### **The Licensing Act 2003 (the 2003 Act)**

If a sex establishment wishes to also carry on other licensable activities under the 2003 Act, i.e. the sale of alcohol, the provision of regulated entertainment or the provision of late night refreshment, they will also require a premises licence, club premises certificate or temporary events notice.

In practice, most sexual entertainment venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence for the sale of alcohol or provision of regulated entertainment.

Applicants and interested parties are advised to read Sheffield City Council's current Statement of Licensing Policy in conjunction with this policy.

### **Planning and Building Regulation Control**

Applicants must ensure that they have the appropriate planning permission in place to operate their business.

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority". However, the Licensing Authority recognises the need for the two services to work in partnership.

**Therefore, the Licensing Authority requires that applicants for a premises licence and/or variations under this legislation to have already obtained any necessary planning consent.** This helps to avoid unnecessary confusion within the local community.

Applicants should also be aware that Building Regulations may apply where the proposal involves building work or where the use of the building is changed. You are advised to contact Building Control for further guidance.

# **APPENDIX 'B'**

## **Overview of Consultation Responses - Stage 1 Consultation Results Table**

# Overview of Stage One Comments

No.	Name	Organisation Details	Overview of comments	Has the policy been updated following the comments?
1	David Slater	Attercliffe Action Group	1 Suggests having a 'Red Light Zone' in immediate vicinity of Victoria Quays, up to the Incinerator, through to Norfolk Bridge and down to the Wicker/Riverside area. Suggests zero tolerance elsewhere in the city, with main concerns being raised regarding Brothels/Saunas which are not part of this consultation.	<b>No</b> Comments refer to saunas - do not fall under the remit of the policy.
2	Helen Mort		1 Comments relate to SEVs only. Contests paragraph 9 of introduction which states that LA endeavours to reduce normalisation of the sexualisation and objectification of women, as feels it is a contradiction to next sentence which states a nil cap would be a 'negative move', allowing premises to operate. 2 PSED should be considered to foster healthy relationships	<b>Yes</b> Paragraph reconsidered and removed.
3	Mohammed Rafique	Jamia Mosque	3 SEVs objectify purchase of women's bodies and goes against PSED. Nil Cap requested.	<b>No</b> PSED has been fully considered and exercised during the process. An EIA has been completed.
4	Benita Mumby	South Yorkshire Police	1 No comments to make as licences previously granted by Council, so is in Council's hands. Mosque provides service to community and do not encourage these sorts of activities. 1 Read and acknowledges policy – no extra comments to add into policy.	<b>No</b> PSED has been fully considered. Research by Colosi (2013) suggests that there is a need for careful regulation, and "where work in lap-dancing clubs is limited, high-risk, women may seek work in more unregulated, high-risk, erotic dance environments" (p.10)
5	Kate Parry		1 Replica comments to respondent No. 2 above (SEVs only)	<b>No</b>
6	Lee Adams		1 Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2. As per comment No. 2.
7	Liz Tuckerman		1 Feels draft seems fair to both applicant and public, and is glad to see number of SEVs to be limited to 2 per City boundary. 2 Feels conditions for performers are under documented and asks if LA can ensure they are fairly treated.	<b>No</b> Limits removed from later draft after further consultation. <b>No</b> Conditions are separate document. Performers consulted and no issues were raised.

# Overview of Stage One Comments

8	Loveday Herridge		<p>1 Feels there is no evidence that sexual establishments contribute to the Council's stated vision, and wishes for SCC to consider what type of policy should be adopted to best serve the overarching aims.</p> <p>2 Asks why nil cap is a negative move, requesting SCC to refuse applications to stay consistent with Council Vision.</p> <p>3 Feels there is no suitable location in any Wards due to mix of commerce, family retail, entrepreneurship and residential areas inhabited by families and children.</p>	<p><b>No</b> Such establishments are legitimate businesses by way of legislation. Policy serves aims of Council Vision by maintaining balance of ensuring a rich and varied night-time economy.</p> <p><b>No</b> Research by Colosi (2013) suggests that there is a need for careful regulation, and "where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments" (p.10)</p> <p><b>No</b> Location restrictions established in policy under discretionary grounds.</p>
9	SCC Planning Authority		<p>1 Amended wording to replace existing text regarding Planning Regulation.</p>	<p><b>Yes</b> Section amended.</p>
10	Rosalind Wollen		<p>1 Replica comments to respondent No. 2 above (SEVs only)</p>	<p>As per comment No.2.</p>
11	Dr Chris Scarlett (Sent by Meera Kulkarni)	Chair of Sheffield Rape and Sexual Abuse Centre	<p>1 Replica comments to respondent No. 2 above (SEVs only)</p>	<p>As per comment No.2.</p>
12	Dr Shelley Roche-Jacques		<p>1 Replica comments to respondent No. 2 above (SEVs only)</p>	<p>As per comment No.2.</p>
13	Stannington Methodist Church		<p>1 Stated has no interest in the consultation. Requested that we do not contact them again regarding this matter.</p>	<p><b>No</b></p>

# Overview of Stage One Comments

14	Maureen Storey	VIDA – Formerly Sheffield Domestic Abuse Forum	<p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>2 Additional comment that SEVs are a normalisation of harassment and discrimination against women, creating a hostile environment for women and girls in Sheffield, and contributes to appalling levels of sexual and domestic violence and abuse, with the devastating impacts that she sees daily in their Eva Therapy Service for women and girls affected by abuse and trauma.</p>	As per comment No.2.  <b>No</b> SCC has found no evidence of this link nor have they been provided with such. Research by Colosi (2013) suggests that there is a need for careful regulation, and “where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments” (p.10) Furthermore: Colosi (2013) states that “it is contended that limiting SEV’s will benefit gender equality by alleviating the objectification of women (Object, 2009), this view is far too simplistic. In the long term, the closure of lap-dancing clubs will result in the unemployment of women, particularly of poverty where ex-dancers are unable to find employment. This also risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable” (see Colosi, 2010b). (p. 9)
15	Vivien Ratcliffe		<p>1 Feels SEVs cheapen, degrade and objectify women and that they are immoral.</p> <p>2 Feels SCC is only licensing SEVs to make money for themselves.</p> <p>3 Feels SEVs are only present for the purpose of male sexual satisfaction which is unnecessary, and that they steer young women in the direction of drugs and prostitution. She suggests SCC should have a rethink.</p>	<b>No</b>  <b>No</b>  <b>No</b>
16	Helena Reynolds		1 States is in full support of the Zero Option report submitted for this consultation, and wishes for this to be her submission as well.	See comment No.40.
17	Aletheia Gentle			As per comment No.2.
18	Ghazal Razzaq	Sheffield Asian Womens Resource Centre	1 Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2.
19	Tony Bashton		1 States there is a specific (and wholly proper) identification of females as being at risk of danger and exploitation within the policy, and asks if it is not possible that males could be vulnerable as performers in some specialised venues.	<b>Yes</b> Valid point. Wording amended.

# Overview of Stage One Comments

20	Bridget Kelly	SHIFT Media	1	<p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>Additional comments raised concerns over the use of the words 'vexatious objections', as objecting is part of democracy.</p> <p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>1 Replica comments to respondent No. 2 above (SEVs only)</p> <p>1 Writes in support of the Zero Option report submitted.</p> <p>2 Highlights opinion that SCC has a "culture of misogyny" within it from anecdotal reports of sexism and misogyny which have been documented in minutes from women's staff action plan group meetings, and therefore draws attention to the contradiction in Paragraph 9 of introduction which states that LA endeavours to reduce normalisation of the sexualisation and objectification of women, as she feels it is a contradiction to next sentence which states a nil cap would be a 'negative move', allowing premises to operate.</p>	<p>As per comment No.2.</p> <p><b>Yes</b></p> <p>Section removed</p> <p>As per comment No.2.</p> <p>As per comment No.2.</p> <p>As per comment No.2.</p> <p>See comment No.40.</p> <p>As per comment No.2.</p> <p>As per comment No.2.</p> <p>See comment No.40.</p> <p><b>Yes</b></p> <p>Paragraph 9 removed. Introduction rewritten.</p>
21	Helena Cameron				
22	Tom Boydell				
23	Richard Rawson	Showroom Workstation			
24	Brian Lewis				
25	Judith Harry	Site Gallery			
26	Nikki Bond				
27	Anna Childs		3	<p>Feels having any more SEVs than zero, shows SCC is supporting the misogyny already in existence, further requesting a nil cap to be applied within the policy.</p>	<p><b>No</b></p> <p>SCC have no evidence to suggest a nil cap is necessary.</p> <p>As per comment No.2.</p> <p>As per comment No.2.</p>
28	Lily Grey		1	<p>Replica comments to respondent No. 2 above (SEVs only)</p>	
29	Douglas Johnson	Councillor	1	<p>Supports maximum limit of SEVs to 2 per City boundary. Doesn't see the need to regulate overall numbers of Sex Shops and Sex Cinemas, although agree clusters of these premises could have an effect on communities so is happy with 1 Sex Shop per Ward.</p> <p>2 SEVs shouldn't be located close to residential areas or shopping centres, nor in areas which could affect other businesses.</p>	<p><b>No</b></p> <p>Further consultation led to removal of limits.</p>
			2		<p><b>Yes</b></p> <p>Location policy around character of locality, use of other premises in vicinity and suitability of premises added. See Discretionary Ground d), page 12 of draft policy.</p>
			3	<p>Disagrees with the statement in the draft policy that "it is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the service between different equalities groups."</p>	<p><b>No</b></p> <p>EIA undertaken to review potential risks.</p>
			4	<p>Feels there is additional duty to have regard to the need to eliminate sexual harassment, and should be expressly referred to in the revised policy.</p>	<p><b>No</b></p> <p>It is our duty as a local authority to protect the public. Work is undertaken with relevant responsible authorities and partnership groups.</p>

# Overview of Stage One Comments

			5	Policy should refer to the legal duty to remove or minimise disadvantages facing women.	<b>No</b> Policy reflects equality duty for all characteristics; PSED and EIA undertaken and considered.
			6	Feels further review of the policy should take place if one of the existing SEVs were to close, to readdress number limitation within policy to reflect this.	<b>No</b> Further consultation led to removal of limits. If one were to close and another to apply, the policy would be applied to the new application.
			7	Feels revised policy should state explicitly that the PSED will be applied to any individual application as well as the framing of the policy.	<b>No</b> PSED undertaken as stated in policy.
			8	It is not clear why a Disclosure Scotland Certificate is required instead of a standard DBS check given the city is not in Scotland. This gives assumption that Disclosure Scotland Certificates are easier to obtain which does not equate with the need to have proper checks on people who would be running the establishments.	<b>No</b> Disclosure Scotland Certificate only available permitted check. Will be transferred to DBS in Jan 18 but will still only be permitted to carry out a basic disclosure.
			9	In order to protect both dancers and customers, the standard conditions at Appendix A should include a term to the effect that "No person may provide relevant entertainment at the premises unless employed directly by the license holder under a written contract of employment"	<b>No</b> No legislative power to control employment contracts, or employment structures within a business. Conditions removed from policy in any case. As per comment No.2.
30	Janet Hawksworth		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2.
31	Gill Furniss		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2.
31			2	Zero Option report also submitted to include as submission.	See comment No.40.
32	Charlotte Mead	Women's Equality Party	1	Disagrees that SCC cannot and does not have a 'moral' stand on SEVs, Sex Shops and Sex Cinemas.	<b>No</b> National legislation stipulates that only specific grounds can be considered by the local authority when considering applications. Moral standpoints are not permissible – this is backed up by case law.
			2	Feels if SCC allow SEVs/Sex Shops/Sex Cinemas in Sheffield, then there must be real, proactive and solid policies and procedures to ensure that the objectives referred to in the introduction to the policy are achieved.	<b>No</b> Legislation, policy and conditions will be enforced and areas of non-compliance dealt with accordingly
			3	What will be put in place to ensure Equality Duty is upheld?	PSED considered via Equality Impact Assessment.
			4	What will be put in place to ensure that the normalisation of sexualisation and objectification of women does not occur?	PSED considered via Equality Impact Assessment. Legislation, policy, and conditions imposed and areas of non-compliance investigated.

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5	What will be put in place to ensure that SEVs/Sex Shops/Sex Cinemas are not involved with child sexual exploitation?	Partnership work with South Yorkshire Police and Sheffield Safeguarding Children's Board to ensure compliance and relevant regulation of premises in line with required enforcement duty and follow up to any intelligence that may arise. Increased safeguarding training measures outlined.
6	SCC need to have an action plan in place to ensure SEVs/Sex Shops/Sex Cinemas do not add to problem of human trafficking of young girls and women in Sheffield.	<b>No</b> No evidence to suggest this is or has been an issue in Sheffield. Should any intelligence be highlighted, this will be investigated. Sanders, Hardy and Colosi (2015) state that: <i>"Where there are migrant dancers, police intelligence has assumed this is evidence of sex trafficking (Ward and Wylie, 2010), only to find out after raids and arrests that women are working as strippers voluntarily". (p.85)</i>
7	SCC need to ensure that they are not licensing businesses which exploit their workers and do not adhere to employment legislation.	<b>No</b> Conditions ensure compliance of employer/employees as far as legislation allows.
8	SCC need to put resources in place to ensure that any venue is not having a negative effect on businesses, schools, community services, etc. in the immediate vicinity, and also people who are simply walking around the area. How will SCC evidence this?	<b>No</b> Wide consultation undertaken to gauge comments and opinions, including schools, religious establishments, performers and members of the general public. Research journals and papers referenced as evidence and used to forge policy.
9	Feels SCC members, including Committee members, have not had opportunity to sit either amongst themselves or with professionals working in the field or who have worked in the industry and discuss matters, so feels it is easy to simply pass the policy and not think about the consequences of the decisions being made	<b>No</b> All SCC Elected Members consulted on policy.
10	SCC need to make sure that if they allow SEVs/Sex Shops/Sex Cinemas in Sheffield, that it is done properly and the negative effects are combated, with evidence that things put in place are working effectively.	<b>No</b> Legislation, policy, and conditions imposed and enforced. Areas of non-compliance and complaints investigated. Complaints investigated in accordance with policy and service guidelines.

# Overview of Stage One Comments

			11	<p>Feels SCC and the City do not have resources to regulate and review the industry properly, and that the resources they do have should be spent elsewhere with better outcomes for a far greater number of Sheffield people.</p> <p>Further specific points of feedback on separate parts of the policy provided on separate sheet.</p> <p>Feels Council is not holding up Equality Duty by allowing women to be treated like a product in SEVs.</p>	<p><b>No</b> Licence fees for Sex Establishments are charged to cover the cost of the administration and enforcement of the licence – licence fee pays for resources.</p>
33	Alison Tunwell		1		<p><b>No</b> PSED considered through EIA. Research journals, papers, consultation feedback used in writing of EIA.</p>
			2	SEV existence promotes gender inequality.	<p><b>No</b> PSED and EIA considered and detailed throughout process.</p>
			3	Allowing SEVs encourages sexual harassment of women.	<p><b>No</b> SCC has found no evidence of this link nor have they been provided with such. Sanders, Hardy and Campbell (2015) state: "<i>campaigns seize on unsubstantiated claims regarding strip clubs encouraging violence against women in the area, or suggesting that customers who buy striptease will become violent and sexually predatory</i>". (p. 85)</p>
			4	Objects to part of policy, which states repetitious objections should be rejected, stating that people should have the right to use wording if it conveys points better than she can herself.	<p><b>Yes</b> Paragraph removed.</p>
			5	Agrees with Zero Option's response.	See Respondent No. 40
			6	Decision to allow SEVs will not be consistent with duty of Council to promote gender equality and respect, safeguarding health and promoting well-paid staff.	<p><b>No</b> PSED fully considered through EIA.</p>
34	Sue Clarke		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
35	Emma Sposato		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
			2	Zero Option report also submitted to include as her submission.	See Respondent No. 40
			3	Documentary link regarding Sheffield Feminist Network and Zero Option. As well as link for book "Pimp State" by Kat Banyard – SEVs only.	<b>No</b>
36	Michelle Turner		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
37	Alison Boydell		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
38	Paul Blomfield	MP	1	Welcomes paragraph outlining LA's commitment to reduce objectification and sexualisation of women, and promoting healthy sexual practices.	<b>No</b> Paragraph removed

# Overview of Stage One Comments

			2	Wishes for evaluation of the implications of granting SEV licences on Council's responsibilities for further equality and inclusion in line with Leeds Council SEV policy.	<b>No</b> PSED fully considered with EIA.
			3	Seeks clarification why SCC feels a nil cap with be a 'negative move'.	<b>No</b> Research by Colosi (2013) suggests that there is a need for careful regulation, and "where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments" (p.10)
			4	Welcomes increased limitations on location restrictions of SEVs within policy, but is concerned that 'Cultural Hub' has been removed, requesting explanation for this.	<b>Yes</b> Cultural Hub added to location policy.
			5	States that location limitations could be increased to include Cultural and Leisure Facilities, such as museums, cinemas libraries etc. Refers to Camden Leeds and Guildford policies.	<b>Yes</b> Leisure facilities and places of cultural interest.
			6	Feels positioning of SEVs in Cultural Industrial Quarter Conservation Area will undermine successful regeneration and not maintain Sheffield's vibrant and distinctive arts and cultural scene.	<b>No</b> SEV predates Cultural Industries Quarter
			7	Wishes for Student Accommodation, Student facilities and Businesses of Student accommodation to be included in location limitations as young female students are subjected to element of risk and vulnerability due to SEVs reinforcing negative attitudes towards women and promoting sexual excitement.	<b>No</b> Areas where adults over 18 reside are not perceived to be inappropriate.
			8	Feels policy should stipulate areas where SEVs can be appropriately placed as stipulated in Home Office Guidance, referred to as a 'defined locality', as SCC is open to more challenge without this.	<b>No</b> Each application will be dealt with on its own merits on a case-by-case basis.
			9	Requests that Part 17 of policy is amended which currently states that no weight will be given to vexatious, frivolous or repetitive objections, as he feels it will be silencing members of the community who wish to object or voice their argument regarding SEVs.	<b>Yes</b> Removed
39	Dr Julie MacDonald DL		1	Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
40	Zero Option			Comments relate to SEV's only. Feel that nil cap is required, with evidence that they feel support that SEVs undermines gender equality and creates unsafe spaces for women. Other authorities choosing to apply a nil cap shows that strip clubs are being recognised as being sexist and antithetical to gender equality and PSED. Specific questions asked throughout document:	

# Overview of Stage One Comments

1	Asks for rationale on current number policy limits.	<p><b>Yes</b> This Policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.</p>
2	Strongly objects to SCC not accepting objections based on moral factors. Requests for complete removal from policy and asks for explanation of the word moral in relation to SEVs.	<p><b>No</b> Home Office guidance and case law stipulates moral representations cannot be taken into account. Moral has its normal meaning.</p>
3	Asks if SCC believes it can justify not adopting a nil cap for SEVs when this is directly contradictory to the statement of actively reducing the normalisation of sexualisation and objectification of women.	<p><b>No</b> This Policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.</p>
4	Requests policy should reflect need to consider the impact of licensing SEVs on the objective of reducing violence against women.	<p><b>No</b> SCC has found no evidence of this link in Sheffield nor have they been provided with such. The City Council is committed to applying the law and policy to promote the safeguarding of staff, performers and patrons at sex establishments and of vulnerable persons in the locality of sex establishments.</p>
5	Requests nil cap and asks for recognition of reducing working opportunities for dancers, but that employment could be sought elsewhere as they are self-employed.	<p><b>No</b> This Policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.</p>
6	Asks that SCC notes that SEVs are not part of leisure and retail industries, and asks for wording to be amended to state they are part of Sex Industry.	<p><b>Yes</b> Sex establishments contribute to the recreation, entertainment and night-time economy</p> <p><b>No</b> Not necessary to specify they are part of the sex industry.</p>
7	Is the display of sexual health literature good practice and a requirement across the leisure and retail industries?	<p><b>No</b> This detail supports SCC objective of promoting 'Better Health and Wellbeing' across the City.</p>
8	If sexual contact is prohibited under SEV legislation then why is there a need for sexual health literature to be made available?	<p><b>No</b></p>
9	Requests that SEVs are not allowed in vicinity of the Cultural Hub/facilities or near schools or other areas of education.	<p><b>Yes</b> Cultural hub and educational establishments added</p>
10	Requests an explanation why 'Cultural Hub' has been excluded from new policy draft, as it is in the existing SEV policy and was	<p><b>Yes</b> Cultural hub added</p>

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	listed as part of the responses in the workshops feedback.	
11	Strongly recommends that SCC considers a more inclusive location limitation list in line with Guildford, Camden and Leeds Councils' policies, such as student accommodation, cultural buildings like museums, theatres, etc. places for vulnerable persons such as hostels and adult social care facilities and retail areas.	<b>Yes</b> Additional premises types have been added to the location section of the policy. Areas where over 18s reside are not considered to be inappropriate.
12	Asks that SCC includes areas of mixed use as being inappropriate vicinities for SEVs as they are partly residential, and therefore inappropriate.	<b>No</b> Each application will be dealt with on its own merits on a case-by-case basis. Licences will be refused if the Licensing Authority perceives a venue will have negative impacts on members of the public or vulnerable persons living, working or engaged in normal activity in the area.
13	Strongly objects to caveat of policy which states that no weight will be given to objections on moral, vexatious, frivolous or repetitious grounds, and requests its removal from policy.	<b>No</b> Home Office guidance and case law stipulates moral representations cannot be taken into account. Moral has its normal meaning. Other objections akin to LA03. <b>Yes</b> Other grounds removed
14	Asks why applications that have had no objections made against them will be automatically granted, suggesting it is an unlawful fettering of the Licensing Sub-Committee's discretion.	<b>No</b> This is stipulated in legislation. Only contested applications are heard by the Licensing Sub-Committee
15	Age limit of children/young people using nearby premises to SEVs should be increased to 18 in line with entrance rules and Working Together to Safeguard Children 2015 definition of a child who has not yet reached their 18 <sup>th</sup> birthday.	<b>Yes</b> Age limit increased
16	Requests that objectors are also given opportunity to appear before Licensing Sub-Committee, as Part 25 only states applicant.	<b>Yes</b> Determination of applications section now states: "Valid objections to any application will be considered by the Licensing Committee or delegated to a Licensing Sub Committee at the hearing to consider the application. Applicants and objectors will be given an equal opportunity to state their case in accordance with the Licensing Committee's procedure for hearings, which is available from the Licensing Service".
17	Requests that policy should include a declaration of commitment, to follow an open and transparent process during licensing procedures, including the sharing of any applicant	<b>No</b> It is a statutory duty to be open and transparent at all times, but in line with legislation and Data

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			witness statements. Ideally should be available when notices are made public regarding licence applications and renewals.	Protection Act.
			How does Licensing propose to enforce its obligations under Licensing Act 2003?	<b>No</b> Outside scope of Sex Establishment Policy.
<b>41</b>	Mark Smith		1 Replica comments to respondent No. 2 above (SEVs only)	As per comment No.2
<b>42</b>	Richard Cooper	Sacred heart Church	1 Understands no objections can be made on moral grounds, but expect SCC to always ensure sex establishments are sited, regulated and monitored in such a way to ensure proper safeguarding of staff and to guard against human trafficking.	<b>No</b>
<b>43</b>	Kate Whittaker		1 Has major concerns with location limitations list not including colleges and other educational establishments for people aged 16+, student and other residential buildings and cultural and community facilities such as cinemas, theatres and museums etc. Feels that reason it is missed off is to accommodate Spearmint Rhino in its current position.	<b>Yes</b> Location list added to – see page 12 of policy. In the case of renewal applications, the fact of whether development has occurred since the premises has been in operation will be considered. Applicants are advised to be aware of new developments occurring in the area of their premises and detail in renewal applications how negative impact on new developments may be mitigated.
			2 Requests for above premises to be included into policy, with full explanation of why (if not included) in line with how SCC have fully considered their PSED in the decision.	<b>Yes</b> See above
			3 Challenged Paragraph 9 of policy which contradicts itself to allow 2 SEVs but reduce normalisation of the sexualisation of the objectification of women.	<b>Yes</b> Paragraph 9 removed.
			4 Feels the allowing of 2 SEVs in Sheffield is contrary to PSED, which has to be applied in exercising all functions including policy setting and licence application consideration.	<b>No</b> PSED fully considered when writing this policy and EIA undertaken.
			5 Wishes for policy to be amended to state that no areas in Sheffield are suitable for SEVs to be located, especially not in the City Centre, residential areas and mixed use areas, with additional above stated buildings/premises.	<b>No</b> This policy does not specify any limit on sex establishments.
<b>44</b>	Citizen Space Respondent		1 It is important that any decisions made under the new code ensure that a healthy understanding of sexual activity is promoted.	<b>No</b>
			2 Agrees with ban on Sex Cinemas and general limitations on other types of premises.	<b>No</b>
			3 Any decision which affects another person is a 'moral' decision, so wonders what constitutes our moral code?	<b>No</b> Moral in this sense has its normal meaning.
<b>45</b>	Citizen Space Respondent		1 A heavier restriction on SEVs reinforces the perception that sex should be restricted and controlled. The numbers of restrictions placed on SEVs should be comparable to any other venue, and	<b>No</b> Any restrictions are in line with those permitted in legislation

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46	Citizen Space Respondent		for the same reasons. 1 Agreement with current imposed limits in policy as there are currently 18 sex establishments, with one exclusively for homosexuals.	<b>No</b> Number stated leads us to believe responder may be referring to venues outside of scope of this policy
47	Citizen Space Respondent		1 There is too much information and seems a bit confusing. Main reason is that there are premises of the adult nature already based near the school also near a religious place so why was a license granted in the first instance. 2 Why has Darnall got 2 permitted?	<b>No</b> Content cut down to make document clearer Consultation is for implementation of a new policy. <b>Yes</b> Policy updated - does not specify any limit on sex establishments.
48	Citizen Space Respondent		1 Does not agree with proposed number limit in policy as feels that if there is a market demand for more, then it would be better for the community to permit empty business premises to get used rather than stay vacant? 1 Sees no harm in the amount of establishments as they provide a service for people that want to use them.	<b>Yes</b> This policy does not specify any limit on sex establishments.
49	Citizen Space Respondent		1 As long as premises are not on high streets, they don't feel why there can't be more than 2 premises.	<b>Yes</b> This policy does not specify any limit on sex establishments.
50	Citizen Space Respondent		2 Thinks places for entertainment should be allowed to run as licenced brothels then at least people could be kept safe, girls tested, etc.	<b>No</b> Brothels/Saunas are outside the scope of this policy.
51	Citizen Space Respondent		1 Feels it's one of the only careers paying more than the minimum wage in Sheffield for people without a degree. It is an arbitrary way to proceed. Make no concession to the quality and compliance of the establishment. 2 Agrees that in some parts of the city it would be undesirable to have a proliferation of such uses, however, if there is a demand for SEVs then this should be supported in certain parts of the city.	<b>No</b> In line with what Policy says.
52	Citizen Space Respondent		1 Disagrees with setting a number limit feeling it is unnecessary, and feels that each application should be assessed on their own merit.	<b>Yes</b> This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.
53	Citizen Space Respondent		1 Disagrees with setting a number limit. States there is a certain market for a well – regulated strip club industry, with Sheffield having a culture where this sits ok, having spent a chilled evening enjoying it. Feels there is no market for an explosion of	<b>Yes</b> This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits

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54	Citizen Space Respondent		<p>such venues, so it can be dealt with very well on a case by case basis, without the need to provoke a major issue.</p> <p>1 Feels that the imposition of small numerical limits will always be completely arbitrary with no data-driven means to back them up or verify their efficacy. EG: a sex shop could open up on Road A in Ward B, meeting all of the criteria for location, safety and management responsibilities. A second shop located 20 yards up the road, also meeting all location, safety and management criteria would likely be rejected, simply because the numbers cap has been hit. This not only reduces competition for the benefit of the customers, but also discourages investment.</p> <p>2 Either a location is suitable for a venue of a particular kind or it is not. The existence of one or more venues is not a problem provided they meet suitable external presentation criteria.</p> <p>3 Part 8 – “Numbers and Limits” is completely arbitrary, it discourages free enterprise and competition which may lead to higher quality venues becoming available. It provides those that own the existing licenses with a near monopoly on the services that they offer.</p> <p>1 Feels it there too much reading.</p> <p>1 Wonders why Darnall Ward has been lumbered with twice the number of sex shops than anywhere else.</p> <p>2 What about ‘massage parlours’ they don’t seem to fall into any of the stated categories. We have one near us that I highly object to. It is near a primary school and in a residential area. It has been raided by the police already and more recently there was an armed hold up there in broad daylight! We don’t want this here near our homes and our children walking past it to school. Why is it here and what legislation/ licensing does this come under?</p> <p>1 Feels number of lawful premises should be left to market demand.</p> <p>1 Feels SCC should not impose a moral limit on the numbers of establishments, and that they should be away from residential areas. Asks why it should be controlled so much whilst ever its adults and no- one is being forced?</p>	<p>on a case-by-case basis.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> Content cut down to make document clearer.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>No</b> These premises are outside the scope of this policy.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments. Location restrictions included on page 12.</p>
Page 55	Citizen Space Respondent			
Page 56	Citizen Space Respondent			
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59	Citizen Space Respondent	<p>1 Terms like "normalisation", "sexualisation", "sexuality" and "objectification" are too vague and subjective in this context. They are usually used in relation to images and representations in the media, a very different context. On page 17, the document states that the licensing authority will use plain language as the first listed principle. Further down it is stated that advice (by licensing officers) will be given simply and clearly. Jargon should, then, be avoided.</p> <p>2 Consideration of the views of the women who freely choose to work in such establishments should be included in the policy. There is a case for including the defence of the right of women to freely choose to work in sexual entertainment venues.</p> <p>3 Under consideration of equalities within the policy, with accessibility for disabled customers being potentially an issue.</p> <p>4 Note that gender equality is achieved by comparable treatment of entertainment provided mainly by women for men with that provided mainly by men for women (in so far as both are provided). The "Brief Encounters" nights at Crookes Social Club are an example of the latter. (Likewise, any entertainment provided for gay men should be treated comparably with any provided for lesbian women).</p> <p>5 Numbers proposed are ok in principle, but seems to be a bit meaningless to limit numbers by ward as only a small number of wards are likely to have premises in them such as City Centre and Attercliffe. A total number for the city or an appropriate number in particular neighbourhoods might be more relevant.</p> <p>6 If sufficiently far apart and reasonably discreet, perhaps there could be more than 2 SEVs? however market forces presumably limit numbers anyway.</p> <p>7 Once one shop or venue is permitted, there is also an argument to allow competition with it to stop over-charging of customers.</p> <p>8 Part 14 of policy seems well written and well judged.</p> <p>9 In the Introduction (part 1), I think the words "sexualisation" and "objectification" of women are not appropriate in this context, as the women are the active party in choosing to work in sexual entertainment venues. Women have a right to work as striptease artists, etc. However, guarding against the</p>
	Yes	Terms removed Content cut down to make document clearer.
	Yes	Consultation undertaken with workers of SEV.
	No	It is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the services between different equality groups, save for those under 18.
	No	Policy does not refer to provision of services for specific gender.
	Yes	This policy does not specify any limit on sex establishments. Location restrictions included on page 12.
	Yes	This policy does not specify any limit on sex establishments. Location restrictions included on page 12.
	Yes	This policy does not specify any limit on sex establishments.
	No	Refers to locations section
	Yes	Terms removed.

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			exploitation of women who work in the venues is valid, i.e. being treated unfairly financially or being required to work too many hours say. Or perhaps through them being expected to do anything they are uncomfortable with or that they find unreasonable. Note that "exploitation" should not be interpreted to occur, ipso facto, due to the nature of the entertainment, provided the women (or men) have chosen freely to do the work.			
60	Citizen Space Respondent		1	Partially agrees there should be a limit, but that splitting it by ward or limiting to low numbers is fairly conservative and ignores the capacity for there to be a hub for this sort of venue.	<b>No</b> This policy does not specify any limit on sex establishments. Location restrictions included on page 12.	
61	Citizen Space Respondent		1	As long as businesses are regulated and do not exploit children or other vulnerable people, why should there be a limit on numbers of premises?	<b>No</b> This policy does not specify any limit on sex establishments.	
62	Citizen Space Respondent		1	Written in legal language. Very long. Doesn't explain if this policy changes a previous one. Doesn't set out the recommendations in a clear and coherent way. Isn't clear what the proposals actually mean.	<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.	
			2	One of the proposals seem to be that only 1 sex shop will be allowed in each Ward but Darnall, but doesn't go on to explain why Darnall has 2? How many establishments there are in the City at present? And if there's one per Ward plus 2 would that mean more establishments across the City or less	<b>No longer applicable</b> This policy does not specify any limit on sex establishments.	
			3	If there are more than 1 in a Ward would the Council be revoking the licences to the others? How would the Council choose which establishment had their licence taken away?	<b>No longer applicable</b> This policy does not specify any limit on sex establishments.	
			4	Mentions opposition to sexual exploitation and grooming as well as our Safeguarding procedures. Also protecting the most vulnerable.	<b>Yes</b> Policy expects licence holder to ensure all members of management and staff attend safeguarding training.	
63	Citizen Space Respondent		1	No attempt at a public facing document or easy read version has been made (from what I can find online) therefore you're limiting responses to the consultation - whether deliberately or not - as only those with a certain level of comprehension will bother to read a full policy document as it is currently laid out. The policy document should be available of course but a more public-friendly version should be available so that people really understand what they're being asked to comment on. The policy does give all the detail - but another, more public friendly version, or even an executive summary version should be made available	<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.	

# Overview of Stage One Comments

			2	<p>Feels focussing on the numbers of establishments is the incorrect focus, instead being how sex workers (men &amp; women) are kept safe while working – physically, mentally and emotionally with restrictions and higher safety measures on the customers or clientele of these establishments – particularly SEVs.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments. Conditions (separate document) detail expected operating practices.</p>
64	Citizen Space Respondent		1	<p>Feels establishments should not be in mainstream areas of the city centre such as West Street, where there are large numbers of young people going out. Young women should not have to put up with being in proximity to these establishments, just to be getting on with their social life. There needs to be a clear demarcation of areas.</p>	<p><b>No</b> Location restrictions included on page 12.</p>
65	Citizen Space Respondent		1	<p>The policy directly contradicts itself in aiming to uphold the 'Public Sector Equality Duty' under Section 149 of the Equality Act 2010; in particular the need to eliminate discrimination, harassment, victimisation, etc.', yet allowing SEV's within our city boundary. A venue which trades in the bodies of women as sexual objects to be paid for is NOT helping to support equality between different genders.</p>	<p><b>No</b> Such establishments are legitimate businesses by way of legislation. PSED fully considered when writing this policy and EIA undertaken.</p>
			2	<p>Supports the aim of the Licensing Authority endeavouring to reduce the normalisation of the sexualisation and objectification of women, avoid exploitation of women and to promote healthy sexual practices. But, does not see how licensing a SEV reduces the normalisation of the sexualisation and objectification of women in any way.</p>	<p><b>Yes</b> Paragraph using the terms referred to has been removed.</p>
			3	<p>Feels SCC are contradicting themselves by seeing a nil cap as a negative move, and feels we are not really committed to gender equality.</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p>
			4	<p>Feels the policy leads directly to the harassment of women like herself. Feels sick of making choices about where she can and cannot walk, where she drives, based on the violent actions of men because they feel entitled to her body. Requests SCC to stand up to the money that fuels this industry and protect the rights of all people living in our city.</p>	<p><b>No</b> Sanders, Hardy and Campbell, 2015 state: <i>"Campaigns seize on unsubstantiated claims regarding strip clubs encouraging violence against women in the area, or suggesting that customers who buy striptease will be become violent and sexually predatory. Yet claims to the secondary effects of strip clubs are unsubstantiated in terms of increasing the number of crimes"</i>. (Hanna, 2003; Ward and Wylie, 2010; Jackson, 2011). (P.85) SCC has found no evidence of this link nor have they been provided with such.</p>

# Overview of Stage One Comments

66	Citizen Space Respondent	1	Thinks that the limits for sex shops as 1 per ward offer the opportunity for a proliferation of establishments in areas where there are currently none. Additional sex shops being allowed in certain wards is a nonsense. Thinks that sex shops and SEVs should be excluded from the city centre wards- this area has high visitor number of all backgrounds, and is essential in the image we project for our city	No This policy does not specify any limit on sex establishments. Location restrictions included on page 12.
		2	For full consultation, notifications of applications could also be required to be shared with the Council's equalities hub	No Legislation stipulates application process.
		3	Part 14, which states that each application will be treated on its own merits, allow the licensing board to ignore any of the restrictions under location and to decide for themselves what is appropriate. This is not helpful to applicants, objectors or committee members in determining a consistent policy or grounds for application or objection. Clear and applicable guidelines should be laid out in the policy on these matters.	No A Local Authority can set guidelines in the form of a local policy. A policy is not legally binding, with final discretion being given to the Licensing Committee. Each application will be decided upon its own merits and the Licensing Authority will give clear reasons for its decisions.
		4	Would like to see more regarding the welfare of employees and how this will be achieved and monitored. The policy states it will be up to the licensee. Might there be some regular reporting prior to the licensing committee on how this is being carried out and the outcomes of it?	No Conditions (separate document) detail expected operating practices.
		1	City Boundary is unclear. Do you mean the City Centre S1/S3, or the whole of the city?	No Policy refers to whole of city.
		2	Policy says what you want to do, but doesn't say what will happen to the existing Establishments, or indeed, the Workers of those Establishments. Not every lady is Thai / Philippines, or Polish, Czech, Slovak, Slovenian, Hungarian, or Romanian. Many are still, Yorkshire born, with good education standards, who do this job, because of the high rate of pay, flexible hours, and in some cases, because they actually enjoy being a service provider. As one says "it's better than minimum wage, in a supermarket, on my feet all day, dealing with shouting and screaming".	No Comments refer to saunas - do not fall under the remit of this policy.
66	Citizen Space Respondent	1	Thinks that the limits for sex shops as 1 per ward offer the opportunity for a proliferation of establishments in areas where there are currently none. Additional sex shops being allowed in certain wards is a nonsense. Thinks that sex shops and SEVs should be excluded from the city centre wards- this area has high visitor number of all backgrounds, and is essential in the image we project for our city	No This policy does not specify any limit on sex establishments. Location restrictions included on page 12.

# Overview of Stage One Comments

		<p>3</p> <p>As there are currently 18 Sex Entertainment Establishments + 1 exclusively for Homosexuals.          Sheffield City Council, together with South Yorkshire Police, establishment owners, created the standards for Sauna &amp; Massage Parlours in the 1970's, during the time of the Yorkshire Ripper.          Although the Sheffield Labour Party's councillors Progressive by nature, (banning thing like Circus' with Wild Animals etc) they were also realists. One key aim was to get Women off the streets. To stop public nuisance, but also make it safe for the Lady's. And number of rules were drawn up, which included:          -All Working Ladies must be over 18. Working of their own free will.          -Not under the influence of a Pimp or Drug Addiction.          -The Ladies, must not be using Heroin via injection, or smoking Crack Cocaine.          -The Ladies must be Drug and Disease free. With the University of Sheffield, medical departments trainees, visiting regularly, each establishment and their Workers, to take Swabs and Blood.          -All Clients must be over 18.          -Further all Penetrative sexual activity, must use a Condom (One of the reasons Sheffield, and most other cities that followed Sheffield, did not see, a massive AIDS epidemic in 1980's /1990's. Nor indeed a Herpes, Gonorrhea, or Hepatitis in the 1970's.          -Further, kissing was banned, to stop Herpes, but also Tuberculosis, and other infectious diseases.          This policy was changed circa 1998, when Kissing, and Oral Sex Without a Condom was suddenly allowed, (though the ejaculate was seldom taken into the mouth). At the same time, the Standard Massage Bench, was replaced by a Bed. The Ladies would have to perform a full massage of the nude, back and front, examining his body for any potential infection. Further, the Establishments were to have a Gentleman's Health Spa, type layout, with Finnish Sauna, Turkish Steam Room, Showers, Clothes Lockers, and a TV Lounge. (Some added Jacuzzi (The Omega) or in the case of (The Ambassador), a Swimming Pool. Many had Adult Film Rooms, (Showing Erotic / Hardcore Porn movies) which were classed as Cinemas, and South Yorkshire Fire Services would have to visit and ensure they met safety standards). A Few Establishments had Drinks Licences</p>	<p>No</p> <p>Comments refer to saunas - do not fall under the remit of this policy.</p>
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# Overview of Stage One Comments

				<p>(Crystal Suite, Caesars). The Ladies were free agents, mostly working the shifts which suited them. Though for some of the 24hour establishments, if they wanted to work the prime time (Friday/Saturday evening, and Sunday afternoon), then they may have to do a 10pm to 8am overnight shift on a Wednesday. How the Ladies were charged is an issue. Some paid a fixed fee for working a shift e.g. £25. Others had to pay a 50/50 split.</p> <p>Can understand the desire to remove the Establishments from the main Roads in the City. But that means the closure of: -GEMS, 778 Attercliffe Road -The Honeypot, 774 Attercliffe Road -GFE (The Girlfriend Experience) 10 Worksop Road -Crystals Massage, 150 Worksop Road -The Athena, 707A Attercliffe Road -Hanky Panky (Sex Shop) 707 Attercliffe Road -The Diplomat, 697 Attercliffe Road -Fantasia, 728 Attercliffe Road -Desire (Sex Shop) 619 Attercliffe Road -La Chambre (Swingers Club) 528 Attercliffe Road -First Class, 557 Attercliffe Road -Kittens, 380 Attercliffe Road -Pandora's, 387 Attercliffe Road -City Sauna, 160 Attercliffe Road</p> <p>Only -OMG Massage Parlour &amp; Gentleman's Club, 5 Carlisle Street -Caesars, 14 Stanley Street -Paradise Studios, Britannia Steel Works, Furnival Road, S4 7YA Would be unaffected in the Don Valley.</p> <p>All you will do, is increase the number of Girls operating in Private Flats / Rented Housing, and also Women on the Street in Neepsend, Broomhall, around Jessops Hospital, or off Rockingham Lane. Many of the Male Clients too.</p>	
68	Citizen Space Respondent		1	<p>Asks why is it considered appropriate for Darnall Ward to have double the number of establishments? Can this be amended to 1, the same as all other wards?</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p>

# Overview of Stage One Comments

	2	<p>Since I live in the middle of Attercliffe (the heart of the Sheffield Sex establishments industry) and am very aware of the businesses in this area. There are 7 establishments in or around Attercliffe Road (and more in and around Darnall) which are well known locally to allow sexual activity to occur between 'performers' and customers (brothels). There are also 2 shops which sell articles associated with sexual activity (one of these shops has risqué displays in its windows).</p> <p>I have also observed women who appeared to be drunk/incapacitated/vulnerable being escorted into one of these premises. At one time, I saw a young girl being dragged into premise that I believed to be operating as a brothel at the time - I called the police and don't know the outcome. Hence, I am concerned about the possibility of CSE and vulnerable adult exploitation.</p> <p>Another premises attracts a large number of patrons for 'sex parties' involving more than one partner, this is prevalent every Saturday night. I have been harassed and made fearful at night by men who were kerb crawling (looking for prostitutes from which to purchase sexual services). These men appear to be attracted by the reputation of the Attercliffe area, and under the presumption that because there are many brothels in the area that there will also be street prostitutes. Consequently, they can and do stop and proposition a woman who is going about her own business and is not offering such services. As a consequence of this harassment behaviour from kerb crawlers, I avoid going out at night and when I have to go out due to unavoidable circumstance, I cover up with as much as possible so as to avoid the harassment. As a female I feel that I cannot wear short skirts or shorts or fitted tops or high heels when out and about in the area in which I live, if it is after dark, &amp; even if its summer. Even clothed from head to foot I have still been harassed by kerb crawlers when I have been standing on Attercliffe road to wait for a taxi.</p>	<p><b>No</b> Comments refer to saunas - do not fall under the remit of this policy.</p>
3	<p>I have children and the risqué window displays of one establishment have long been a particular problem to explain, especially as the mannequins show disproportionately exaggerated representations of womens' anatomy.</p>	<p><b>No</b> Conditions (separate document) for Sex Shops have been implemented to ensure all window displays are prohibited.</p>	

# Overview of Stage One Comments

69	Citizen Space Respondent		<p>4 My children did not go to school in Attercliffe, because until recently there were no schools in Attercliffe. However there is now a school (Oasis Academy) with a 'through' intake (Nursery to 18) and the second university technical college, which takes children from age 14-19). I am concerned that the operation of so many Brothels around those schools may cause undue and unnecessary safeguarding risks to some of the children and staff. (Such as kerb crawlers targeting female students for example). Having been a victim of kerb crawling in this area myself I know how insistent the men in those cars can be, I am concerned that children and young people may be less resilient at saying "NO" and threatening to call the police, compared to me, as I am older and more accustomed to this area. In fact there are 2 brothels almost directly opposite the Oasis Academy.</p>	<p><b>No</b> Concerns outline issues with saunas in Attercliffe area, outside the scope of this policy.</p>
70	Citizen Space Respondent		<p>1 Part 13 e) protection and physical/psychological welfare. This should be amended to include more detail on how employees and performers will be protected and what training/education/experience makes every applicant an appropriate person to provide this. The UK Network of Sex Workers has lots of information about how policies can be made to ensure employees are treated well by their employers.</p> <p>1 It does not appear to contain any justification for the proposed limit on numbers of establishments.</p>	<p><b>No</b> Policy already outlines requirement for Safeguarding training to be undertaken by management and workers. A copy of the codes of practice for performers, the rules for customers and the policy of welfare for performers (SEV's only) must be provided to the authority at application.</p> <p><b>No</b> This policy does not specify any limit on sex establishments.</p>
71	Citizen Space Respondent		<p>2 "We feel we must endeavour to reduce the normalisation of the sexualisation and objectification of women, avoid exploitation of women and to promote healthy sexual practices." How about reducing objectification and exploitation of men? Probably one of the only careers paying above the minimum wage in Sheffield for people without degrees.</p> <p>1 Part 1 Introduction: "The Council does not take a 'moral' stand on adopting this policy or when determining applications under this policy." Followed 2 paragraphs later with "As the Licensing Authority we feel we must endeavour to reduce the normalisation of the sexualisation and objectification of women, avoid exploitation of women and to promote healthy sexual practices". Having shown this around Sheffield the "East Side" I can say we find this another example of a core of feminist councillors imposing their views on the real working class women of Sheffield.</p>	<p><b>Yes</b> Paragraph reconsidered and removed. Document does not refer to either sex.</p> <p><b>No</b></p> <p><b>Yes</b> Paragraph reconsidered and removed.</p>
72	Citizen Space Respondent		<p>1 Feels policy is 30 odd pages of neo-nazi liberal shite. So many caveats, conditions and hoops to jump through as to make it impossible to understand. It attempts to please every current</p>	<p><b>Yes</b> Content cut down to make document clearer.</p>

# Overview of Stage One Comments

			minority interest group. What you would expect from a City Council that long ago ceased to represent the majority of its citizens.			
		2	Feels plain speaking would help.			<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary.
		3	It is an arbitrary way to proceed. Make no concession to the quality and compliance of the establishment.			<b>No</b>
		4	Life is too short			<b>No</b>
73	Citizen Space Respondent	1	Agrees that in some parts of the city it would be undesirable to have a proliferation of such uses. However, if there is a demand for sex entertainment venues then this should be supported in certain parts of the city.			<b>No</b>
74	Citizen Space Respondent	1	The whole issue regarding the high number of sex shops and massage parlours in the Attercliffe area needs to be looked at again. Some of these establishments are next door to the Olympic Legacy Park and Oasis school which is not suitable.			<b>No</b> There are currently 2 sex shops in Attercliffe. Saunas are outside scope of policy.
75	Citizen Space Respondent	1	Some parts are difficult to understand (written in 'legalese')			<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary.
		2	Part 13 (page 10) states the conditions for suitability of applicants. It then says "It is unlikely that a licence will be granted if: - Any of those persons detailed above have any of these offences; - etc." This should read "A licence will not be granted if" - non-compliance with any of the conditions mentioned should result in a rejection, and this should need made clear.			<b>No</b> Unable to reject - application must be referred to the Licensing Committee to determine.
		3	Part 17 (p.12) states "No weight will be given by the Licensing Committee or the Licensing Authority to objections that are in their opinion repetitious and have already been considered previously." This is unclear: Does it mean repeated objections from the same person/organisation? Or similar objections from a number of persons/organisations (e.g if 300 residents objected to a licence on similar grounds, would this just be treated as 1 objection?) And what does "considered previously" mean? Or in the same process? This should be made clearer, for the benefit of the general public.			<b>Yes</b> Removed from policy.
76	Citizen Space Respondent	1	The number of sexual entertainment venues should be set at 4.			<b>No</b> This policy does not specify any limit on sex establishments.
77	Citizen Space	1	Believes establishments should adhere to some form of infection			<b>No</b>

# Overview of Stage One Comments

78	Respondent		prevention and control policies that cover both premises and staff.	Comment suggests may be referring to Brothels/Saunas, which are outside the scope of this policy.
79	Citizen Space Respondent	1	Where an establishment is licensed as a sex shop or adult entertainment venue and is clearly breaking the law and therefore the licence. The licence should be revoked.	<b>No</b> Legislation, policy and conditions will be enforced and action taken as and when required.
79	Citizen Space Respondent	1	These establishments should be entirely limited in order to enable South Yorkshire Police to do their job in crime prevention, which is already suffering severe problems. These sex establishments introduce further crime by encouraging sexual perversion, and the unavoidable sex solicitation and prostitution. It is not possible to police such a high level of immoral sexual activity, which is designed, by default, to encourage morbid sex outside normal human relationships. This city has already seen enormous level of tragedies both in the exploitation of children and prostitutes and it is in the full responsibility of Sheffield City Council to stop this Armageddon that is driving the city into dire poverty, dubious international investments, and using the native women to sexually satisfy foreign and local visitors and customers.	<b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.
		2	This whole document is a legal sham designed to present Sheffield as a massive, giant brothel which has only one thing to offer: quasi-business services through small companies that broker larger companies through a myriad of irrelevant meetings, hidden handshakes, and a lot of sexual activity outside the boundaries of a normal society. People who have designed this document are obviously completely out of touch with anything that is of moral value to the society, as they mention the students as potential customers of such venues. Obviously, their degrees, if any, were obtained through a complete sham.	<b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.
		3	Three main points to raise here are: -if South Yorkshire Police has to actively police these establishments to ensure the lawful activity, however morbid such a law may be, they cannot police our crime infested city, where they even do not respond to family nor child abuse calls anymore as they have to deal with theft and murder. The articles about Sheffield have now reached a tragic level and we are seen as an undeveloped society. -Any sexual activity outside the normal human relationship can lead to only two outcomes: A) masturbation and/or B) prostitution. The option B implies that any sex entertainment venues are henceforth and by default the channels of sex solicitation, which is illegal. It is simply NOT possible to control the outcomes of the raging sexual impulse once the contact has been initiated and it is NOT	<b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.

# Overview of Stage One Comments

				<p>possible to police the activities which take place outside such sex entertainment venues. To believe the otherwise would be mental illness. -Industrial clubs associated with Sheffield's business centres, including the largest industrial university research centre in the world, are openly admitting that their members engage in both sex solicitation by recommending the desirable venues (which may serve also as industrial espionage venues if the same prostitute is deliberately used by say customers from Boeing and Airbus), and day/night prostitution. Some members attend the meetings at these centres only so that they can engage in prostitution and sex entertainment while on company's budget, and are often seen to disappear in the morning and to return to their meetings in the afternoon. If this is what our city is supposed to encourage, then I would suggest that you publish this information in the open media, and see how many intelligent and educated citizens and academics you may be able to retain. I know for sure that having been a senior manager, a professor and research centre establisher in this city, I am not there anymore for the above reasons, and all my highly skilled colleagues have left after I left the university. Those who remained are of the suitable moral level and can digest these wonderful features that our city may offer to just about anybody who applies, of course, for the lowest common denominator that any city on this planet can offer.</p>	
80	Citizen Space Respondent		1	<p>The Darnall Ward has a number of establishments that don't appear to fit under the definitions and regulations of Sex Shop, Sex Cinema or Sexual Entertainment Venue. A number of these establishments are in close proximity to the Oasis Academy Don Valley and UTC Sheffield Olympic Legacy Park and the soon to be opened Olympic Legacy Park recreational area, all of which are used by children under the age of 16 therefore creating safeguarding issues. A number of these establishments are clearly visible from Attercliffe Common and Attercliffe Road, a central gateway to the city. Legacy Park Ltd is facilitating delivery of the Olympic Legacy Park (OLP) which will act as an economic re-generator for the Lower Don Valley. The location of the above-mentioned establishments may have a negative effect on attracting inward investment to the area.</p>	<p><b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.</p>
			2	<p>We agree with imposing a limit on the numbers of such establishments; however the Darnall Ward clearly exceeds the limit quite excessively.</p>	<p><b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.</p>
81	Citizen Space Respondent		1	<p>Policy is largely easy to understand but does not provide a definition of a "moral" objection or give examples of such.</p>	<p><b>No</b> Moral in this sense has its normal meaning</p>

# Overview of Stage One Comments

82	Citizen Space Respondent		2	<p>It is not clear why, if SEVs are places where no sexual contact is allowed, there needs to be sexual health literature available. This would appear to be an admission of the Council that SEVs are establishments where sexual contact takes place.</p> <p>1 Very wordy - could be summarised easily without losing the essence of its meaning. If we want Sheffield residents to engage in the 'political' and governing processes and make meaningful contribution you need to make it easier - which does not have to mean 'watering down'. Being faced with a wordy 35 page document is not something, I think, most ordinary council tax payers would find easy.</p> <p>2 The policy as a whole seems to suggest Sheffield City Council does not condone prostitution yet there is very little doubt that there are a number of known brothels in Sheffield. Recently there has been national coverage of one such establishment on Channel 4. If we don't really want this underbelly to our city - why don't we stop pretending we are doing something about it and DO something good about it - something that would free us as citizens and those directly involved, from the chattel of this oppressive, degrading and ultimately profoundly damaging 'industry'. Not just shift it to another area: Wicker (which has just started to recover from years of neglect) as has been muted by Attercliffe businessman David Slater. It's an ill thought out and I'll willed suggestion that will rob the Wicker of its unique creativity, a cosmopolitan and inviting community (not perfect but growing and developing) and life - in the form of residents, students, families who eat in its restaurants and use the nursery, young men who frequent it's barbers and cafés and the thoroughfare (of all kinds of people including secondary school pupils) who go to and from town and Spital Hill. These will die if the 'red light' district suggestions are given any serious consideration.</p>	<p><b>No</b> No physical contact is permitted in such venues, and proposed conditions state this.</p> <p><b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary.</p> <p><b>No</b> Comments suggest may be referring to saunas, which are outside the scope of this policy.</p>
83	Citizen Space Respondent		1	<p>Part 15 of policy does not set out the public notice requirements it refers persons to the licensing authority. The requirements should be appended to the policy or at the very least set out on the web site and reference made in the policy to the web site.</p> <p>2 Part 16 deals with objections. No reference is made to the position of representations which are supportive. Persons who may want to support an application are given no assistance by the policy. The policy is silent as to what the authority would do with any representations in support of the application.</p> <p>3 In relation to SEV premises the limit of 2 is small given the extensive geographical area within the city boundary</p>	<p><b>Yes</b> Removed from policy – more guidance.</p> <p><b>No</b> Supportive representations will be considered by the Licensing Committee if an application is referred to them for determination.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>

# Overview of Stage One Comments

<p><b>No</b> Could be helpful but premises not yet built and/or licensed would not be able to adhere to this.</p>	<p>Part 12 sets out the documents in support of an application. There is a requirement to have a drawing of the front of the premises. This should be amended to include reference to a photograph/digital image.</p>	
<p><b>Yes</b> Wording included.</p>	<p>Part 13 sets out the requirement for Disclosure Scotland Certificates and should refer to them being dated no earlier than 5 weeks prior to the submission of the application.</p>	
<p><b>No</b> A copy of the codes of practice for performers, the rules for customers and the policy of welfare for performers (SEV's only) must be provided to the authority at application.</p>	<p>The requirement for the operator to act in the best interests of the performer including their physical and psychological welfare. It is not clear what the psychological requirements are? Does this require a psychological report? This requirement seems far too onerous and disproportionate</p>	
<p><b>Yes</b> Removed from policy.</p>	<p>Part 16 makes reference to repetitious objections. The definition must be with reference to the circumstances of the application. It is possible that where there has been a change in circumstances since the previous consideration then an objection may not be repetitious.</p>	
<p><b>No</b> Section removed. Legislation not policy.</p>	<p>Part 22 – Cancellation, deals with the situation on the death of the licence holder. The policy is silent on the position of the dissolution of a company. The policy should be silent on both situations. This is a matter for parliament and not a measure the local authority has any power to direct. The act is silent on what happens on the death of a licence holder. The licence therefore continues until it expires or it is surrendered by the personal representatives of the deceased licence holder. If the authority are not with me on that point then consideration needs to be given to the situation where the licence may be held by 2 or more persons.</p>	
<p><b>No</b> Conditions removed from policy – separate document.</p>	<p>Conditions 5 and 6 remove the ability to use flyers with a lawful licence and no reason is given.</p>	
<p><b>No</b> A copy of the codes of practice for performers, the rules for customers and the policy of welfare for performers (SEV's only) must be provided to the authority at application.</p>	<p>The requirement - "that the operator will act in the best interests of the performers, in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored (SEV only)." - is not explained how this may be satisfied - is a medical expert required?</p>	

# Overview of Stage One Comments

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# **APPENDIX 'B'**

## **Overview of Consultation Responses - Stage 2 Consultation Results Table**

# Overview of Stage Two Comments

No.	Name	Organisation Details	Overview of comments	Has the policy been updated following the comments?
1	Tony Prince		1 Feels Section 5 of policy is confusing and contradictory as refers to 'lap-dancing' which he feels goes against no-touch policy. Suggests removal of this term to avoid confusion.	<b>No</b> Wording taken from Home Office guidance.
2	Kay Wallace		1 I thank you for emailing the amended sex establishment policy document and just wish to register that I am entirely happy with the contents.	<b>No</b>
3	Faith Magowan	Tinsley Methodist Church	1 Feels sex establishments diminish reputation of already deprived and neglected areas, and doesn't want outsiders coming into the areas that seek debauched sexual activities.	<b>No</b>
			2 The presence of Sex Shops, etc. in mixed faith communities would be abhorrent, which could cause barriers between people who are wanting and trying to form understanding.	<b>No</b>
4	Janice Singleton	Darker Enterprises Ltd	3 Already existing issues in many cities of prolonged and ruthless sexual exploitation of children. Asks, do we really want to draw further attention and attract people to add to this?	<b>No</b> Under 18's are not permitted to work or gain entry in such premises. Policy expects licence holder to ensure all members of management and staff attend safeguarding training.
			4 Sex Establishments need locating very well away from residential areas, with the welfare of citizens, children and adults being giving the highest priority.	<b>No</b> Location restrictions included on page 12.
4	Janice Singleton	Darker Enterprises Ltd	1 Feels document should not be called a 'policy' as it is not binding, and following the statement within the policy which states that 'each application will be considered on its own merit', feels it is a fettering of the decision making process as policy is used to guide applicants about the success of their application. Term 'guidance' should be used instead.	<b>No</b> Syntax issue.
			2 Part 3 – Provision of Services Regulations 2009 – Feels statement about fees does not reflect current situation, as the matter is awaiting final judgment from Supreme Court after reference to the European Court of Justice.	<b>No</b> Regulations stated.
4	Janice Singleton	Darker Enterprises Ltd	3 Part 8 – Cannot accept a prior determination by ward boundaries meets the requirements under the Act, referring back to initial statement of being judged individually on own merit.	<b>No</b> This policy does not specify any limit on sex establishments. Location restrictions included on page 12.
			4 Part 13 – Cannot see point of Disclosure Scotland Certificate requirement when Act stipulates that a copy of the application is to be served on Police during application process anyway.	<b>No</b> Help authority establish fit and properness of applicant.

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5			<p>5 Part 14 – Feels phrases such as “will not licence premises that it feels are in close proximity to” and “Matters that will be taken into account are the visible and physical impact of the premises, any advertising or displays and its customers both from the place in question but also to people entering or leaving” are too absolute. Statement replacing this should be: “Before deciding to refuse a licence, members should consider whether grounds for refusal can be met instead by the imposition of conditions. They also need to be satisfied that any grounds are sufficiently serious to justify refusal, i.e. that the refusal of the proposal is a proportionate response.</p> <p>6 Part 24 – Suggests words “if applicable” are inserted after plan, as this would not always be relevant if the variation is to change something such as opening hours.</p> <p>7 Part 25 – Suggests wording regarding timescale for hearings is amended to read, “any hearing will take place as soon as practical or within 20 working days of notice given by the applicant that he requires it to be held” to ensure there were no grounds to argue undue delay which can occur due to applicant availability or elections for example.</p> <p>8 Has some reservations over conditions relating to badges but feels this can be addressed in terms of renewal application.</p>	<p><b>Yes</b> Wording on page 12 amended.</p> <p><b>No</b> Removed.</p> <p><b>Yes</b> Removed.</p> <p><b>No</b> Conditions removed from policy – separate document.</p> <p><b>No</b> Such establishments are legitimate businesses by way of legislation.</p> <p><b>No</b> SCC has found no evidence of this nor have they been provided with such.</p> <p><b>No</b> SCC has found no evidence of this nor have they been provided with such.</p>
5	Judith Dodds		<p>1 Feels policy seeks to excuse Sheffield Council’s approach to licensing sexual entertainment venues (SEVs), resting on the premise that any potential harms related to SEVs can be minimised- but note they cannot be completely prevented by legislative measures and controls and that indeed greater harms would arise should they not be permitted to operate within the city This approach rests on the following mistaken assumptions: a) - that all harm lies within the walls of these venues and in their immediate vicinity and that what cannot be seen does us no harm. Suggesting women lap dancers can be protected from harm by rules that prohibit physical contact with customers. This appears to be the only potential harm acknowledged to the dancers. Says not the case within premises. b) - the harm to dancers of having to split off their emotions from their behaviour and body in order to strip and lap and pole dance is disregarded.</p>	

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c)	<p>- the cultural impact of Sheffield Council actually permitting sexual entertainment venues within the city cannot be disregarded. It gives the message that Sheffield is a city which actively permits women to be treated as objects where access to their bodies can be bought. When women are objectified and viewed as sexual objects, without regard to their feelings, emotions and rights their status is reduced (compared to that of men) and this results in a situation of gender inequality and poor relations between the sexes. Thus to permit SEVs in Sheffield is not in keeping with the Council's obligations under the Public Sector Equality Duty and not in keeping with the Equality Act.</p>	<p><b>No</b> Such establishments are legitimate businesses by way of legislation. Colosi (2013) states that "it is contended that limiting SEV's will benefit gender equality by alleviating the objectification of women (Object, 2009), this view is far too simplistic. In the long term, the closure of lap-dancing clubs will result in the unemployment of women, particularly problematic in a time of recession, leading to issues of poverty where ex-dancers are unable to find employment. This also risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable" (see Colosi, 2010b). (p. 9)</p>
d)	<p>- that SEVs are part of the entertainment and leisure industry sector rather than a major part of the sex industry, thus obscuring and normalising the exploitative working and employment conditions therein.</p>	<p><b>No</b> SCC has found no evidence of this nor have they been provided with such.</p>
e)	<p>- that a nil cap would drive SEVs underground outside of any 'controls' and thus cause harm. No evidence is given for this assertion. In any case, this is a weak stance to take: it does not consider the pros and cons of SEVs per se but merely asserts there is no effective option to decide on a nil cap as they will go underground if such a cap were set.</p>	<p>(Colosi, 2013) states that "in relation to lap-dancing, along with other sex-work, it is important that this work is treated in a similar way to other 'mainstream' modes of work, rather than as a deviant or criminal activity". (p. 10). (Colosi, 2013) states that "it is contended that limiting SEV's will benefit gender equality by alleviating the objectification of women (Object, 2009), this view is far too simplistic. In the long term, the closure of lap-dancing clubs will result in the unemployment of women". (p.9) Furthermore, (Colosi, 2013) states "this risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable" (see Colosi, 2010b). (p.9)</p>
2	<p>Strongly urge Sheffield follows the example of other Councils and sets a nil cap.</p>	<p><b>No</b> SCC have no evidence to suggest a nil cap is necessary. This Policy does not specify any limit on sex establishments.</p>

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6	Charlotte Mead	Women's Equality Party	1	Clear criteria to be published regarding what has been included in the policy from the consultation suggestions including evidence to support that criteria being chosen	<b>No</b> This table provides overview of comments and considerations. Evidence provided where possible and available.
2	Overall the policy needs to be more honest about what SCC's stance is on SEVs, sex shops and sex cinemas. We particularly refer to Paragraphs 9, 10, 11 & 12. There is a severe lack of evidence and a complete lack of honesty from SCC's perspective regarding their opinion of having Sex Establishments in Sheffield. Refers to Leeds CC policy, which states that although it allows Sex Establishments it accepts that they do not support equality. Policy needs tightening up with more detail, facts and honesty to assist applicants and councillors in the decision making process as a whole.	<b>No</b> SCC takes the stance that sex establishments are legitimate businesses by way of legislation and consultation has established that there is demand for these establishments from people in Sheffield. An EIA has been undertaken to assist Councillors in their PSED obligations.			
3	The dancers need be consulted before any policy is passed, their views need to be included in the policy and what actions SCC will take under the policy to ensure that they are aware of the policy and their rights.	<b>No</b> Views of dancers gathered as part of consultation.			
4	Protection of those Engaged in Performance Conditions - 5 & 6 are in direct contradiction to each other. We would urge the Council to remove 5. Stating that only with the consent of the performer can any touching take place puts the performer at a massive disadvantage. Placing the performers in a situation where they would have to prove that they had not consented to something whilst sexually performing to someone who is paying for it places them in a very vulnerable position.	<b>No</b> Conditions removed from policy. Separate document.			
5	Location - Cultural Hub, Cultural Industries Quarter and student accommodation added to the list of places where licenses will not be granted. Look at the possibility of listing specific roads.	<b>Yes</b> Cultural Hub added to location list. Cultural Industries Quarter has not. Student accommodation has not.			
6	Data to be taken into consideration – it should be included in the policy that when a SEV is requesting a renewal of their license that data showing the impact of that SEV on the area should be sought and taken into consideration when reviewing the application. Data should include crime and disorder statistics in surrounding areas to Sex Establishments.	<b>Yes</b> In the case of renewal applications, the fact of whether development has occurred since the premises has been in operation will be considered. Applicants are advised to be aware of new developments occurring in the area of their premises and detail in renewal applications how negative impact on new developments may be mitigated.			

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7	Throughout the policy SCC needs to show reasoning behind what it plans to do to upkeep the stated endeavours, and protection of employees in the industry, instead of just stating it, as without this, the wording is meaningless.	<b>No</b> Legislation, policy and conditions monitored through enforcement.
8	Communication between SCC teams Clearer communication strategies need to be put in place between SCC departments when considering applications, such as future developments or plans for areas. For example, Spearmint Rhino is within the Cultural Industry Quarter after being initially granted a licence 10-12 years ago. Had departments communicated better, this would not have happened and the premises may well have been placed elsewhere, or not granted at all. If this license was being newly applied for now, it would almost certainly not be granted, because it does not fit with the area. The policy needs to include an operational process to avoid this happening again. SCC could refer to Manchester's policy which lists streets where SEVs will not be granted a license. SCC policy needs to be clearer.	<b>No</b> The Cultural Industries Quarter has been in existence since approx. 1994. The SEV in this area applied for its original public entertainments licence after the CIQ was in place and no objections were received. SCC adopted the SEV legislation in 2011. Opposition to the applications have been since the change in legislation.
9	Removal of the third paragraph of Section 17 regarding repeat objections due to potential illegality – fettering discretion. This is completely unacceptable and our legal advice states that it is also potentially unlawful. We urge the council to remove this section completely.	<b>Yes</b> Removed.
10	Consultation – There needs to be better communication to the public about when applications are made. If members of the public are not in the immediate vicinity to the premises in question they may not find out about the applications. Not everyone reads the local paper. With the most recent applications even those groups who are engaged with the process did not find out until 2 weeks into the application process, and therefore it stands to reason that if these groups are struggling to find out about applications, then most ordinary members of the public are unlikely to know. More needs to be included in the policy about informing the public as was included in our first feedback on the policy requesting that SCC contact all schools, religious establishments, residential properties etc within a mile of the premises to make them aware of the application and consultation process. It was also requested that the process of SCC sending out a mailing list each week was included in	<b>No</b> Comply with legislative requirements.

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				<p>the policy so there was a more robust consultation process described within the policy.</p>	
7	Lizzie Ellen	Paul Blomfield MP	1	Pleased Licensing have made amendments to policy after first round of consultation.	<b>No</b>
			2	Re-affirms concerns that paragraph in introduction is still a contradiction. Refers to Leeds CC policy which explicitly states that SEVs does not further equality and outlines negative effect of SEVs. Asks for this to be mirrored in SCCs policy.	<b>Yes</b> Paragraph reconsidered and removed.
			3	Happy that there has been more clarity inserted regarding the explanation about SCCs concerns if nil cap was to be imposed, but is concerned there is no evidence to back up SCCs concerns.	<b>No</b> Research by Colosi (2013) suggests that there is a need for careful regulation, and "where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments" (p.10)
11	<p>Applicants - The criteria for the applicant needs to be more specific, what would constitute unsuitability, and how will the committee ensure that they are satisfied with their suitability, otherwise there will be a simple statement that they are satisfied without needing any evidence to back that up. We saw that with the Villa Mercedes license application in 2016 that if members of the public had not carried out the research in to the applicant and his suitability SCC would not have known about it because they had not carried out enough research of their own.</p>	<p><b>No</b> SCC satisfied that discretionary grounds a and b are appropriately covered at page 11 of the policy. Villa Mercedes application was withdrawn by applicant.</p>			
12	<p>Number of establishments needs to be thought through rather than simply reflecting the current number. The policy as it stands is merely proof that SCC has put absolutely no consideration into what their stance is nor what the consequences or issues are surrounding having these establishments in the city. If the policy is to have an appropriate number which is above nil for any of the establishments then this number should reduce if and when establishments close.</p>	<p><b>No</b> Further consultation led to removal of limits.</p>			
13	<p>Also expect all the items included in our first feedback on the first draft of this policy which have not been taken into account when producing this second draft to also be actioned.</p>	<p>All comments have been considered.</p>			

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				<p>4 Asks that if SCC plan not to have a nil cap, is it a possibility to state they will reduce number of SEVs permitted as licences fall away in line with suggestion for Sex Shops in Attercliffe area. See Manchester's policy.</p> <p>5 Part 14 – Location – Urges for 'Cultural Hub' to be put back in policy with expansion to include cultural leisure facilities such as cinemas, libraries, theatres etc. Also, that student accommodation is included as per previous submission.</p> <p>6 Requests that inappropriate locations are clearly outlined within policy in line with suggestion made in Home Office Guidance for "reference to a defined locality".</p> <p>7 Part 17 – Concerns over word 'repetitious' in terms of not giving weight to these types of objections. Feels inhibits members of the community to voice their concerns if they have them year after year, if matters have not been resolved. No policy should seek to exclude members of the public from commenting or being actively involved in having their say over the licensing of a type of venue.</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> Cultural Hub added to location policy.</p> <p><b>No</b> Location restrictions included on page 12.</p> <p><b>Yes</b> Removed.</p>
				<p>1 Refers to initial submission in stage one, and wishes to reinforce their comments to be active in this stage.</p> <p>2 Urges SCC to respond to evidence, which shows the harmful effects of SEVs.</p> <p>3 FOI included requesting all responses from stage one of consultation, including what has and has not been considered for changes.</p> <p>4 Refers to use of 'moral' in into and Part 17, and asks for definition and also asks why it is written in quotes marks.</p> <p>5 Refers to addition of words referencing men and women in paragraph 9 and asks how SCC plan to avoid exploitation of male customers, and asks if SCC's concerns on males is regarding exploitation of drunk customers.</p> <p>6 Asks for evidence to be produced to back up our claim that nil cap would lead to unregulated premises, and asks if we have consulted with other authorities who have adopted a nil cap about this. If not, why not?</p>	<p>All comments from first stage of consultation have been considered.</p> <p><b>No</b> SCC has found no evidence of this link in Sheffield nor have they been provided with such.</p> <p><b>No</b> FOI received and answered.</p> <p><b>No</b> Moral has its normal meaning.</p> <p><b>No</b> Previous consultation pointed out, rightly, that it may not only be females working in sex establishments.</p> <p><b>No</b> Research by Colosi (2013) suggests that there is a need for careful regulation, and "<i>where work in lap-dancing clubs is limited, high-risk, women may seek work in more unregulated, high-risk, erotic dance environments</i>" (p.10) Additionally, (Colosi, 2013) states that "<i>it is contended that limiting SEV's will benefit gender equality by alleviating the objectification of women (Object, 2009), this view is far too simplistic. In the</i></p>

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			<p><i>long term, the closure of lap-dancing clubs will result in the unemployment of women". (p.9)</i></p> <p>Furthermore, (Colosi, 2013) states "this risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable (see Colosi, 2010b). (p.9)</p>
7	Asks how the EIA has been compiled, when it will be completed and by who?	<b>No</b>	EIA completed by the Licensing Service and signed off by equality strategic lead. Will form part of report submitted to Committee.
8	Asks how SCC intend on supporting and encouraging diversity of women working within sex establishments when performers are all female and subject to different working terms and conditions to all other staff?	<b>No</b>	Licensing Service has no bearing on employment terms and conditions of workers in such venues. Legislation, policy and conditions will be enforced.
9	Draws attention to Government response to dress code petition which concluded that dress codes such as women having to wear high heels for extended periods of time is damaging to health and wellbeing.	<b>No</b>	Note that petition for work dress code law rejected by government. Licensing has no bearing on dress code for those working in licensed premises.
10	Asks how SCC is planning to achieve added objective of Promoting equalities and safeguard individuals.	<b>No</b>	Legislation, policy and conditions will be enforced. Policy expects licence holder to ensure all members of management and staff attend safeguarding training.
11	Asks why 'Burlesque' has been removed from SEV definition?	<b>No</b>	Home Office guidance does not include burlesque as relevant entertainment under a Sexual Entertainment Venue licence - term removed.
12	Asks why sentence in Part 7 – Equalities, referring to impact on equality groups being most challenging to quantify, has been removed?	<b>No</b>	Sentence difficult to understand - removed.
13	Asks that public notices are made clearly visible from the road, and also displayed at a height which does discriminate against disabled or small people	<b>No</b>	Legislation states: "Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public".
14	Requests that all SEV applications (whether being a grant or renewal), that all parties who have previously made	<b>No</b>	Comply with legislative requirements.

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			representations are notified.	
			15 Requests a detailed rationale of why Cultural Hub has been omitted from location limitations when many other authorities have highlighted these areas to be inappropriate?	<b>Yes</b> Cultural Hub reinstated
			16 Strongly urges SCC to remove 'Repetitious' objections from policy, referencing Philip Kolvin detailing that renewal should not be a rubber stamping exercise, and a fresh consideration being applied each year.	<b>Yes</b> Removed.
			17 States SCC are being unlawful when stating that no LSC will take place if no objections have been submitted, and that licences will be granted under delegated powers.	<b>No</b> Legislative procedure.
			18 Asks for clarification on whether people are permitted to lobby their local councillor as suggested in Part 27, if their local councillor is on the Licensing Subcommittee?	If the local Councillor is a member of the Committee and wishes to deal with the request, they would be precluded from sitting on any Committee that dealt with that specific subject/premises and would have to declare an interest.
			19 Requests that it is included in policy, that information regarding details of organisations which support women affected by sexual violence, domestic abuse, alcohol services and service who support women who wish to exit the sex industry are displayed in premises in addition to literature being available.	<b>No</b> No evidence that this is necessary.
			20 Astonished that SCC have referenced outdated legislation by referring to Disability Discrimination Act 1995 instead of Equality Act 2010 in policy draft 1.0.	<b>Yes</b> Information updated
			21 Further requests that SCC adopts a nil cap.	<b>No</b> This policy does not specify any limit on sex establishments.
9	Loveday Herridge		1 Intro, Paragraphs 9 & 10, states that SCC shouldn't express policy on our feelings, using word 'feel' and that it should be based on fact.	<b>Yes</b> Removed.
			2 Asks for evidence of assertion of industry becoming unregulated as policy is being based on this.	<b>No</b> Research by Colosi (2013) suggests that there is a need for careful regulation, and " <i>where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments</i> " (p.10)
			3 Asks why Attercliffe has a limit of 2 when all other Wards have 1.	<b>Yes</b> This policy does not specify any limit on sex establishments.

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			4	Why is word moral in inverted commas in Part 17? Can a meaning for this word be provided?	<b>Yes</b> Inverted commas removed. Moral has its normal meaning.
			5	Why should objections not be made on moral grounds? All sorts of values are based on morals.	<b>No</b> Home Office Guidance and case law (R v Newcastle upon Tyne City Council ex parte The Christian Institute [2001] B.L.G.R. 165)
			6	Needs clarification of meaning of the word 'repetitious'.	<b>Yes</b> Removed. See Respondent 7.
10	Alison Boydell		1	Supports Zero Option submission.	<b>Yes</b> This policy does not specify any limit on sex establishments.
11	Citizen Space Respondent		1	Doesn't understand the rationale behind the limits.	<b>Yes</b> Location restrictions included on page 12.
12	Citizen Space Respondent		1	Sex establishments should be discreetly located and low profile, away from main roads and thoroughfares used by families with children, school age young people and vulnerable groups.	<b>No</b> This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.
13	Citizen Space Respondent		1	Was considering opening a small-scale venue that would cater for a different set of clientele to the ones currently available. This would probably not be possible under this limit.	<b>Yes</b> This policy does not specify any limit on sex establishments.
14	Citizen Space Respondent		1	SCC doesn't limit the amount of coffee shops or the amount of D.I.Y stores, so why should this be any different? If the business is sustainable then they should be allowed to open. The reasons stated are weak, there is no evidence that sex entertainment venues cause more crime Ghana standard venues and children do not go into the venues so it has zero effect on them.	<b>Yes</b> This policy does not specify any limit on sex establishments.
15	Citizen Space Respondent		1	A statement is given of where amendments have been made. Nowhere are we told WHAT those amendments actually are.	<b>No</b> Document provided a list of amendments.
16	Citizen Space Respondent		1	Believes in fair trade, each business judged on its merits and it will succeed or fail based on demand. Feels when you limit numbers of venues you limit the freedom of choice both of the consumer and more importantly of the dancers. With just two venues allowed, any falling out between dancers and a club will punish the dancers as they have no choices and are therefore subject to harsher terms in reality than what is published. Fear of competition is what keeps the venues fair and the 2 club limit will make the issue much worse.	<b>Yes</b> This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.

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			2	<p>Disagrees with the constant referral to children needing protecting when the clubs will operate in the night time economy or are we expecting children on the streets at 11pm? Management of the advertising of the clubs and the use of fair signage should be enough to protect children. Very much a scaremongering tactic using the natural instinct to protect children as a method of blocking SEVs. When school open at midnight then you might have issues but this is very lazy thinking otherwise.</p>	<p><b>No</b> Policy also relates to sex shops that are open during the day. This policy does not specify any limit on sex establishments. Each application will be dealt with on its own merits on a case-by-case basis.</p>
17	Citizen Space Respondent		1	<p>Feels policy is authoritarian, restrictive and unprogressive. Feels that if you don't like these establishments then you shouldn't go in them. Why not burn books or ban specific ethnic groups from Sheffield instead?</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p>
18	Citizen Space Respondent		2	<p>Feels the whole policy is absurd. Get with the times.</p>	<p><b>No</b></p>
			1	<p>States there is no explanation of why members of the council believe they can attempt to control the sex lives of its residents, as well as giving no explanation on how they will act to protect existing adult industries workers when their trade is inevitably pushed into illegal and unregulated underground clubs. Feels sex is not something that should have any involvement from government or law enforcement, and that citizens should be free to explore their own sexuality in a safe environment. By all means have regulations on where these premises will be but do not feel that you can limit or remove access to them. Limitation of sexual freedom always leads to further oppression of the LGBTQA+ community, along with the sex industry professionals who need employment and health and safety legislation in place to keep them safe. Banning anything never removes the problem, it just moves it underground. Feels there is a complete lack of research or logical long term planning with policy.</p>	<p><b>No</b></p>
19	Citizen Space Respondent		1	<p>Swingers clubs do not fall under the same category as a strip club. One is simply a venue for like-minded people to congregate and the other provides entertainment. Asks to stop being so prudish. As long as venues are discreet, no one cares what is going on inside!</p>	<p><b>No</b></p>
20	Citizen Space Respondent		1	<p>Posing a limit like this puts sex industry workers in more danger.</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p>

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			2	The limiting of sex shops implies that it is something that is wrong to attend. This is also harmful and limiting on sexual freedom.	<b>No</b> This policy does not specify any limit on sex establishments.
			3	I do not believe the limits put in place are safe or appropriate.	<b>No</b> This policy does not specify any limit on sex establishments.
21	Citizen Space Respondent		1	Feels the wording of policy seems to be intentionally more complicated than it needs to be.	<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.
			2	As long as the venue/shop is working to all the relevant rules, I do not really see the need to impose such strict number limits.	<b>No</b> This policy does not specify any limit on sex establishments.
22	Citizen Space Respondent		1	Such establishments provide a safe environment for consenting adults to gather. It also makes the nature of sexual intercourse a taboo subject when this isn't the case	<b>No</b>
			1	Feels the policy is written in a way that some, if not most of the public would find hard to follow.	<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.
			2	What about swingers clubs and bdsm/fetish venues?	<b>No</b> Legislation requirements explained in policy.
			3	Agrees with imposing a limit on the number of establishments, but not to the limit suggested by this policy draft.	<b>No</b> This policy does not specify any limit on sex establishments.
24	Citizen Space Respondent		1	Feels policy is overly wordy and legalistic and in some places possibly contradictory.	<b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.
			2	Didn't find the description of sex establishments particularly clear - they seemed to be lax enough that it would be possible to pull a lot of establishments into the blanket descriptions.	<b>No</b> Legal definitions provided in policy.
			3	Feels SCC are limiting establishments to 'n' per particular area then in other place limiting the areas when an establishment can be placed further artificially restricting the numbers.	<b>No</b> This policy does not specify any limit on sex establishments.

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25	Citizen Space Respondent		<p>4 The current council approach is to set up particular quarters for different categories of commerce this setup effectively blocks that from happening.</p> <p>5 Setting a limit implies that establishments are inherently bad and must be limited.</p> <p>6 It will make no difference to the truly problematic establishments, instead making life difficult for people who want to trade in a legal and responsible way.</p> <p>7 Many of the rules seem excessively draconian or poorly worded e.g., "There shall be no penetration of a performer's genitals or anus by any means." This would mean that a famous aerialist performance artist who performs a light show piece using a laser butt plug could happily perform in an art gallery but could be banned from performing anywhere with a licence because her anus has been penetrated.</p> <p>1 While I do agree that we should not have too many establishments of this type and thus a limit is needed, I do not think that we are even close to having too many sex establishments.</p> <p>2 Part 8 - Personally I do not think that there are too many Sex Establishments in Sheffield, and reducing or limiting the number by reducing the number of licenses only serves to damage communities that I and many others are a part of. It is my opinion that any establishments already holding licenses should be able to renew them without having to fight new legislation and new establishments should have a chance of opening. Let the success of these establishments determine how many are feasible within the city. At the moment, there is clearly no issue with a large number of sex establishments in Sheffield so I don't see the point in implementing further restrictions or bureaucracy, it seems like a direct attack on the sex industry.</p>	<p><b>No</b> This policy does not specify any limit on sex establishments.</p> <p><b>No</b> This policy does not specify any limit on sex establishments.</p> <p><b>No</b></p> <p><b>No</b> Referring to condition wording – now separate document.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
26	Citizen Space Respondent		<p>1 There's no argumentation presented behind the (very low) amount of establishments permitted as detailed in the numbers and Limits section.</p> <p>2 As long as the establishment remains legal, there is no reason to not grant it a licence just to 'impose a limit'. Competition leads to higher standards, and limiting number of such establishments would only lead to the formation of illegal, underground ones, in which the working condition of the employees cannot be monitored.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>

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27	Citizen Space Respondent		3	<p>Part 8 - Numbers and Limits</p> <p>Applying further pressure on the sex establishment industry is unnecessary and no good reason has been provided for doing so, but the objective certainly seems to be to ostracize and eventually shut down venues and services that serve sex-centric communities.</p> <p>This is an attempt to censor perfectly legal activities, which Sheffield's voters have a right to partake in. The ridiculously low establishment limits should be increased to allow for variety of choice. Competition will increase quality and reduce numbers all by itself.</p>	<p><b>Yes</b></p> <p>This policy does not specify any limit on sex establishments.</p>
28	Citizen Space Respondent		1	<p>Whilst easy to read for me, the wording is not accessible to anyone who doesn't speak English as their first language for example.</p>	<p><b>Yes</b></p> <p>Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.</p>
29	Citizen Space Respondent		1	<p>Feels SCC <i>*is*</i> moralising here, despite its claim not to.</p> <p>I would rather the authority devoted time and energy into say, reducing the amount of off licences granted on one single road than telling adults they are being exploited for working in the sex industry.</p> <p>The binary language needs work. There are more than women and men working in the industry, and this needs to be reflected. I suggest you use 'people'.</p> <p>Thinks SCC should admit it is moralising regarding sex workers.</p> <p>Feels the number of sex shops has been set at one per ward, there are Re numerous wards. Therefore, there could potentially be numerous sex shops, the majority of whom's clients would purchase from the internet and not from a bricks and mortar establishment.</p> <p>The number of venues has been set at 2 for the whole of the Sheffield borough. Given the size of the Sheffield borough, this is low. Clients at venues attend to engage in activities, they do not take place virtually. This number should be increased.</p> <p>The terms of sexual establishment is too vague and there are many establishments that are not strip clubs and do not objectify women or men, some are part of a community and provide a community feeling. I also feel limiting sex shops takes away people's choice and could damage the economy by restricting legitimate businesses for no particular reason.</p>	<p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>Yes</b></p> <p>This policy does not specify any limit on sex establishments.</p>

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30	Citizen Space Respondent		1	A limit on any specific type of establishment is reasonable to maintain a diverse balance of facilities, but the limits set here are clearly disproportionately low compared to the numbers of other type of establishments - for example restaurants.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
			2	The limits on the number of establishments, and the implication that these establishments somehow adversely affect the safeguarding of children or vulnerable people. There is no evidence included for this and I believe that increasing the number of such establishments would in fact create more safeguards by enabling more people to work in the sex industry in a safe, legal and controlled manner.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
31	Citizen Space Respondent		1	Feels a limit is not needed, but common sense should be applied.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
32	Citizen Space Respondent		1	There is a demand for these premises. People have the right to express themselves in a venue they find safe. Closing these venues promotes illegal activities	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
33	Citizen Space Respondent		1	Feels some sentences seem to be there for the sake of it and don't really make much sense to the proposition.	<p><b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.</p>
			2	Feels it doesn't explain why there needs to be a restriction on the amount of sex establishments and especially why no sex cinemas.	<p><b>Yes</b> This policy does not specify any limit on sex establishments. Sheffield currently does not and has not in the past, licensed sex cinemas. It is unlikely we would receive an application but if we did each application will be dealt with on its own merits on a case-by-case basis.</p>
34	Citizen Space Respondent		3	Feels it doesn't allow for growth of business if they're successful and want to open more. It limits people's choice and the right to engage in a legally recognised activity.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
			1	There should be no limits on the freedom of people to enjoy themselves as they see fit. To place a limit is to control those freedoms, an action that would not be tolerated if it were used against places of worship. Let supply and demand dictate fairly how many venues are required.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
35	Citizen Space Respondent		1	We should be promoting a more sexualised society and not family values. People with children should keep their kids home under lock and key – it's not the councils place to	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>

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				<p>pander to and favour that section of the population while others suffer.</p> <p>The existing sex establishments in Sheffield are an asset and a credit to the city. They bring in tourism and help the economy overall through the many people that come for the sex establishments and eat in restaurants, stay in hotels, etc. during their visit.</p> <p>Sheffield City Councils position should be to promote, nurture and encourage its existing sex venues and encourage the opening of more.</p>	
36	Citizen Space Respondent		<p>1 Shutting Down La Chambre or any other place seems stupid. I go to La Chambre, not to have sex but I have friends there and it is completely safe and they always go the extra mile to make sure everyone is safe.</p> <p>2 Asks not to close down our safe places otherwise unsafe meetings will happen and rape with increase.</p>	<p><b>No</b> Policy does not refer to shutting any premises down.</p>	
37	Citizen Space Respondent		<p>1 As long as its not near schools and minors can't be allowed entry, why put a limit on them there safe environment out of view of the public.</p>	<p><b>Yes</b> Location restrictions included on page 12. Under 18's are not permitted.</p>	
38	Citizen Space Respondent		<p>1 Healthy competition is a good thing. As an adult, if I choose to boycott an establishment that is my choice and not for someone else to do on my behalf.</p> <p>2 Disagrees with the limitation on number of venues.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>	
39	Citizen Space Respondent		<p>1 Having visited two of these types of establishments in Sheffield, and known a number of staff working there, I don't see it as a problem. 99% of people attending are much more well behaved (and less drunk) than the majority of revellers on West Street for example. These places provide safe adult entertainment for workers and customers. They are bring revenue into the city via stag groups, social events, etc.</p> <p>I've never heard of any of these establishments causing harm to children and that's not just Sheffield, that's throughout the UK.</p> <p>If SCC wants to protect its citizens of all ages, then it's the betting shops you should maybe focus your attention too. There's more than enough in the city as is and just walking past many of them you can clearly witness on street drinking, drug taking, drug dealing, antisocial behaviour and that's without taking into account the problems gambling addiction can cause to individuals. I've seen school children have to</p>	<p><b>No</b></p>	

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40	Citizen Space Respondent	1	<p>walk past these places daily, that's a 100 times more damaging to them than a strip club. There are so many areas where the city centre could be improved; this policy is certainly not one of them.</p> <p>Sexual Entertainment Venues provide people a safe space to go and work. All the venues I have visited inside and outside of Sheffield have a zero tolerance policy on harassment towards all employees which as a woman makes me feel safer. It makes sense to impose restrictions on where they can and cannot be located but to limit the number is a hindrance not a help.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
41	Citizen Space Respondent	2	<p>The assumption that people involved in sex workers are being exploited. This is very rarely the case - they are consenting adults. Yes there should be regulation in place to safeguard them but the policy document doesn't address this, instead it focuses on restricting numbers of venues solely.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments. Policy expects licence holder to ensure all members of management and staff attend safeguarding training.</p>
42	Citizen Space Respondent	1	<p>Feels policy is a bit vague in places/not fully clear.</p>	<p><b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.</p>
		2	<p>Asks for more specific detail of what is to be restricted.</p>	<p><b>No</b></p>
		3	<p>As each case/establishment should be dealt on their own, on the face of it any such establishment seems to be treated with doubt.</p>	<p><b>No</b> Each application will be dealt with on its own merits on a case-by-case basis.</p>
42	Citizen Space Respondent	1	<p>If the council does not take a 'moral' stand why is it necessary for it to stipulate a limit if the due process of considerations are undertaken. By imposing a limit, and in reality it is not a limit but a sanction on a sector of a legitimate business service it is in fact morally standing in judgement which is what most of the officers at the council do - I have worked beside them and had the debate with them. On one hand the council is saying it is a legitimate business and on the other than saying that it's not having any. That is taking the moral high ground that is judgmental and can be challenged.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>

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43	Citizen Space Respondent		<p>2 The policy should reflect that businesses that comply with the law will be accepted without number restriction if the business passes the due process of a fair and consistent policy which doesn't discriminate or based on officer / council prejudice that simply doesn't want that kind of trade in the city.</p> <p>3 The council really should advocate a centre / area where permitted businesses can locate to.</p> <p>1 Requests some words on how the council intends to protect the rights and wellbeing of, for example, young and potentially vulnerable people of marginalised sexualities who may become customers of SEVs. (If, and only if, The Council's policy allows SEVs catering to minority/marginalised/demonised/less-profitable/unprofitable sexualities to exist.)</p> <p>2 Even an acknowledgement that (potential) customers of an SEV could themselves be vulnerable and/or at risk of being excluded from any kind of sex life, or could be pushed into dangerous in-person meetings after inadequate on-line socialising, if not safe, semi-public venue exists for meeting in a "club-type" event".</p> <p>3 Agrees that some limitation may be beneficial, but I violently disagree with the ignorant assumption that all possible SEVs are the same. I could agree to reasoned, non-arbitrary limitations on SEVs categorised by the group(s) of people that they cater for. For example, if the limit for straight strip/lap-dance type establishments has been reached, this should have no impact on the possibility of grant of a license for a venue catering to gay male clientele, gay female clientele, straight "swingers", transvestites, or straight (fetishist of some kind) clientele. Setting one, low limit, e.g. 2 for the whole city, and making this for all types of SEV, pretty much guarantees that the city will have two SEVs catering to straight males wanting strip-tease/lap dancing and/or straight swingers clubs - as these two subtypes are by far the most in-demand/most profitable. All less-mainstream sexualities will then be denied SEV licences, and their "scenes" will either continue underground or will have no venue at all for "club-type" events, resulting in new entrants to the scene likely meeting on-line, then meeting in real-life in a private situation, placing themselves at high risk of sexual crime, violence, blackmail and/or exploitation.</p>	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>No</b></p> <p><b>No</b></p> <p><b>No</b></p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p>
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44	Citizen Space Respondent	1 Feels the policy is very jargonistic.  2 By imposing arbitrary limitations on the sex industry, by vilifying it, the council will push the industry underground and put more people (sex workers) in danger. What we need is openness and to be mature about the fact that this industry does exist. Only then, we can impose standards upon sex establishments that protect the participants (S.T.I checks and proper security measures). Reducing the number of venues is nothing but a moralising tactic that threatens to endanger participants.  3 The entire policy is based on the misleading opinion that sex is 'dirty' and to enjoy it is 'unnatural'. It's a stupid policy that endangers the vulnerable.	<p><b>Yes</b> Content cut down to make document clearer. Effort made to ensure policy is easy to read. Legislative language is sometimes necessary but is kept to a minimum.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments. Some comments may refer to saunas - not in scope of policy.</p> <p><b>No</b></p>
45	Citizen Space Respondent	1 It is our belief that the limit of one per ward on sex shops is arbitrary and does nothing for the reasonable licensing goal of clustering sex establishments away from residential areas and schools.  2 The proposed limit on the number of SEVs risks a breach of the equalities duty where existing establishments cater only to a heterosexual male audience. Provision for women and LGBT+ people must not be blocked in this way, whether or not it is currently economically viable.  3 Above all else, the safety of workers in the sexual entertainment industry should be an explicit policy objective and take priority and that by limiting the number of licenses granted for SEVs in Sheffield, this risks pushing these legal activities underground and away from regulation.  4 We believe that this proposed policy is more restrictive than is necessary to meet proper licensing goals and may be considered to be taking a moralistic position in defiance of the legislation, and therefore be subject to legal challenge.  5 The licensing of a swingers club as an SEV may be technically correct but is not what the legislation intended, and there is no reason why any swingers clubs should count against a quota for SEVs if licensing policy is not required to so count them.	<p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>Yes</b> This policy does not specify any limit on sex establishments.</p> <p><b>No</b></p> <p><b>No</b> Licensed premises licensed in accordance with legislation. This policy does not specify any limit on sex establishments.</p>

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			6	<p>A further double standard is evident in the exception offered to establishments such as Ann Summers, privileging mainstream sexual tastes over minorities. If Ann Summers, or, for that matter, the underwear departments of Debenhams or Asda are not to be regulated, it is difficult to see how any kind of clothing/underwear/nightwear can be reasonably and fairly regulated, even if it is made of leather/artificial leather/latex etc.</p>	No
46	Citizen Space Respondent		1	<p>In the conditions section - Appendix A, dealing with Protection of those engaged... conditions 5 and 6 contradict each other and I would suggest condition 6 be deleted.</p>	Conditions removed from policy – separate document.
			2	<p>In appendix A - management standards, new requirements for training of staff and management in relation to safeguarding. Cooperation and involvement with the authority is welcomed and the following should not be seen as reluctance to be involved but as a request for clarification- No timetable or contact details are set out for the compliance with this condition, which is reliant on the local authority. There may be very good reasons for non-attendance and no reference is made to what will happen in those circumstances. It is not clear how often the training will be provided and the situation in relation to staff who are new, induction, or staff who have been there for longer than 1 year - refresher.</p> <p>Is the requirement under 3 satisfied by attendance at a course provided under 1?</p>	Conditions removed from policy – separate document.
47	Michelle Turner		1	Fully supports Zero Option's submission.	See Respondent 7.

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# APPENDIX 'C'

## Performers Questionnaire Responses

		1	2	3	4	5
1	Age	25	20	20	25	25
2	Age started dancing	25	20	19	24	19
3	Relationship status	Single	Single	Relationship	Single	Single
4	Nationality	British	Lithuanian	British	English	British
5	Education and Qualifications	College	University			A Levels
6	Other work and education commitments	Bar Work & Veterinary Assistant	Waitress	Hairdresser		Nursing
7	Why did you start work at a sexual entertainment venue	Experience and money	Love dancing	Extra Money	Money	Pay for University
8	Length of time danced	3 months	2 Weeks	18 months	1 Year	2 Years
9	Number of clubs worked in	1	1	2	1	2
10	How many shifts per week	3	6	4	3	2
11	How would you rate job satisfaction	7	8	9	10	10
12	Do you feel happy at work	10	8	9	10	10
13	Do you feel respected in the workplace	10	7	7	10	10
14	Do you feel safe at work	10	10	10	10	10
15	What are your positive feelings about work	Self confidence increased. Management easy to talk to. Helped to fund veterinary course	Dancers friendly and supportive. Management and Bouncers take good care. Flexible hours.	Love working here	Good money. Work when want	Pay way through university. Work nights. Money.
16	What are your negative feelings about work	Quiet times earn less money	Some customers nasty, require more than dancing. £20 licence fee excessive on quiet nights.	Hate night shifts	None	None
17	Do you feel safe in your job	Yes	Yes	Yes	Yes	Yes
18	Are you subject to management fines	No	No	No	Yes	No

		<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>1</b>	<b>Age</b>	28	26	32	33	21
<b>2</b>	<b>Age started dancing</b>	22	21	29	21	18
<b>3</b>	<b>Relationship status</b>	Married	Single	Single	Single	Relationship
<b>4</b>	<b>Nationality</b>	UK	British	Russian	British	British
<b>5</b>	<b>Education and Qualifications</b>	A levels	GCSE's	Designer	BA Hons	Diploma
<b>6</b>	<b>Other work and education commitments</b>	None		Designer		
<b>7</b>	<b>Why did you start work at a sexual entertainment venue</b>	Freedom	Money. Independence	Pay for study and living	Good Salary	Support myself and son
<b>8</b>	<b>Length of time danced</b>	6 Years	6 Years		13 Years	9 Years
<b>9</b>	<b>Number of clubs worked in</b>	3	3	1	8	1
<b>10</b>	<b>How many shifts per week</b>	6	3	2	4	5
<b>11</b>	<b>How would you rate job satisfaction</b>	10	10	8	10	10
<b>12</b>	<b>Do you feel happy at work</b>	10	10	8	10	10
<b>13</b>	<b>Do you feel respected in the workplace</b>	10	10	7	10	10
<b>14</b>	<b>Do you feel safe at work</b>	10	10	10	10	10
<b>15</b>	<b>What are your positive feelings about work</b>	All aspects. Love job.	Money - provide for children as a single parent.	Great girls and professional management	Good Environment. Great staff	Enjoy job. Colleagues fantastic. Perfect job.
<b>16</b>	<b>What are your negative feelings about work</b>	None	None	None	None	None
<b>17</b>	<b>Do you feel safe in your job</b>	Yes	Yes	Yes	Yes	Yes
<b>18</b>	<b>Are you subject to management fines</b>	No	No	No	No	No

		<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
<b>1</b>	<b>Age</b>	25	24	39	22	21
<b>2</b>	<b>Age started dancing</b>	18	18	29	21	21
<b>3</b>	<b>Relationship status</b>	Single	Single	Single	Relationship	Single
<b>4</b>	<b>Nationality</b>	British	British	British	British	British
<b>5</b>	<b>Education and Qualifications</b>	Diploma	A levels	College	Level 3	Diploma
<b>6</b>	<b>Other work and education commitments</b>	Studying to be a Personal Trainer	Corporate sales management	Key Worker	Taco Bell	Trainee personal trainer
<b>7</b>	<b>Why did you start work at a sexual entertainment venue</b>	Buy breast augmentation	Extra money. Confidence.	Money	Money for new business equipment	Good money. Better than claiming benefits
<b>8</b>	<b>Length of time danced</b>	7 Years	6 Years	7 Years	6 months	7 months
<b>9</b>	<b>Number of clubs worked in</b>	6	8	4	1	1
<b>10</b>	<b>How many shifts per week</b>	3	2	6	3	4
<b>11</b>	<b>How would you rate job satisfaction</b>	8	10	8	8	10
<b>12</b>	<b>Do you feel happy at work</b>	7	10	10	9	10
<b>13</b>	<b>Do you feel respected in the workplace</b>	7	10	10		10
<b>14</b>	<b>Do you feel safe at work</b>	8	10	10	9	10
<b>15</b>	<b>What are your positive feelings about work</b>	Good Money. Work when want. Good management.	Money. Confidence.	Job	Lovely girls.	Everything
<b>16</b>	<b>What are your negative feelings about work</b>	Quiet Nights - less money	Long Hours. 2 jobs.	None	Not always busy	Zilch
<b>17</b>	<b>Do you feel safe in your job</b>	Yes	Yes	Yes	Yes	Yes
<b>18</b>	<b>Are you subject to management fines</b>	No	No	No	No	No

		<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
<b>1</b>	<b>Age</b>	27	27	28	26	26
<b>2</b>	<b>Age started dancing</b>	26	22	25	25	26
<b>3</b>	<b>Relationship status</b>	Single	Single	Relationship	Relationship	Single
<b>4</b>	<b>Nationality</b>	British	British	Romanian	British	British
<b>5</b>	<b>Education and Qualifications</b>	MA - Creative Writing. MA - Social Work	GCSE's	GCSE's	Masters in Engineering. Studying for Doctorate.	Diploma - Business Admin
<b>6</b>	<b>Other work and education commitments</b>		Day job	Trainee Waiter	General manager retail. Research/Study	Carer
<b>7</b>	<b>Why did you start work at a sexual entertainment venue</b>	Fund studies	Good at job		Used to model. Enjoy dancing. Extra money to pay student loans. Savings.	
<b>8</b>	<b>Length of time danced</b>	7 months	5 Years		1 Year	6 months
<b>9</b>	<b>Number of clubs worked in</b>	2	3		2	3
<b>10</b>	<b>How many shifts per week</b>	2	2	4	3	2
<b>11</b>	<b>How would you rate job satisfaction</b>	9	10		8	8
<b>12</b>	<b>Do you feel happy at work</b>	9	10		8	10
<b>13</b>	<b>Do you feel respected in the workplace</b>	9	10		9	10
<b>14</b>	<b>Do you feel safe at work</b>	10	10		10	10
<b>15</b>	<b>What are your positive feelings about work</b>	Positive about body. Enjoy dancing. Like meeting people.	Good job. Good girls.		Feel in control, comfortable and empowered. Great for fitness. Meet people. Make friends (dancers). Boosted confidence.	Freedom in the day. Work when choose.
<b>16</b>	<b>What are your negative feelings about work</b>	Can be hard work.		None	Sometimes tired and overworked. Sometimes work and not make money. Feel upset/depressed.	None
<b>17</b>	<b>Do you feel safe in your job</b>	Yes	Yes	Yes	Yes	Yes
<b>18</b>	<b>Are you subject to management fines</b>	No	No	No	No	No

		<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>Average of Results</b>
<b>1</b>	<b>Age</b>	23	20	23	30	32	26
<b>2</b>	<b>Age started dancing</b>	21	19	23	28	30	23
<b>3</b>	<b>Relationship status</b>	Single	Single	Single	Married	Single	
<b>4</b>	<b>Nationality</b>	British	British	British	British	British	
<b>5</b>	<b>Education and Qualifications</b>	Degree	Motorcycle Maintenance Certificate	A Levels	Diploma	NVQ Beauty	
<b>6</b>	<b>Other work and education commitments</b>	Work in kitchen	L3 Music Technology Diploma	Hospitality. Self employed photographer	Make Up		
<b>7</b>	<b>Why did you start work at a sexual entertainment venue</b>	Fun	Money	Freedom of hours. Extra cash.	Pay for course. Support son.		
<b>8</b>	<b>Length of time danced</b>	2 Years	10 months	2 weeks	2 Years	2 Years	
<b>9</b>	<b>Number of clubs worked in</b>	5	1	1	1	1	3
<b>10</b>	<b>How many shifts per week</b>	2	2	3	2	5	3
<b>11</b>	<b>How would you rate job satisfaction</b>	10	7	9	10	10	9
<b>12</b>	<b>Do you feel happy at work</b>	10	7	9	10	10	9
<b>13</b>	<b>Do you feel respected in the workplace</b>	10	6	9	10	10	9
<b>14</b>	<b>Do you feel safe at work</b>	10	9	9	10	10	10
<b>15</b>	<b>What are your positive feelings about work</b>	Fun environment	Money. Friends. Stage shows.	Fun. Safety is looked after.	Fits around son	Brilliant	
<b>16</b>	<b>What are your negative feelings about work</b>	Not making money	Not earning money.	None	None	None	
<b>17</b>	<b>Do you feel safe in your job</b>	Yes	Yes	Yes	Yes	Yes	
<b>18</b>	<b>Are you subject to management fines</b>	No	No	No	No	No	

# **APPENDIX 'D'**

## **Equality Impact Assessment (EIA)**

Print this page

## Equality Impact Assessment

Switch to Print View

### Introductory Information

Reference number

70

Proposal type

Budget  Project

Project name

Sex Establishment Policy - Incorporating Sexual Entertainment Venues, Sex Shops and Sex Cinemas

### Decision Type

Type of decision

- Cabinet
- Cabinet Committee (e.g. Cabinet Highways Committee)
- Leader
- Individual Cabinet Member
- Executive Director/Director
- Officer Decisions (Non-Key)
- Council (e.g. Budget and Housing Revenue Account)
- Regulatory Committees (e.g. Licensing Committee)

Lead Cabinet Member

Lodge Bryan (LAB-CLLR)  

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Entered on Q Tier

Yes  No

Year(s)

14/15 15/16 16/17 17/18 18/19 19/20 20/21 21/22

EIA date

12/10/2017 

EIA lead

Johnston Annemarie  

Person filling in this EIA form

Bower Claire  

Lead officer

Craig Harper  

Lead Corporate Plan priority

Strong Economy 

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### Portfolio, Service and Team

Cross Portfolio

Yes  No

Portfolio

Place



Place service(s)

- Business Strategy and Regulation
- City Growth
- Culture and Environment
- Housing and Neighbourhoods Service
- Major Projects
- Repairs and Maintenance Service
- Transport and Facilities Management

Place team(s)

Licensing

Is the EIA joint with another organisation (eg NHS)?

 No  Yes

Brief aim(s) of the proposal and the outcome(s) you want to achieve.

On the 6th April 2010, the Policing and Crime Act 2009 came into force, amending Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Sexual Entertainment Venues were added as a category of establishment, enabling local authorities to regulate such premises.

The Local Government (Miscellaneous Provisions) Act 1982, as amended, gives local authorities the power to regulate (administer and enforce) sex establishments. In this sense, sex establishments are:

- Sex Cinemas
- Sex Shops
- Sexual Entertainment Venues

To this end, the policy document sets out Sheffield City Council's approach to the licensing of sex establishments, and is an update on the existing policy that dealt solely with sexual entertainment venues, and was first published in 2011. The policy will incorporate all establishments into an holistic document for ease of reference and use.

The City Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the City Council's role as the Licensing Authority to regulate such premises in accordance with the law.

The City Council is committed to applying the law and policy to promote:

- High management standards at licensed sex establishments;
- Public safety of staff, performers and patrons at sex establishments;
- Safeguarding of staff, performers and patrons at sex establishments; and
- Safeguarding vulnerable persons in the locality of sex establishments.

Applicants wishing to apply to licence a sex establishment are expected to read the policy before making an initial application and to read it in conjunction with the relevant pieces of legislation. The policy document will also be referred to when the Council are making decisions on applications, renewals and other such matters that are relevant. If you want to enter more information please attach a document in the supporting documentation below.

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Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these - positives will be part of any mitigation. The action plan should detail any mitigation.

Overview

Overview (briefly describe how the proposal helps to meet the Public Sector Duty outlined above)

This policy includes a clear and unequivocal commitment to meeting the Public Sector Equality Duty in the exercise of all of the functions under the Act. The policy and the documentation flowing from it are intended to be a key means of facilitating compliance with all of the Council's obligations. Great care has been taken in developing a policy that is fit for purpose in this regard but it is only when it is tested in action that it will be possible to evaluate its effectiveness. This assessment will be kept under regular review, particularly in the early period of implementation, so that any shortcomings identified in the document itself and/or the way it has been implemented can be addressed. See attached document entitled "Additional EIA Information for Sharepoint".

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**Impacts**

Proposal has an impact on

Health	Age	Disability	Pregnancy/Maternity	Race	Religion/Belief	Sex
Sexual Orientation	Transgender	Carers	Voluntary/Community & Faith Sectors		Cohesion	
Partners	Poverty & Financial Inclusion		Armed Forces	Other		

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**Age**

**Staff**

Yes  No

**Impact**

Positive  Neutral  Negative

**Level**

None  Low  Medium  High

**Details of impact**

A potential negative impact could be realised where a person under the age of 18 is employed or was able to gain work in a self-employed capacity in such an establishment.

Be clear if your service relates to specific age groups, particularly younger or older people. If you wish to enter more information please attach a document in the supporting documentation section below.

**Customers**

Yes  No

**Impact**

Positive  Neutral  Negative

**Level**

None  Low  Medium  High

**Details of impact**

Children and Young adults:

A negative impact could be realised whereby operators of such premises allow access to persons who are under the age of 18. This particular concern is central to all sex establishments.

A potential negative impact may also be realised in the close proximity of an establishment to premises such as schools, nurseries and other such places that are used substantially by children under the age of 18 (as stipulated in the policy) and significantly during the operating hours of licensable activities.

Where a licensed premises advertises or exhibits inappropriate materials and/or articles on the premises, in premises windows, on walls or in the immediate surrounding areas, there may be seen to be a negative impact.

Failure to licence such premises or imposing a nil limit may have significant negative impacts on the controls of individuals accessing and working in such premises, specifically those under the age of 18.

Unlicensed and therefore unregulated premises may have a significant negative impact on the welfare of those employed or those who work on a self-employed basis, including those who are under the age of 18.

Be clear if your service relates to specific age groups, particularly younger or older people. If you wish to enter more information please attach a document in the supporting documentation section below.

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**Disability****Staff** Yes  No**Impact** Positive  Neutral  Negative**Level** None  Low  Medium  High**Details of impact**

There is a potential negative impact on people with a disability if a licensed premises does not meet standards and make reasonable adjustments to the physical barriers to access throughout the building.

Be clear if your service relates to specific impairments. If you wish to enter more information please attach a document in the supporting documentation section below.

**Customers** Yes  No**Impact** Positive  Neutral  Negative**Level** None  Low  Medium  High**Details of impact**

There is a potential negative impact on people with a disability if a licensed premises does not meet the standards or make reasonable adjustments to the physical barriers to access the building.

Be clear if your service relates to specific impairments. If you wish to enter more information please attach a document in the supporting documentation section below.

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**Race****Staff** Yes  No**Impact** Positive  Neutral  Negative**Level** None  Low  Medium  High**Details of impact**

No perceived issues are apparent in regards to this characteristic and the consultation process did not identify any such issues.

Be clear if your service relates to specific BME communities. If you wish to enter more information please attach a document in the supporting documentation section below.

**Customers** Yes  No**Impact** Positive  Neutral  Negative**Level** None  Low  Medium  High**Details of impact**

No perceived issues are apparent in regards to this issue and the consultation process did not identify any such issues.

Be clear if your service relates to specific BME communities. If you wish to enter more information please attach a document in the supporting documentation section below.

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### Religion/Belief

#### Staff

Yes  No

#### Customers

Yes  No

#### Impact

Positive  Neutral  Negative

#### Level

None  Low  Medium  High

#### Details of impact

Sex establishments are such that they may offend or are contrary to certain faiths, religions and other such sectors.

The City Council does not take a moral stance in adopting this policy. The Council recognises that Parliament has made it lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. It is the City Council's role as the Licensing Authority to regulate such premises in accordance with the law.

Note: This also covers all faith groups and those with no belief. If you wish to enter more information please attach a document in the supporting documentation section below.

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### Sex

#### Staff

Yes  No

#### Impact

Positive  Neutral  Negative

#### Level

None  Low  Medium  High

#### Details of impact

In the past the Licensing Authority have received representations submitted by action groups and interested parties that contend that sexual entertainment venues contribute to the "normalisation of the sexualisation and objectification of women".

The current consultation process has also mirrored many of these concerns, with many of the representations related to this characteristic.

The adoption of a 'Nil Limit Policy' may have significant implications in relation to sexual harassment, exploitation and sexual violence towards women, due to the potential risk that many would continue to work in unlicensed premises that are unregulated.

Working in a regulated environment that is subject to controls, licence conditions and visits from different organisations, including, but not limited to, the Licensing Authority, Police, Health Protection, Trading Standards etc. may have an increased positive impact for staff.

There is no legislative bar or policy objective preventing a sexual entertainment venue being predominantly male in its workforce, or being visited primarily by females, and therefore not seen to be contributing to the "normalisation of the sexualisation and objectification of women" - sexual entertainment venues are open to all sexes.

Note: this includes women and men. If you wish to enter more information please attach a document in the supporting documentation section below.

#### Customers

Yes  No

**Impact**

Positive  Neutral  Negative

**Level**

None  Low  Medium  High

**Details of impact**

There is a potential and perceived negative impact on women. In the past the Licensing Authority has received representations submitted by interested parties and individuals, contending that sexual entertainment venues contribute to the "normalisation of the sexualisation and objectification of women".

The Current consultation process has also highlighted similar concerns to those raised in previous objections to the licensing of Sexual Entertainment Venues, specifically, these include but are not limited to: objectification of women, gender inequality, that SEV's are part of the sex industry and not retail and leisure, the wish for a nil cap to be introduced, the meaning of moral objections, sexual harassment, and violence against women and girls in Sheffield.

Note: this includes women and men. If you wish to enter more information please attach a document in the supporting documentation section below.

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**Sexual Orientation**

**Staff**

Yes  No

**Customers**

Yes  No

**Impact**

Positive  Neutral  Negative

**Level**

None  Low  Medium  High

**Details of impact**

Whilst the customer demographic for such premises is largely heterosexual male, there is no bar to anyone seeking legal entry to such a licensed premises (dependent on age).

Data gathering on admittance to such premises is not asked for or obtained during the application process or on enforcement visits, as there is no bar to legal entry as a consequence of a persons sexual orientation.

No perceived issues are apparent in regards to this characteristic and the consultation process did not identify any such issues.

For example lesbian, gay or bisexual groups. If you wish to enter more information please attach a document in the supporting documentation section below.

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**Transgender**

**Staff**

Yes  No

**Customers**

Yes  No

**Impact**

Positive  Neutral  Negative

**Level**

None  Low  Medium  High

**Details of impact**

Whilst the customer demographic for such premises is largely heterosexual male, there is no bar to anyone seeking legal entry to such a licensed premises.

No perceived issues are apparent in regards to this characteristic and the consultation process did not identify any such issues.

Note: transgender both men and women. If you wish to enter more information please attach a document in the supporting documentation section below.

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#### Carers

##### Staff

Yes  No

##### Customers

Yes  No

##### Impact

Positive  Neutral  Negative

##### Level

None  Low  Medium  High

##### Details of impact

The Licensing Authority is not aware of any issues in regards to this characteristic.

Note: this refers to those who provide regular and substantial unpaid care to a disabled adult or child. If you wish to enter more information please attach a document in the supporting documentation section below.

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#### Voluntary/Community & Faith Sectors

##### Staff

Yes  No

##### Impact

Positive  Neutral  Negative

##### Level

None  Low  Medium  High

##### Details of impact

There is a potential negative impact due to potential close location of a sensitive building/premises e.g. hospitals, mental health or disability centres; substance misuse treatment centres; sexual exploitation services; rape and sexual abuse centres; places of religious worship, including churches, mosques, temples, synagogues and other places of religious worship.

For example: impact on VCF organisations e.g. access to match funding, viability, hours of opening, staffing levels, referrals etc. If you wish to enter more information please attach a document in the supporting documentation section below.

##### Customers

Yes  No

##### Impact

Positive  Neutral  Negative

##### Level

None  Low  Medium  High

##### Details of impact

There is a potential negative impact due to potential close location of a sensitive building/premises e.g. hospitals, mental health or disability centres; substance misuse treatment centres; sexual exploitation services; rape and sexual abuse centres; places of religious worship, including churches, mosques, temples, synagogues and other places of religious worship.

For example: impact on VCF organisations e.g. access to match funding, viability, hours of opening, staffing levels, referrals etc. If you wish to enter more information please attach a document in the supporting documentation section below.

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### Cohesion

#### Staff

Yes  No

#### Customers

Yes  No

#### Impact

Positive  Neutral  Negative

#### Level

None  Low  Medium  High

#### Details of impact

It may be the belief of some people that sex establishments and/or other entertainment venues contribute towards a decline in societal cohesion.

It may be the belief that of some that sex establishments contribute towards prostitution and/or crime and disorder. However, there is no evidence in Sheffield or any objection from responsible authorities or South Yorkshire Police to support this stance.

Note particular impact on community tensions or getting on well together. If you wish to enter more information please attach a document in the supporting documentation section below.

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### Cumulative impact

#### Proposal has a cumulative impact

Yes  No

#### Proposal has geographical impact across Sheffield

Yes  No

#### Local Partnership Area(s) impacted

All  Specific

### Action Plan and Supporting Evidence

#### Action plan

#### Age

In order to address potential negative impacts, the following will be implemented by way of conditions:

- Legislation will be fully adhered to, including in the administration and enforcement of such an establishment as licensed
- Licence conditions state that no persons under the age of 18 shall be employed in the business of an establishment, no matter the purpose or role
- The Licensing Authority will ensure that the policy pays regard to premises that are in close proximity to schools, nurseries and other such establishments that are substantially used by or for children under the age of 18 during the operating hours of such a licensed premises
- A strict age policy shall be in place and challenge 25 operated: any persons appearing to be under the age of 25 shall be required to provide proof of ID in order to gain access to a licensed premises.

Where a licence is granted, access to the premises will be restricted through the Local Government (Miscellaneous Provisions) Act 1982 legislation, in such that mandatory, and where necessary, additional conditions will be imposed in order to control access. It will therefore state that no person under the age of 18 will be granted access to any such premises: this will include all staff, whether on a self-employed or employed basis, and customers.

Where a licence application is received, licensees must first evidence that an age restriction policy is or will be in place at the time of operating, and demonstrate how it will operate. Such policies will be checked periodically during inspection and enforcement visits, as carried out by the relevant authorities.

Where a licensed premises advertises, exhibits or shows materials, that might be deemed inappropriate, on the premises, in premises windows, on walls or in the immediate surrounding areas there may be seen to be a negative impact on young adults and children. The policy will therefore stipulate, by way of licence conditions, that the advertising and exhibiting of such materials and articles will be prohibited.

Mandatory conditions for sex establishments will prohibit all advertising in and around the immediate area of the premises, including the handing out of flyers and advertising material.

The licensing of premises will allow for regulation and the ability to carry out inspections and checks in order to establish that such premises are operating correctly and within the terms of licence conditions. Inspections will be carried out periodically by the Licensing Authority and, where appropriate, jointly with other responsible services such as the Police, Trading Standards and Sheffield Safeguarding Children's Board.

Enforcement and monitoring of licensed premises will be undertaken periodically in order to ensure that licence conditions are being adhered to. All visits, inspections, complaints, and compliments will be logged. Where there is evidence that legislation and conditions are not being adhered to or there are issues of non-compliance, appropriate and measured action will be undertaken.

The Licensing Authority has worked closely with Sheffield Safeguarding Children's Board, who have helped in the writing of the policy. Licence conditions will stipulate that all members of management and staff attend training, provided by Sheffield Safeguarding Children's Board. The training will include awareness of licence conditions, management practices and any relevant legislation to ensure compliance with the same. A written record of all such training shall be maintained at the premises and made available on request to the Police and authorised officers of the Council.

## Disability

As part of any application process, the Council's Health Protection Service is consulted. It is part of their remit and responsibilities to ensure the applicant is conforming to the disability duties under the Equality Act 2010.

Although the legal rights of the equality law are not within the scope of the licensing of sex establishments to enforce, the authority will encourage licensees to:

- Use an equality policy to help them check that they have thought about equality in the way they plan, what they do and how they do it
- Provide equality training, to make sure they know the right and wrong ways to behave

The policy also stipulates that applicants should be aware of their duties under the Equality Act 2010 and should provide such facilities so as to enable the admission of disabled people where possible. A disabled person in this sense would mean a person with a physical and/or mental impairment.

All applicants must ensure that they have the appropriate planning permission in place in order to operate their business. The Licensing Authority will require applicants for a premises licence and/or variations under the legislation to have already obtained any necessary planning consent; this will help avoid unnecessary confusion within the local community.

The Planning Service has provided assistance in the writing of this policy and been consulted on its content.

The Health Protection Service and Environmental Protection Service have also been consulted on the content of the policy.

## Religion/Belief

The Licensing Authority will consider the character of the relevant locality (as stated in legislation – Local Authority (Miscellaneous Provisions) Act 1982 12(3)(d)(i) as amended, of which deals with the proximity of various types of premises, including religious buildings and establishments).

The Licensing Authority will have regard to premises that are licensed in close proximity to places primarily used for religious worship; these may include:

- churches
- mosques
- temples
- synagogues
- other places of religious worship

The policy will pay regard to licensed premises where it is identified that they will be part of the Cultural Hub; this includes the Millennium Galleries, Tudor Square, theatres and the Central Library.

## Sex

The policy sets out how we will regulate and impose strict but fair conditions.

The Licensing Authority will expect current and future applicants to put in place extensive safeguards for the protection of their performers (SEV's) from harassment and other unwarranted attentions; this in part will be helped by the imposition of licence conditions, including the use of security staff and mandatory CCTV.

The Licensing Authority will ensure premises display advisory notices, leaflets and any other form of information for those working at a premises with regards to the different organisations that are available to give advice on security, harassment and victimisation etc. (This is not to suggest that this is common place).

As cited in Sanders et al. (2015), resources, such as <http://www.dancersinfo.co.uk> have been established for those employed or who work in the industry.

We have created a permanent, accessible and mobile resources for dancers, consisting of essential information about personal safety at work (in partnership with Suzy Lampplugh Trust); tax awareness (in partnership with HM Revenue and Customs); and self-employment information. This resource is available through an Iphone App and website: [www.dancersinfo.co.uk/](http://www.dancersinfo.co.uk/) (p 69)

The above resource will form part of the standard conditions for SEVs to make available.

The Licensing Authority will work closely with the Sheffield Safeguarding Board to promote safeguarding and to raise awareness of associated issues and potentially provide a confidential system for reporting incidents/issues if and when they arise.

Sheffield Safeguarding Children's Board have provided assistance in the writing of the policy.

Licensing conditions will stipulate that all members of management and staff attend training, which will be provided by the Sheffield Safeguarding Board. The training will include awareness of licence conditions, management practises and any relevant legislation to ensure compliance with the same. A written record of all such training shall be maintained at the premises and made available on request to the police and any authorised officers of the Council.

## Voluntary/Community & Faith Sectors

The Licensing Authority is aware of sensitive buildings/premises that are located around the city.

The Licensing Authority will consider the character of the relevant locality when considering an application and will take account the proximity of various types of premises e.g. hospitals, mental health or disability centres; substance misuse treatment centres; sexual exploitation services, rape and sexual abuse centres; places of religious worship, including churches, mosques, temples, synagogues and other places of religious worship.

## Cohesion

The Licensing Authority notes that it is lawful to operate sex establishments and that such businesses are a legitimate part of the retail and leisure industries. Sex establishments are legally in existence by way of an Act of Parliament.

The Licensing Authority's role is to administer the licensing regime in accordance with the law. The law empowers local people and the community to be involved in the licensing process by way of being able to make representations to applications.

The policy will pay reference to the character of the relevant locality when considering an application and will take account of the proximity of various types of premises, including residential areas that are frequented by children and families and/or vulnerable adults.

Include monitoring arrangements, etc. You can copy and paste your action plan in this section

### Supporting Evidence (Please detail all your evidence used to support the EIA)

\* NOTE: This section does not fully print from SharePoint - a word version of this section has been appended to the EIA for the purposes of the Committee Report. \*

#### Age

The Local Government (Miscellaneous Provisions) Act 1982, as amended allows for the licensing of sex establishments. The legislation stipulates that "a licence under this schedule shall not be granted to a person under the age of 18".

Furthermore, the policy document states, under proposed conditions, that entry is prohibited to people under the age of 18 years, and that persons under the age 18 shall not be employed or undertake work on a self-employed basis. This ensures that those premises that are licensed are regulated in a strict, but fair manner.

Colosi (2013) states: "where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments, which have escaped the relevant licensing. This potentially exposes these women to physical risks, as the threat of violence is more of a reality in unregulated erotic dance environments where work in lap-dancing clubs is limited, women may seek work in more unregulated, high-risk, erotic dance environments, which have escaped the relevant licensing. This potentially exposes these women to physical risks, as the threat of violence is more of a reality in unregulated erotic dance environments" (p.10).

The Licensing Service has undertaken work with Sheffield Safeguarding Children's Board. Information received states that there have been no upheld complaints in relation to any of the currently licensed sex establishment premises. However, an allegation relating to one premises was made in 2012 relating to age, but no action was taken after a multi-agency meeting was undertaken and systems found to be satisfactory.

Additionally, South Yorkshire Police have indicated that there have been no complaints or investigations in relation to persons aged 16 and under in any of the establishments currently licensed by Sheffield City Council.

#### Disability

The Equality Act 2010 states that reasonable adjustments should be made in order that disabled people can access such places that are ordinarily accessible by the public, such as shops, banks, cinemas, hospitals, leisure centres etc. It is felt that sex establishments would fall under this category.

However, adjustments only have to made if they are deemed reasonable, and this depends on things such as:

## Supporting Evidence

### Age

The Local Government (Miscellaneous Provisions) Act 1982, as amended allows for the licensing of sex establishments. The legislation stipulates that "a licence under this schedule shall not be granted to a person under the age of 18".

Furthermore, the policy document states, under proposed conditions, that entry is prohibited to people under the age of 18 years, and that persons under the age 18 shall not be employed or undertake work on a self-employed basis. This ensures that those premises that are licensed are regulated in a strict, but fair manner.

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Additionally, South Yorkshire Police have indicated that there have been no complaints or investigations in relation to persons aged 16 and under in any of the establishments currently licensed by Sheffield City Council.

### Disability

The Equality Act 2010 states that reasonable adjustments should be made in order that disabled people can access such places that are ordinarily accessible by the public, such as shops, banks, cinemas, hospitals, leisure centres etc. It is felt that sex establishments would fall under this category. However, adjustments only have to be made if they are deemed reasonable, and this depends on things such as:

- the disability
- how practicable the changes are
- if the change asked for would overcome the disadvantages that disabled people experience
- the size of the organisation
- how much money and resources are available
- the cost of making the changes
- if any changes have already been made

### Race

Comments, objections and other such information received in conjunction to representations to past applications and consultations for sex establishment licences have not highlighted or brought about negative connotations in relation to this characteristic. The Act allows for the licensing of sex establishments and no stipulations are made in regards to race.

### Religion/Belief

The law pertaining to the licensing of sex establishments empowers the local and wider community to be involved in the licensing process and provides the ability to raise representations in respect of applications.

However, paragraph 3.23 of the Home Office guidance on licensing for sexual entertainment venues states explicitly that *"objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12"*.

Additionally, the Case R v Newcastle upon Tyne City Council, ex parte The Christian Institute (2001) B.L.G.R. 165, further supports the stance on moral objections and the weight they are given:

*"Mr Holland [appellant] has suggested that the provisions of paragraph 12(3)(c) and (d), do enable the authority and the Court to take account of what he has called the moral case against the activities but, in my [judge] judgment, it does no such thing.*

*It is therefore clear that the legislation does not make provisions for representations that are rooted in moralistic value-judgements, rather they must be in line with the prescribed legislation"*.

Furthermore, Whur (2011) states that *"it would be unlawful for a local authority to refuse a licence by giving weight to a view of its own, that sex establishments should not be allowed at all"*.

## **Sex**

Sheffield currently has two licensed sexual entertainment venues, one of which has a predominantly female workforce; the other of which accommodates male and female guests/performers. Views submitted by performers (exclusively female) in regards to previous applications and subsequent representations for sexual entertainment venues suggest that the opportunity for a flexible, self-employed work pattern is an attractive proposition, providing a sustainable income and work/life balance. Not licensing such premises would have a negative impact on those in lawful employment, particularly women.

A witness statement in relation to a previous Sexual Entertainment Venue licence, submitted by Specht states:

*"We employ 13 staff and have around 40 dancers on our records at any one time. Some of the staff and performers have been working at Spearmint Rhino in excess of 10 years... Contrary to what the objectors say they are respected members of the team and in their own words they would not continue to work at Spearmint Rhino for the length of time they have if they did not enjoy it and did not consider themselves to be well treated. The performers are self-employed. They make a good living from performing at Spearmint Rhino... To suggest that they are mistreated or do not earn money is without any foundation. There is a suggestion that the employees are men: however 5 are female. It is probably also worth bearing in mind that the president of Spearmint Rhino is a woman; as is the Head of Human Resources, the Head of Marketing and Chief Financial Officer for the company. The manager in Birmingham is female and has been with the company for 17 years. Spearmint Rhino employs managers according to their qualities, not their gender". (p.7).*

Women's groups such as Object and the Fawcett Society have led campaigns against lap-dancing, arguing that limiting SEV's will help improve gender equality by reducing the objectification of women (Colosi, 2013). However, Colosi (2013) argued that:

*"This view is far too simplistic. In the long term, the closure of lap dancing clubs will result in the unemployment of women, particularly problematic in a time of recession, leading to issues of poverty where ex-dancers are unable to find employment". (p.9)*

Additionally, Colosi (2013) states that *"this also risks pushing the stripping industry underground, with more women opting to work in unregulated environments as erotic dancers, where the physical dangers can be considerable"* (p.9). This view is further substantiated in New York City where a zero tolerance approach to sex related businesses has forced the industry underground (Eliot as cited in Colosi, 2013, p.3)

Furthermore, Colosi (2013) states:

*"lack of regulation may significantly affect the safety of the women working in these specific work environments [- erotic entertainment dance venues]. For instance, some of the special conditions applicable to lap-dancing clubs and similar venues under the Licensing Act 2003 (which continue under the new licensing regime), including the use of CCTV and security staff, are inevitably not enforced in instances where erotic entertainment is not known to LA's". (p.9)*

Additionally, Colosi (2013) states that *"the use of CCTV and security, in particular, is known to play an important role in protecting erotic dancers from harm in the work place"* (p.9).

Information provided by South Yorkshire Police, coupled with the fact that they have never objected to previous applications for any sex establishment in Sheffield, demonstrates that there appears to be no negative impact on crime and disorder from such premises in Sheffield.

Sanders Hardy & Campbell (2015) state that:

*"Campaigns to close down strip venues conflate striptease with prostitution and further associate strip venues with organised crime, drug trafficking and money laundering (Jeffreys, 2008). Where there are migrant dancers, police intelligence has assumed this is evidence of sex trafficking (Ward and Wylie, 2010), only to find out after raids and arrests that women are working as strippers voluntarily. Such campaigns seize on unsubstantiated claims regarding strip clubs encouraging violence against women in the area, or suggesting that customers who buy striptease will become violent and sexually predatory (Colosi, 2013). Yet claims to the secondary effects of strip clubs are unsubstantiated in terms of increasing the number of crimes (Hanna, 2003; Ward and Wylie, 2010; Jackson, 2011). Even the official police evidence presented to the House of Commons Committee considering the evidence for licensing change stated clearly that crime and disorder were not a cause for concern in relation to licensed strip premises in the UK" (see Sanders and Hardy, 2014, Chapter 3) (p.85).*

Furthermore, as stated by Colosi (2013) *"the report produced by Eden (2007), which underpinned Object's anti-lap-dancing campaign, made inaccurate claims about the connection between the rates of rape and the proliferation of lap-dancing establishments"* (p.7). Colosi (2013) further points out that in making these inaccurate claims:

*"Eden (2007) does not take into account other external factors which may have influenced the increase in reports of rape, such as local population increase. In addition, increased awareness and support for victims of sexual violence may encourage more victims to come forward and report incidence [sic] to the police. Regardless of this, the figures between 1999 and 2002 are still low, which means the increase is not statistically significant. Finally, a causal link cannot be inferred from statistical patterns such as these". (p.7).*

To the extent that many people would believe that representations in this respect (sex) are moral, it is not something that the Licensing Authority can take into account when making a decision on whether to grant a licence. Home Office (2013) guidance on licensing for sexual entertainment venues states explicitly that *"objections should not be based on moral grounds/values and local authorities should not consider objections that are not relevant to the grounds set out in paragraph 12"* (p.18). However, we as a Licensing Authority have considered this on an equalities basis, and through research conducted in this area, feel that it is still primarily a moral standpoint.

Whilst the customer demographic for such venues is largely male, it is not unusual for females or couples to visit such premises – there is no bar to legal entry for either sex at any time. Research by Wosick-Correa and Joseph (2008) support this stance in that *"recent shifts in the consumer base of the sex industry have involved greater female attendance in strip clubs"* (p.201). This view is further substantiated by Specht (2016), stating that:

*"There is a suggestion that we are only frequented by men. This is mistaken. We cater for a significant proportion of women patrons. We also host a number of hen parties. Women come to the premises for the entertainment and atmosphere we provide. Our clientele are diverse. We welcome all. Because of what is being said by the objectors I feel it necessary to point out that our patrons also include the LGBTQ community". (p.9).*

It is felt it would be a negative move to impose a total ban on these types of premises (specifically SEV's) and it is felt that through regulation; imposition of strict but fair conditions and a strong, robust policy they can operate without issue or cause negative effects, specifically in relation to this characteristic.

Colosi (2013) states that:

*"legislation has shifted the focus further away from the employment rights of lap-dancers, putting more emphasis on the potential impacts lap-dancing clubs have on community safety, with regard to crime and disorder, despite limited evidence to support this focus. The licensing of lap-dancing clubs, as other businesses, whether sex-related or otherwise, is necessary as there is always a need for thoughtful regulation, taking into account all stakeholders. This can only be done effectively if the narratives of the workers, as well as other stakeholders, are carefully listened to. Furthermore, in relation to lap-dancing, along with other sex-work, it is important that this work is treated in a similar way to other 'mainstream' modes of work, rather than as a deviant or criminal activity". (p.10).*

Research conducted by Sanders et al., (2015) indicates *"that there was a dominant discourse amongst dancers that they were performers and dancers and not sex workers."* (p.86), and that their voices were silenced in the process of implementing the Police and Crime Act 2009.

Sanders et al., (2015) state that *"radical feminists have spoken out about what they see as the cultural turn to the sexualisation of society, with 'lap dancing' considered an activity which fuels a misogynist society and the maintenance of gender inequality, violence and fear amongst women"* (p.84). However, such campaigns seize on unsubstantiated claims regarding strip clubs encouraging violence against women in the area, or suggesting that customers who buy striptease will become violent and sexually predatory" (Colosi as cited in Sanders et al., 2015, p.85).

The views of dancers and performers working within sexual entertainment venues in Sheffield have been given a platform to provide feedback. This is important, due to the implementation of legislative change (Policing and Crime Act 2009) as stated by Sanders et al., (2015) *"community and campaign group voices were heard over that of the dancers themselves, who were not consulted in the process"* (p.83).

A total of 25 surveys were received as part of the exercise. In the main, the results reveal that the vast majority of dancers work in sexual entertainment venues to earn extra money, and enjoy the flexibility in hours. The results also reveal that they feel safe and that the management and security staff are approachable should issues arise.

## **Carers**

Comments, objections and other such information received in conjunction to representations of past applications for sex establishment licences have never highlighted or brought about negative connotations in relation to this characteristic.

## **Cohesion**

There is no evidence in Sheffield or any objection from responsible authorities or South Yorkshire Police to support the view that sex establishments contribute towards prostitution and/or crime and disorder.

Sanders et al., (2015) state that *"radical feminists have spoken out about what they see as the cultural turn to the sexualisation of society, with 'lap dancing' considered an activity which fuels a misogynist society and the maintenance of gender inequality, violence and fear amongst women"* (p.84). However, such campaigns seize on unsubstantiated claims regarding strip clubs encouraging violence against women in the area, or suggesting that customers who buy striptease will become violent and sexually predatory (Colosi as cited in Sanders et al., 2015, p.85).

## Supporting Documentation

[Click here to attach a file](#)

- Additional EIA Information for Sharepoint.docx
- Bibliography.docx

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## Consultation

## Consultation required

Yes  No

## Consultation start date

22/11/2016



## Consultation end date

31/03/2017



## Details of consultation

The Council has consulted with stakeholders on the content of this policy. These stakeholders have included:

- All current sex establishment licence holders
- Current staff and performers
- Elected Members of Sheffield City Council
- The local Member of Parliament
- South Yorkshire Police
- Environmental Protection Service
- South Yorkshire Fire and Rescue
- Sheffield Safeguarding Children Board
- Sheffield Safeguarding Adults Board
- Health Protection
- Director of Business Strategy and Regulation
- Trading Standards
- Planning
- The Executive Director – Place
- Other Local Authorities in South Yorkshire
- Religious Establishments
- Sheffield Schools
- Objectors to previous sex establishment licence applications or renewals
- Equality Groups

The Council conducted a number of pre-consultation workshops between the 21 November 2016 and 28 November 2016.

Invitations to the pre-consultation workshops were sent to Sheffield City Council Elected Members, the members of the Licensing Committee, existing sex establishment licence holders, religious establishments, schools and equality groups. A total of 768 invitations were sent out by post and e-mail, and the workshops were attended by:

- Current licence holders
- Elected Members
- Representatives of Schools
- Representatives of Religious Groups
- Representatives of Equality Groups
- Groups/Individuals that have previously objected to sex establishment licence applications.

The First Stage of the consultation process was conducted over a seven week period from the 19 December 2016 to the 3 February 2017 where comments were invited via email and post to Sheffield City Council's Consultation Hub – Citizen Space. Letters and emails were sent and interested parties were invited to submit comments via email, in writing and on the City Council's online consultation hub, "Citizen Space".

Are Staff who may be affected by these proposals aware of them

Yes  No

Are Customers who may be affected by these proposals aware of them

Yes  No

If you have said no to either please say why

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### Summary of overall impact

#### Summary of overall impact

Overall, there are some potential negative differential equality implications identified. These are mainly for: women, children and young adults and social cohesion. However, most are mitigated by the clarity provided in the Policy regarding how the Licensing Authority will make decisions and then regulate the strict conditions.

The Policy sets out how the Licensing Authority will promote awareness and guidance and reminding licensees of their equalities responsibilities, by way of licence conditions and the Policy itself.

The draft Policy has been subject to consultation as detailed above and the views of all consultees have been taken into consideration alongside the legal obligations of the Licensing Authority.

#### Summary of evidence

The Licensing Authority has used a range of publications in the writing of the policy and Equality Impact Assessment. The bibliography of publications can be found as an attachment.

#### Changes made as a result of the EIA

No changes have been made as a consequence of completing the Equality Impact Assessment. The licensing Authority has a legal duty to to regulate sex establishments in accordance with the law. This includes due regard for the Public Sector Equality Duty.

If none, specify why

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### Escalation plan

Is there a high impact in any area?

Yes  No

Overall risk rating after any mitigations have been put in place

High  Medium  Low  None

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### Review date

Review date



If a review date is specified, it will appear in the 'Upcoming Reviews' view when the EIA review is within 30 days.

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Incomplete

Mark as ready for approval

Once you've finished filling this form, you need to first mark it ready for approval, then submit it.



## **Additional EIA Information**

### **Meeting the Aims of the Public Sector Equality Duty**

The Council's duty is to give due regard to the need to promote equality of opportunity, eliminate unlawful discrimination and promote good relations in the discharge of its licensing functions, principally the consideration and determination of applications for sex shops, sex cinemas and sexual entertainment venues and the consideration of requests that the requirement for a licence be waived.

In terms of the process of considering and deciding these issues it is not considered likely that the equalities obligations are at risk as there is no perceivable risk of unequal access to the service between different equalities groups save that those under 18 and those not resident in the UK cannot apply for SEV applications; provisions which would have equalities implications but that are justified and lawful by virtue of being included in the statutory provisions.

It is in the impact on equalities groups that may be relevant to the duty in consequence of applications being granted or refused that is more challenging to identify and quantify. Relevant entertainment is a highly controversial activity about which many hold very strong opinions as is apparent from previous comments to applications and care has been taken to bring forward that range of opinion for consideration by elected members in the formulation and adoption of the policy..

The policy provides a detailed framework that should facilitate the decision makers in carefully scrutinising applications and applying their minds conscientiously to all relevant factors within the statutory framework that lays down how these decisions might be made.

The policy includes a clear and unequivocal commitment to meeting the equalities duty in the exercise of all of the functions under the Act. The policy and the documentation flowing from it are intended to be a key means of facilitating compliance with all of the council's obligations. Great care has been taken in developing a policy that is fit for purpose in this regard but it is only when it is tested in action that it will be possible to evaluate its effectiveness. This assessment will be kept under regular review particularly in the early period of implementation of this new policy so that any shortcomings identified in the document itself and/or the way it has been implemented can be addressed.

### **Monitoring**

The proposed policy will be reviewed and updated at each stage of the consultation and decision making process. The EIA will also be produced on the corporate system to support and inform decision makers and again this will be reviewed and updated throughout this process.

An EIA will be undertaken for all policy reviews.

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