

Licensing Committee

Thursday 13 December 2018 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, Adam Hurst,
Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten,
Vickie Priestley, Mick Rooney and Cliff Woodcraft**

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

If you require any further information please contact John Turner on 0114 273 4122 or email john.turner@sheffield.gov.uk

FACILITIES

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

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

**LICENSING COMMITTEE AGENDA
13 DECEMBER 2018**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on 9th, 16th, 18th, 23rd, 25th and 30th October and 6th, 8th, 13th, 20th, 22nd and 29th November, 2018
- 6. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Licensing Sub-Committee

Meeting held 9 October 2018

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 - WOODHOUSE BARGAIN BOOZE, 16 CROSS STREET, SHEFFIELD, S13 7JR

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Woodhouse Bargain Booze, 16 Cross Street, Sheffield S13 7JR (Ref. No. 98/18).

4.2 Present at the meeting were Nadeem Ur Rehman (Applicant), Irfan Butt (Employee), Philip Brightmore (Premises Landlord), Councillor Jackie Satur and Stuart Abbott (Local Residents, in support of the application), 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 in respect of the application had been received from five members of the public, and were attached at Appendix 'B' to the report. A petition containing 118 signatures, objecting to the application, had also been received. Mr Stephenson also made reference to a petition containing 156 signatures, expressing support for the application, which had been received outside the statutory consultation period. All five members of the public who had submitted representations had been invited to the meeting, but none attended the hearing.

4.5 The Chair granted permission for Councillor Jackie Satur and Stuart Abbott to make representations at the hearing.

- 4.6 Nadeem Ur Rehman stated that he had around 12 years' experience in the retail trade, working in many shops selling alcohol, and had worked in another shop, which sold alcohol, in Woodhouse for around 4/5 years. He had got to know a number of residents in the Woodhouse area and the majority of residents he had spoken to were supportive of the application. Philip Brightmore stated that he was happy for Mr Rehman to take on the shop lease, and open it up as an off-licence.
- 4.7 Councillor Jackie Satur stated that Mr Rehman was aware that some local residents were concerned by the name of the premises which, he had appreciated, could give the wrong impression in terms of the nature of sales. In the light of this, Mr Rehman had agreed to change the name of the shop, and was currently trying to think of a suitable name. Reference was made to the St Ann's Hostel, which was located close to the premises, which assisted people with drink problems. Mr Rehman stated that he was familiar with a lot of the residents of the Hostel, and would be very mindful if they came in to purchase alcohol.
- 4.8 In response to questions raised by Members of the Sub-Committee, Mr Rehman stated that the other premises within the vicinity of the shop, and which sold alcohol, included City Living, McColls Supermarket and two public houses. Only two people had expressed an interest in taking on the lease to the premises, following its closure as a video store, with both interested parties, of which Mr Rehman was one, wanting to sell alcohol. Mr Rehman stated that he had not really given too much consideration as to where people would drink the alcohol purchased from his premises on the basis that he had worked in the area for a number of years, and had become familiar with those having drink problems, meaning he would refuse to serve them. He did not believe that opening another shop in the area selling alcohol would have a major adverse effect on the basis that it was only small, and only a small percentage of sales would comprise alcohol. Mr Rehman explained where the alcohol would be located in the premises, and also circulated photographs of the shop. It was confirmed that one of the people who had objected to the application was the Premises Supervisor at City Living, another shop in the area which sold alcohol. There was no intention to sell cheap alcohol, and Mr Rehman would be focusing on wine sales. Mr Rehman confirmed that he was aware of the existing Alcohol Exclusion Order in respect of Woodhouse Village, but indicated that he was not aware of many alcohol-related incidents during the last year. Mr Butt stated that he had worked with Mr Rehman (his cousin) for a number of years in the retail business, which included the sale of alcohol, and stated that he would always work to the terms of the premises licence, and was very mindful of who he would sell alcohol to. He stated that alcohol sales would only comprise around 10% of total sales at the shop. Mr Rehman had met with the manager of the Police's Licensing Department, to discuss the application, and who had indicated that the Police had suggested that a number of conditions be added to the licence, which were set out in the report, and to which Mr Rehman had agreed to. He also confirmed that there was a CCTV system in operation at the premises, and had agreed to the suggested condition with regard to this, suggested by the Police.
- 4.9 Nadeem Ur Rehman summarised the case.

- 4.10 Clive Stephenson presented the options available to the Sub-Committee.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as Woodhouse Bargain Booze, 16 Cross Street, Sheffield, S13 7JR (Ref. No. 98/18), subject to the agreed conditions set out in the report, with the re-wording of one of the conditions as follows:-

No singular alcoholic drinks, including beer, lager and cider in cans, and wine, less than 70cl, will be sold; a minimum purchase of four cans of beer, lager and cider will be required.

(NOTE: (a) Councillors Jack Clarkson and Neale Gibson, whilst being mindful that there was no evidence to show that granting the application would undermine the licensing objectives, expressed concerns at the decision to grant the application, and asked for this to be recorded; and

(b) 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 16 October 2018

PRESENT: Councillors Josie Paszek (Chair), Dawn Dale and Douglas Johnson

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Andy Bainbridge, with Councillor Dawn Dale attending in his place. Councillor Lisa Banes 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 - SITE GALLERY, 1 BROWN STREET, SHEFFIELD, S1 2BS

- 4.1 The Chief Licensing Officer submitted a report to consider an application, under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of the premises known as Site Gallery, 1 Brown Street, Sheffield, S1 2BS (Ref. No. 100/18).
- 4.2 Present at the meeting were Judith Harry (Executive Director, Site Gallery, Applicants), Dave Palmer (Operations Manager, Site Gallery, Applicants), Sam Craggs and Chris Palmer (Soundbytes Media Limited, 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 two public objections had been received to the application, and were attached at Appendix 'B' to the report. Mr Stephenson stated that two conditions, which had been requested by the Environmental Protection Service, had been agreed by the applicants prior to the hearing. The two objectors who had submitted representations had been invited to the meeting, with one attending the hearing.
- 4.5 Chris Palmer stated that, whilst not wishing to be disruptive on the basis that he fully supported the applicant's role as an arts enterprise, he was, however, very concerned about sound transference from the events and activities undertaken at

the Site Gallery, which would have a detrimental effect on him and the other tenants in the building. He stated that he was the manager of the Foundry Recording Studio which, together with two other recording studios, were situated in the same building. As the building comprised one physical structure, sound transference was a major problem. Mr Palmer referred specifically to a re-opening event held at the Gallery a few weeks ago, following extensive construction and refurbishment works, which had resulted in him suffering losses and interruption to his business over a period of 18 months. He pointed out that not all the works promised had been undertaken. He referred to a clause in the Site Gallery's lease (Section 29.2) requiring that the Gallery should not cause any loss, damage or inconvenience to other occupants of the building, and believed that this application would go against this. The three recording studios in the building had been there for 30 years, and provided excellent facilities for recording artists, and that, due to the fluidity of the music industry, his studio, which was used predominantly for recording music and voiceovers, was required to be available for use 365 days a year. He pointed out his studio's proximity to the Site Gallery's facilities on the plans included in the report, indicating that there was only a corridor separating the studio and the Gallery's project space. When the Site Gallery located to the building, in the late 1980s, it was not envisaged that there would be any problems in terms of sound transference, but the increasing number of different events and activities being held in the Gallery was impacting on the operation of the studio. Mr Palmer concluded by stating that the three recording studios had been constructed to such a specification so as to ensure the acoustics were correct, and no consideration had been given, at that time, to potential issues of sound transference.

- 4.6 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, and from Clive Stephenson and Judith Harry, it was stated that it wasn't simply a case of installing sound-proofing to the wall on the corridor, as different types of sound-proofing materials were required for different sounds, which would require extensive works. Whilst the business had been affected during the building works over the last 18 months, on completion of the works, in March 2018, the business had not been seriously affected by the day to day activities of the Site Gallery. However, the owners of the three recording studios were concerned at the potential increase in events and activities, including at weekends, which would adversely affect their operations. The objectors had not been able to offer any solutions in terms of sound-proofing measures during the planning stage of the works as they had not been informed about the change of use of the building. Chris Palmer believed that the solution to the problems would involve the installation of an appropriate level of acoustic treatment to the inside of the Gallery's project space. The second condition, agreed between the Environmental Protection Service and the applicants, relating to noise limits with regard to noise breakout from the building to the site boundary, was not relevant as the affected parties were all in the same building. The main noise from the Gallery being transferred to the recording studios was a 'droning' noise through the amplified PA system. There were no real problems with regard to people simply talking, with the main concerns focusing on the noise from the special events held at the Gallery. The Gallery's two main performing spaces were pointed out on the plan in the report, and which comprised a large gallery area and a smaller project space, which was situated very close to the Foundry Recording Studio, only being

separated by a corridor. The Gallery staff and people attending events and activities at the Gallery could also hear sound emanating from the three recording studios. A large number of the recording sessions were requested at very short notice, and were sound critical. The objectors believed that if the premises licence was granted, this would provide a free reign for the Site Gallery to hold other activities, thereby causing further problems for the recording studios and, in a worst case scenario, forcing them to relocate elsewhere.

- 4.7 Judith Harry stated that, whilst the premises had an existing premises licence, this application was being made on exactly the same terms, but simply to cover the new footprint of the Gallery, following the recent extension. The Site Gallery had been at its current location since the late 1980s, but recently had to close to the public in March 2017, to allow for extensive construction works, being funded by grants from the City Council and Arts Council, to take place. The Gallery comprised an international contemporary arts space, specialising in moving image, new media and performance. The Gallery, which was an educational charity, worked with early career to established artists, to commission new work, produce solo and group shows, deliver residencies, performances, events and community programmes, and was one of the core artistic partners in the City. The Gallery was open from Tuesday to Saturday, 11.00 to 18.00 hours, and following its re-opening in March 2018, it was now open on Sundays, from 11.00 to 16.00 hours, and until 20.00 hours on Thursdays. Following the construction works, there was now a large scale Gallery, a dedicated project space and a café and shop, which opened from 08.00 hours on weekdays and 09.00 hours on weekends. There were also 14 units within the building, which were let out to other artistic partners. The project space held approximately 80 people, and comprised a flexible area, which delivered talk-screening workshops and other group activities. There was a further studio, holding approximately 40 people, which was mainly used as a meeting area. There were 10 staff members, which included a dedicated Operations Manager, an in-house Technician and a dedicated Duty Manager, who was always on site. The Technician always provided advice for external users. There were no plans to deliver anything different from what had been on offer previously, and there had been no objections to the application from any of the responsible authorities. The construction plans had been shared with the managers of the three recording studios and the construction workers had been asked to be mindful of the operations in the recording studios whilst undertaking the works. It was accepted that due to the nature of the recording studios, there would always be issues with regard to sound transference, but, it was considered, with the co-operation of all the tenants within the building, and adherence to the Gallery's Management Plan, the tenants would be able to continue their operations without any major problems. Every effort would be made to ensure that all internal doors were kept closed and it was hoped that following the appointment of a new Buildings Manager, who was very pro-active, the number of problems would be kept to a minimum. Ms Harry concluded by stating that, due to its nature, the Gallery would need to continue using the spaces within the building for a wide range of activities, some of which could be noisy.

- 4.8 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from Chris Palmer, it was stated that it had not been anticipated that there would be any problems in terms of sound transference and, as part of

the construction works, acoustic experts had been employed, and who had recommended the installation of a new door and an acoustic door, at locations indicated on the plan. Extensive works would be required, including the floors, walls and ceilings, to ensure that the Gallery's spaces were totally sound-proof. It was envisaged that there would be live music at the Gallery no more than 12 times a year. A group had been established during the building works, to monitor the progress of the works, and listen to the views of the other tenants in the building, but this had now been disbanded. The new Buildings Manager, employed by the Council, was keen to facilitate something like this going forward. It was the view of the applicants that, as nothing had changed following the construction works, there was not likely to be any problems in terms of sound transference. The Gallery's programme in terms of the project space was changed every 4 to 6 weeks, and there was a large variety of activities and events held in this space, some of which were noisy. There were plans to hold more talks and discussions in this area, as well as plans to hire out the space to other organisations, including Hallam University. The project space was also used to screen a number of different films, and it was always the aim to attract new audiences to such events. The Gallery and project space were used to host events as part of other festivals in the City, such as DocFest and Tramlines. There were no plans to hold any events in the evening beyond the standard opening hours and whilst the Gallery could host events with DJs, mainly as part of the young people's programmes, it was not envisaged that this would be a regular event. There were no plans to hold any more than 12 events a year when amplified sound would be used, and the notice in respect of such events would be 4 to 6 weeks in advance. The in-house Technician would either set up the equipment for such events, or provide advice to external users, and would be mindful of noise levels. Whilst the applicants were mindful that some of the activities and events held at the premises may adversely affect the operation of other tenants in the building, this is what the Gallery had always done, and was funded to do. There had been many occasions when events and activities held at the Gallery had been adversely affected by sound transference from the recording studios, but the Gallery, whilst apologising to people attending such activities or events, had simply just got on with it.

- 4.9 Chris Palmer summarised his representations.
- 4.10 Judith Harry summarised the case on behalf of the applicants.
- 4.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a premises licence in

respect of the premises known as Site Gallery, 1 Brown Street, Sheffield, S1 2BS (Ref. No. 100/18), subject to the two conditions agreed between the Environmental Protection Service and the applicants, and a further condition, as follows:-

Any activities or events in the project space where amplified music is played, such music is to go through a noise limiter, at a limit to be set by the Environmental Protection Service, after considering the tenants and make-up of the building.

(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 18 October 2018

PRESENT: Councillors David Barker (Chair), Joe Otten and Mick Rooney

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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 made by Members of the Sub-Committee.

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

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

4.2 The applicant in Case No. 91/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 101/18 attended the hearing, and addressed the Sub-Committee.

4.4 The applicant in Case No. 102/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 103/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
91/18	Application for a new Hackney Carriage Vehicle Licence	Grant a licence for 12 months.
101/18	Application to renew a Private Hire Vehicle Licence	Grant a licence for 12 months.
102/18	Application to renew a Private Hire Vehicle Licence	(a) the request to extend the licence beyond the 9 year age limit of the vehicle be granted 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 private hire vehicles and (b) accordingly, approval be given for the current licence to operate to the end of its 12 month term in April 2019, and, on the first and second subsequent renewals, authority be given to grant the applicant a licence for a further 12 month period, subject to there being no cause for concern.
103/18	Application for a Private Hire Vehicle Licence	The exemptions now requested from certain conditions of the Private Hire Vehicle Licence be allowed (a) on the basis that such exemptions were required and relevant to the nature of the applicant's work and (b) subject to conditions 1, 2 and 4 as set out in Appendix 'B' to the report, and an additional condition that the vehicle is only used for "Executive/VIP" types of work/journeys and must not be used for general Private Hire work/journeys.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 October 2018

PRESENT: Councillors David Barker (Chair), Jack Clarkson, Neale Gibson 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 licence holder in Case No. 104/18 was unable to attend the hearing but, in the circumstances, the Sub-Committee considered the case in his absence. Councillor George Lindars-Hammond was not present during the consideration of this case.

4.3 The licence holder in Case No. 105/18 attended the hearing with a representative, and they both addressed the Sub-Committee. Councillor Neale Gibson was not present during the consideration of this case.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
104/18	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) Immediately suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006 and (b) grant the licence holder a further opportunity to attend a hearing in

person to present his case.

105/18 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, as the Sub-Committee considers that, in the light of the offence now committed, the licence holder is no longer a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 25 October 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge, Lisa Banes, David Barker, Dawn Dale, Adam Hurst, Douglas Johnson, Mike Levery, Joe Otten, Mick Rooney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jack Clarkson, Neale Gibson and George Lindars-Hammond.

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 the Licensing Sub-Committee held on 4th, 18th, 20th and 27th September and 2nd October, 2018, were approved as correct records.

5. LICENSING ACT 2003 - CUMULATIVE IMPACT ASSESSMENTS

5.1 The Chief Licensing Officer submitted a report to inform and brief Members with regard to the law and process for having a Cumulative Impact Assessment (CIA) and to determine whether the City requires a CIA.

5.2 Steve Lonnia (Chief Licensing Officer) introduced the report and gave background information, stating that the Licensing Authority was required to prepare, consult and publish a Statement of Licensing Policy every five years, although Sheffield preferred to review and consult on its policy every three years. He stated that there were over 200 CIAs in England and Wales many of which had been in place for a number of years. Sheffield does not have an assessment in place to cover the city centre, or indeed, any area of the city. He reported that a great deal of work had already been carried out in consultation with South Yorkshire Police, the Fire and Rescue Authority, the local Health Service, Public Health, representatives of local residents and businesses and premises licence holders, as it was felt that the licensing objectives were not always being promoted within the proposed CIA area as outlined in Appendix "G" to the report. He informed Members that part of the consultation process was to gather information as to the reasons why the Licensing Authority was considering a CIA, an indication why the

area was being considered and whether it would be relevant to the whole or part of future premises licence applications received and the nature of the business. Mr. Lonnia added that the number of licensed premises covered by a CIA could be determined by Members.

- 5.3 Steve Lonnia informed Members that a Working Group had been formed in 2017 following concerns that had been expressed by residents, local businesses and elected Members regarding the negative impact the number and concentration of licensed premises were having on the city centre. The Group was set up to determine whether there was a need for a CIA and the findings were set out in an Options Report outlined in Appendix "C" to the report, and the responses and a summary of the public survey and consultation which had been carried out were attached at Appendices "D" and "E" to the report.
- 5.4 In response to questions from Members of the Committee, Steve Lonnia stated that he hoped the timescale for implementation would take about 12 weeks but was dependent on how quickly the most up to date evidence could be gathered relating to the proposed area, to enable the consultation process to begin. He said the triggers for considering the CIA was that concerns had been raised from the Police, Sheffield City Centre Residents Action Group and Public Health that crime statistics were getting worse and there were significant changes to crime within the city centre. Other areas in the city could be considered if the same triggers were activated and there were causes for concern. He commented that the area could be extended, but the difficulty would be in determining where to draw the line.
- 5.5 Members expressed a concern that the implementation of a CIA may lead to the problems of anti-social behaviour being moved into another area. Steve Lonnia responded that, through partnership working, if that was the case, the issues would be tackled as and when they occurred. He felt that following completion of the Heart of the City 2 development, Carver Street, which was considered to be a hotspot for anti-social behaviour, would be encompassed within the development and the ambience of that area would change.
- 5.6 Steve Lonnia informed Members that, following the consultation, he would bring a report back to the Committee to consider whether the area needed to be reviewed, or to be extended if required. He also stated that he would be having discussions with the Planning Authority relating to the City Centre Masterplan in an attempt to try and match the requirements of both planning and licensed premises, that where residential properties were located, licensed premises were not opened underneath them and also to create "zones" in different areas in the city centre which would separate the two out. Mr. Lonnia added that, although the law states that there must be a review every three years, there was no reason why a review could not be carried out at any time, if required.
- 5.7 **RESOLVED:** That the Committee, after considering all the information contained in the report and the recommendations made, authorises the Chief Licensing Officer to carry out all the necessary work required to undertake a formal consultation and bring a final report back to a future meeting of the Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 October 2018

PRESENT: Councillors Josie Paszek (Chair), Dawn Dale and Joe Otten

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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 licence holder in Case No. 106/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 107/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 108/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
106/18	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) The suspension of the licence be lifted and (b) the licence holder be given a written warning as to his future conduct, to remain live for the term of the licence.

107/18	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, as the Sub-Committee considers that, in the light of the incident now reported, the licence holder is no longer a fit and proper person to hold a licence.
108/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 6 November 2018

PRESENT: Councillors David Barker (Chair), Josie Paszek, Andy Bainbridge, Jack Clarkson, Neale Gibson, Adam Hurst, Douglas Johnson, Mike Levery, George Lindars-Hammond, Joe Otten, Vickie Priestley and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Lisa Banes, Dawn Dale and Mick Rooney.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)

4.1 The Chief Licensing Officer submitted a report informing Members of the results of the consultation process which had recently been undertaken on the Gambling Act 2005 Statement of Principles (Policy), notifying them of the changes to the Statement which were being recommended and seeking approval to the revised Statement, which was attached at Appendix "C" to the report.

4.2 Shimla Finch, Licensing Strategy and Policy Officer gave a brief outline of what the Policy deals with and what it aimed to deliver. She stated that during the consultation period, 10 consultees had responded requesting amendments or proposed additions to the Policy and an overview of these were listed at Appendix "A", which was attached to the report.

4.3 Members of the Committee asked if there had been many changes made to the Policy, to which Shimla Finch responded by saying that amendments made to the Policy was attached at Appendix B of the report, there had been a further minor change which encompassed Ward boundary changes and there would be an update on the plan at paragraph 1.4 of the Policy. She added that the Licensing Service had done as much as possible to ensure that the Licensing Objectives were covered. Following concerns raised by members of the public, it was reported that over the past two years there had been two suicides related to gambling addiction, but it was reported that it was difficult to link any addiction to suicide.

4.4 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made; and
- (b) approves the revised Gambling Act 2005 Statement of Principles (Policy) at Appendix "C" to the report, and refers the matter to Full Council for approval.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 November 2018

PRESENT: Councillors Josie Paszek (Chair), Neale Gibson and Cliff Woodcraft

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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 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 licence holder in Case No. 111/18 was not in attendance.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and the information reported at the meeting, the Sub-Committee agrees that the licence in Case No. 111/18 be immediately suspended under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006, for the period of the current licence, on the grounds that it considers the licence holder to be an immediate danger and ongoing risk to the public.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 13 November 2018

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Joe Otten

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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. 112/18 attended the hearing with two friends, and they all addressed the Sub-Committee.

4.3 The applicant in Case No. 113/18 attended the hearing with a friend, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 114/18 did not attend the hearing, and the Sub-Committee considered the case in his absence.

4.5 The applicant in Case No. 115/18 had withdrawn his application prior to the meeting.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
112/18	Application for a new Private Hire Vehicle Licence	Agree to grant a licence for a period of 12 months on the grounds that the applicant has provided sufficient evidence to

		convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of private hire vehicles.
113/18	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 private hire vehicles.
114/18	Application for the renewal of a Private Hire Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has failed to provide sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of private hire vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 November 2018

PRESENT: Councillors David Barker (Chair), Adam Hurst and George Lindars-Hammond

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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 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 - WATT BAR, CHARLES STREET, SHEFFIELD S1 2NE

4.1 The Chief Licensing Officer submitted a report to consider an application, made under Section 17 of the Licensing Act 2003, for the grant of a premises licence in respect of premises known as Watt Bar, Charles Street, Sheffield S1 2NE (Ref. No. 116/18).

4.2 Present at the meeting were Andrew Grice (Applicant), Patrick Robson (Solicitor for the Applicant), Councillor Ben Miskell (Objector), Councillor Douglas Johnson (Ward Councillor), Sean Gibbons (Environmental Health Officer, Health and Safety Enforcement), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from two members of the public, two Councillors and Environmental Services and were attached at Appendix 'B' to the report. Conditions had been agreed with South Yorkshire Police and the Environmental Protection Service and were attached at Appendix "C" to the report.

4.5 Sean Gibbons stated that he had met and worked with the applicant to resolve outstanding issues. He said that the pinch points had been regarding capacity and he produced a plan showing amendments that had been agreed to allow

better circulation of customers and reduce potential overcrowding.

- 4.6 Councillor Ben Miskell introduced himself as a local resident, objector and adjacent Ward Councillor and stated that he was acting on behalf of a large number of residents. He expressed his disappointment at the lack of consultation between the owner and local residents when proposing to open a late night bar within 50 metres of Butcher Works. Councillor Miskell said that he had moved into the property in 2010, and at the time, Environmental Protection Services had carried out a noise level survey and the result had shown that there was low level ambient noise in the area. He went on to say that many of his neighbours had moved to the area because it was considered to be a relatively quiet part of the city centre and no-one had expected that a late night bar would open close by. He suggested, on behalf of himself and other local residents, that the conditions be changed so that the bar closed at 11.00 p.m. every night. He added that the noise level on the fourth floor, where his apartment was situated, had not been checked and in his experience sound was more audible up there than at street level. Councillor Miskell said that the building was a listed building and as such, residents were unable to install double glazing to their windows to block out noise and there was a need to open the windows for ventilation purposes. He requested that the outdoor seating area be vacated by 10.00 p.m., that patrons be not allowed to queue outside the premises and they be asked to leave quietly. Furthermore, he stated that residents were requesting that SIA registered door staff be employed when necessary and that a dedicated telephone number be made available to residents should the need arise to contact the applicant.
- 4.7 Councillor Douglas Johnson stated that he had attended the meeting as a local Ward Councillor and was speaking on behalf of the residents. He reiterated many of the objections already raised and referred to the fact that additional information had been submitted by the applicant's Solicitor. He felt that it would be inappropriate to continue with the hearing due to the fact that the residents had not seen such information, and added that because the planning application was still ongoing, he did not feel the Sub-Committee were in a position to make a proper decision on this matter and he asked that the hearing be deferred.
- 4.8 In response to questions from Members of the Sub-Committee, Councillor Miskell stated that the last time Hallam University had held a late night event, the noise from the outside area was very loud and that the terracing was much further away from his property. He added that Hallam University only held a limited number of late night occasions during the year, which was acceptable. He said that many of his neighbours got up early each day to go to work and also there were families with young children living there. He added that Butcher Works falls within the Cultural Industries Quarter (CIQ), and whilst he welcomed development within the city centre, he would prefer that the CIQ remained a quiet, tranquil part of it. Councillor Miskell said that he and other residents had a good relationship with other businesses in the area, but reiterated that no contact between the applicant and the residents had been made.
- 4.9 Patrick Robson stated that the premises was a former electricity sub-station and there were two other businesses either side of it. It was proposed that the venue would be a bar/restaurant serving craft ales, locally sourced beers and snack

food. Mr. Robson referred to the fact the Responsible Authorities had not raised any objections to the application and that any conditions put forward had been agreed prior to the hearing. He said that there had been no objections from other residents/businesses in the vicinity and there were a number of ways that patrons could disperse from the premises away from Butcher Works. He added that there were 13 other licensed premises in the area and referred to a summary, contained within the bundle of papers circulated at the meeting, of opening hours of such premises, the majority of which had later opening times than those proposed for the Watt Bar. He stated that neither South Yorkshire Police, nor Environmental Health Service, had requested a reduction in hours but his client would agree to final sales to be at 1.30 a.m. and the premises to be empty by 2.00 a.m. on Fridays and Saturdays. He further stated that the applicant, who was also the Designated Premises Supervisor, would be proactive in dealing with noise control and that door staff would be deployed after midnight, if required, to a ratio of 1 to 75 customers, which was beyond the required industry standard of 1:100, and this would be risk assessed as required. With regard to concerns raised about queuing and people congregating outside the premises, Mr. Robson said that the road was a public highway and there would be very little the applicant could do to prevent this. The capacity of the premises was not very large, approximately 100 people inside, 75 people outside and it was not anticipated that there would be much migration from the city centre. He added that double doors would be installed to deal with noise outbreak when people were entering or leaving the premises. Mr. Robson said that 38 conditions had been put forward and the majority of these had been agreed to, and the new conditions raised at the hearing relating to no new entry after 1.00 a.m.; no music to be played if the doors were wedged open; no consumption of alcohol in the outside area after 11.00 p.m. on Fridays and Saturdays and a telephone number being made available to residents if required, were also agreed.

- 4.10 In response to questions from Members of the Sub-Committee, Mr. Robson stated that if a premise was granted longer opening hours, it did not necessarily follow that these would be used and his client would take a view on that once the bar was open. Andrew Grice outlined his career so far and said that whilst he had no experience at all of working in and/or owning a bar, he had employed a bar manager with 15 years' experience. He hoped that the Watt Bar would become an integral part of the CIQ and a "social hub" for the area and that the residents of Butcher Works and other neighbouring residential properties were his target audience. Mr. Grice said that he was recruiting and robustly training his staff with regard to noise prevention and policies will be put in place to deal with any anti-social behaviour if it should arise. The Challenge 25 scheme will be put in place and notices regarding this will be displayed along with, on a notice board in the entrance, the phone numbers of local taxis and also the phone number of the premises. Mr. Grice said that due to the entrance lobby being glazed, he and his staff would be able to see the outside area and, if deemed necessary on days when Sheffield United are playing at home, will engage SIA staff to monitor the situation. With regard to the noise assessment, Mr. Grice said this had been taken from the roof of the premises through the portals, raised from street level. Air-flow systems would be installed to reduce odour emanating from the kitchen, and fresh air conditioning installed in the customer areas. Finally, Mr. Grice said that although it was located in a student area, it was not intended that the bar

would attract students, as it would not be tailored to their needs, nor would there be a student discount voucher scheme.

- 4.11 Councillor Miskell and Patrick Robson were then given the opportunity to sum up their respective cases.
- 4.12 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 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 application for a premises licence at Watt Bar, Charles Street, Sheffield S1 2NE (Ref No.116/18) be granted, in the terms requested and subject to the conditions agreed by the applicant and the Environmental Protection Service and South Yorkshire Police prior to the hearing, the revised condition agreed during the hearing between the applicant and the Environmental Health Officer, and also subject to the following condition:-

Staff will be trained in noise prevention and records of training kept.

(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 22 November 2018

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

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

2.1 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. Clive Stephenson (Licensing Strategy and Policy Officer) reported that Case No. 119/18 was withdrawn as the matter had been resolved prior to the hearing.

4.2 The licence holder in Case No. 117/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 118/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
117/18	Review of a Hackney Carriage and Private Hire Driver's Licence	Agreed to defer consideration of the review until such date after the licence holder's appeal to the Magistrates' Court.
118/18	Review of a Hackney Carriage and Private	The licence holder be given a final written warning as to his future conduct, to remain

Hire Driver's Licence live for the term of the 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 29 November 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Joe Otten

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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 two cases relating to hackney carriage and private hire licensing. Clive Stephenson (Licensing Strategy and Policy Officer) reported that Case No. 122/18 was withdrawn as the matter had been resolved prior to the hearing.

4.2 The applicant in Case No. 120/18 attended the hearing, and addressed the Sub-Committee.

4.3 The licence holder in Case No. 121/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
120/18	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of two years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
121/18	Review of a	The licence holder be given a written warning

Hackney Carriage
and Private Hire
Driver's Licence

as to his future conduct, to remain live for a
period of three years.



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer and Head of Licensing

Date and Time: Thursday 13th December 2018 at 10am

Subject: The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

Author of Report: Steve Lonnia

Summary: To determine the proposed fees for licence applications under the above new regulations

Recommendations: Members of the Licensing Committee Consider the fees proposed for licence applications under the above regulations

Background Papers: [“The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#)
[Procedural guidance notes for local authorities](#)
[October 2018”](#)

Category of Report: OPEN

**The Animal Welfare (Licensing of Activities Involving Animals) (England)
Regulations 2018 – Proposed Application Fees**

1.0 SUMMARY

1.1 On the 1st October 2018 the Animal Welfare Act 2006 brought the above regulations into force and repealed the previous legislation which imposed licensing or registration requirements in relation to breeding dogs, pet animals, animal boarding establishments, riding establishments and performing animals.

1.2 The regulations provide a single licence for the following activities:

- Selling animals as pets;
- Providing or arranging for the provision of boarding for cats or dogs;
- Hiring out horses;
- Breeding dogs; and
- Keeping or training animals for exhibition.

1.3 Regulation 13 of the Regulations states a local authority may charge such fees as it considers necessary for the anticipated costs of the new regime.

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

- Members are informed of the changes to the legislation and how they will affect operators
- The Licensing Service and the Animal Control Team recover the reasonable costs of the respective service for administering, inspecting and enforcing the terms and conditions of the relevant individual licensing systems; and
- The Council fees and charges are set in accordance with the Councils Fair Charging Principles set out in the Future Shape Policy Handbook; the Provision of Service Regulations 2009; and the regulations associated with the Animal Welfare Act 2006.

2.0 FAIR CHARGING POLICY

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

2.2 Licence fees must also be set in accordance with the relevant individual piece of legislation; The Provision of Services Regulations 2009; and any other associated legislation / regulations.

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

2.4 The fee has been calculated separately to ensure we are only recovering the costs in relation to that individual system.

3.0 LEGISLATION CHANGES

3.1 The Aim of the Legislation

- 3.1.1 The aim of the Animal Welfare Act is to improve the welfare of animals, impose greater responsibility on their carers, and provide greater investigation and entry powers for police and local authority staff to deal with offences.
- 3.1.2 Under section 9 of the Animal Welfare Act 2006, it is the duty of any person responsible for an animal to ensure that its welfare needs are met. This includes:
- The need for a suitable environment (how it is housed)
 - The need for a suitable diet (what it eats and drinks)
 - The need to exhibit normal behaviour patterns
 - Any need to be housed with or apart from other animals, and
 - The need to be protected from pain, suffering, injury and disease.
- 3.1.3 The legislation is raising the standards of those carrying on licensable activities giving the public more information in order to make an informed decision about the businesses they are using.

3.2 Who and What to Licence

3.2.1 “Licensable activity” now covers 5 activities:

1. Selling animals as pets
2. Providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs)
3. Hiring out horses
4. Dog breeding
5. Keeping or training animals for exhibition.

3.2.2 Each activity has its own set of guidance notes and conditions published by the Department for Environment Food & Rural Affairs (DEFRA).

3.2.3 The guidance notes detail the criteria “in scope” and subject to licensing and “out of scope” and not subject to licensing.

3.2.4 The local authority must make sure “the operator” either:

- i. Does not need a licence due to not meeting the requirements in the Regulations;
- ii. Holds a licence in accordance with the Regulations; or
- iii. Appropriate enforcement action is taken on unlicensed activity.

3.2.5 The licence holder must not be disqualified from holding an animal related licence.

3.2.6 Responsibility for ensuring the correct licence has been obtained and is kept up to date falls to the licence holder or prospective licence holder.

3.3 How Long Licences Last

3.3.1 For the activity of “Keeping or Training Animals for Exhibition”, all licences are for three years on the basis that these activities have hitherto been subject to a simple registration system. There is no risk assessment applied to such activities.

- 3.3.2 For all other activities, if a new applicant (someone who has no compliance history with a local authority or UKAS) is successful, they will automatically be considered as high risk due to a lack of history.
- 3.3.3 Such operators will have the length of their licence determined by their risk rating (automatically high risk) and whether the operator is already meeting the specified higher standards of animal welfare rather than the minimum required by the licence conditions.
- 3.3.4 If an existing operator is applying for the renewal of a licence, then the length of time the licence is granted for will be determined by their risk rating and the licence length can be up to three years. Those with longer licences will receive fewer inspections because inspections tend to be on renewal, and therefore they will pay less for inspection fees as a result.
- 3.3.5 The risk model that must be used in determining the length of licence to award is set out in the “Procedural Guidance Notes for Local Authorities” and will be adhered to by both the Licensing Service and the Animal Control Team.

3.4 Transitional Provisions

- 3.4.1 Any unexpired licences granted under the previous legislation will continue in force for the rest of their terms under the relevant Act.
- 3.4.2 Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which these Regulations come into force. These Regulations came into force on 1 October 2018 so this registration will expire on 1 April 2019.
- 3.4.3 The majority of current licence holders have expiry dates of 31st December 2018 under the old regime. In order to ensure the business can continue trading after this date in line with the new legislation, we have arranged for applicants to submit their new applications *without a fee*.
- 3.4.4 This allows the Animal Control Team to go out and inspect the premises and, once the fee is determined and paid, the premises will be rated and the licence will be granted.

4.0 PROPOSED FEES

- 4.1 Regulation 13 of the Regulations sets out that a local authority may charge fees for:
- (a) The costs of consideration of an application, including any inspection relating to that consideration;
 - (b) The reasonable anticipated costs of consideration of a licence holder’s compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
 - (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
 - (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

4.2 The following is being proposed and will be a standard fee for all activities:

	Application Fee		Grant Fee		Total fee
	Animal Control Team Portion	Licensing Team Portion	Animal Control Team Portion	Licensing Team Portion	465.70
All activities	£155.08	£39	£232.62	£39	

4.3 The fee has been proposed in collaboration with our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the legislation and carrying out the inspection of the premises and business operation to ensure compliance with the legislation and conditions.

4.4 A sliding fee scale dependent on the size of the operator was considered but, from experience of inspecting premises under the previous regime, it has been found that the time spent is not substantially different between operators of different sizes.

4.5 The new legislation allows licences to be granted for up to a three-year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years.

4.6 If the application does not meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence under the previous regime.

4.6 The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.

6.0 CONSULTATION

6.1 All current licensees have been contacted in writing about the legislation changes and the proposed new fee – see Appendix 'A'.

6.2 Any individuals/businesses making enquiries about becoming licensed have also been sent the consultation letter.

6.3 Five responses to the consultation have been received and are attached to the report at Appendix 'B'.

6.4 Members will note from the responses that the consultation raised a number of queries. The responses to the queries are attached to the relevant comment at Appendix 'B'.

7.0 PROPOSED TIMEFRAME

7.1 The determined fee will cover all applications under the new legislation that came into force on 1st October 2018.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The decision to accept applications and inspect premises prior to a fee being determined poses a risk that a business may not wish to carry on with their application once the fee is set.
- 8.2 Any loss will be in officer time rather than to the Animal Control Team budget. Those that do withdraw applications will be invoiced with the time it took to carry out the inspection.

9.0 RECOMMENDATIONS

- 9.1 That Members of the Licensing Committee consider all the information provided in the report and the comments submitted during the consultation.

10.0 OPTIONS OPEN TO THE COMMITTEE

- 10.1 To note the changes in legislation; and
- 10.2 a) To approve the fees as proposed and authorise the Chief Licensing Officer and Head of Licensing to impose the fees as detailed in this report and the relevant attachments;
b) To defer the decision to determine the fees for further consideration and work to be undertaken before being presented back to the Licensing Committee; or
c) To determine (refuse) the fees and instruct the Chief Licensing Officer and Head of Licensing as members decide at this meeting.

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

«M_1st_Licensee»

«Society_or_Firm»

«address1»

«address2»

«address3»

Dear sir/madam

Changes to Animal Licensing

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 came into force on 1st October 2018 and will affect your current «Type» licence.

When your current licence expires on «Expires», new regulations will replace the law under which your current licence was issued and the conditions attached to it.

New Application Fee Consultation

New fees must be determined to cover the changes in the legislation.

This letter is to consult you on the fees we are proposing.

The local authority may charge fees for:

- (a) The costs of consideration of an application, including any inspection relating to that consideration;
- (b) The reasonable anticipated costs of consideration of a licence holder's compliance with the Regulations and the licence conditions to which a licence holder is subject. This includes the costs of any further inspections related to compliance;
- (c) The reasonable anticipated costs of enforcement in relation to any licensable activity of an unlicensed operator; and
- (d) The reasonable anticipated costs of the local authority compiling and submitting the data required by regulation 29 to the Secretary of State.

	Application Fee		Grant Fee		Total fee
	Animal Control Team Portion	Licensing Team Portion	Animal Control Team Portion	Licensing Team Portion	
All activities	£155.08	£39	£232.62	£39	465.70

The application fee covers the receipt and administration of the initial application form, the inspection of the relevant premises and the production of an inspection report.

If the licence is deemed granted, it may last one, two or three years. The licence length is determined by the businesses ability to meet the welfare standards and the likelihood of

maintaining compliance into the future of the licence as set out in the attached information "Determining the length of a licence".

Therefore, those with longer licences will receive fewer inspections and will pay less for inspection fees.

The fee will be determined at a hearing of the Licensing Committee on 13th December 2018.

We would welcome your comments – please email them to us at:

licensing@sheffield.gov.uk

or write to us at:

Licensing Services, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD.

What you need to do about your new licence

I am aware your renewal is coming up and you are eager to make your application to ensure there are no delays. We are working hard to ensure this does not disrupt your business and you are advised to do the following:

1. Read the new regulations and guidance

You are strongly advised to carefully read the relevant new regulations and guidance in order to understand how they affect your business and what changes you may have to make to comply with the new regulations and statutory conditions.

Regulations and guidance can be found on our webpages at www.sheffield.gov.uk/licensing.

2. If your current licence expires on 31st December 2018, complete and submit the new application (enclosed)

I have enclosed an application form for you to be completing.

Please submit your application by 30th November 2018 *without the fee*.

Once a completed application has been received, we will arrange a visit to your premises to conduct an inspection.

The fee will be payable once it is determined by Licensing Committee.

Once your inspection is complete and the fee is received, your licence will be issued.

If your licence expires after the 31st December 2018, your licence remains in force and we will write to you when your licence is due.

Further information can be found at our website www.sheffield.gov.uk/licensing - click on Animal Welfare Licences.

Yours faithfully



Claire Bower
Licensing Strategy and Policy Officer

Determining the length of a licence

***Note: this guidance does not apply to “keeping or training animals for exhibition” where all licences are issued for 3 years.**

Local authorities must use a risk-based system to determine the length of the licence and the star rating to award.

The purpose is to ensure consistency in implementation and operation of the licensing system and to ensure consumers can be confident that the star rating applied to a business is an accurate reflection of both their risk level and the animal welfare standards that they adopt.

From the findings of the inspection, businesses must be given a star rating ranging from 1 to 5 stars.

In order to arrive at a star rating, the following questions will be addressed:

- (a) Does the business meet the minimum standards?
- (b) Does the business meet the higher standards?
- (c) Is the business low or higher risk?

The following scoring matrix will be used in all cases*:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

For further, detailed information on how star ratings are determined, please see the “Procedural guidance notes for local authorities” published by DEFRA.

Bower Claire

From: Bower Claire on behalf of licensingservice
Sent: 19 November 2018 11:31
To: [REDACTED]
Subject: RE: Dog license payment

Good morning [REDACTED]

Thank you for your email.

I will submit your comments to our Licensing Committee in order to assist their decision making on 13th December.

You are welcome to attend the hearing, it begins at 10am and will be held in the Town Hall. The reception will be able to tell you which room on the day.

In reference to your question regarding a payment scheme, this is something that I would consider once the Committee has made it's decision.

Best wishes

Claire

Claire Bower

Licensing Strategy & Policy Officer

Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk
Telephone: 0114 2734264
Web: www.sheffield.gov.uk/licensing
Reception: Monday to Friday, 10am until 4pm

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From: [REDACTED]
Sent: 19 November 2018 10:00
To: licensingservice
Subject: Dog license payment

Dear Claire

I have recently received a document outlining the new conditions regarding dog licensing fees. I am a home boarder who due to having my own dog will only board one dog at a time (will very rarely take two under special circumstances). So understandably my income from dog boarding which tends to be during the summer months, is not a massive amount. I was very upset to see I might have to pay £465 in December. Money which I do not have. I budget for a £200 yearly fee and do not have the resources to pay £465 just before Christmas. Is

there some kind of payment scheme in place for boarders like my self who may have to stop boarding if they are unable to pay the required amount as a one off payment

Kind regards [REDACTED]

From: Bower Claire on behalf of licensingservice
Sent: 27 November 2018 09:37
To: [REDACTED]
Subject: RE: Public liability insurance

Good Morning [REDACTED]

I confirm your suggestion is acceptable and the arrangement of insurance would be a condition of your licence.

I'd like to say that your suggestions are assisting me greatly in this process; it is important I understand how individuals businesses work in order to make this regime work for both the purpose of the animal welfare legislation and to enable existing, good operators to continue working and giving animal owners in Sheffield a trusted place to leave their pets when they are away from home.

If you have any further suggestions, please feel free to email and I will consider them.

Thank you very much

Claire

From: [REDACTED]
Sent: 26 November 2018 08:28
To: licensingservice
Subject: Public liability insurance

Dear Claire

After reading the new Dog licensing regulations I am now aware that to be granted a license I must have liability insurance and that if I do not score the higher standard laid down in the guidance I could have to pay the full amount of £465 each year. As a home boarder who generally only takes one dog at a time I feel I must try hard to reach the higher standard as it would be impossible to pay the required amount each year.

I do not have public liability insurance and am willing to get it. However do not want to take it out until I know whether I have been successful in reaching the higher standard (if I fail I will have to stop boarding as I do not earn enough to be able to pay this amount yearly). Will it be acceptable to arrange for the insurance to start immediately after the decision has been make. Or will this go against me.

Regards [REDACTED]

From: Bower Claire on behalf of licensingservice
Sent: 28 November 2018 15:10
To: [Redacted]
Cc: Bell Shaun
Subject: RE: New Application fee consultation - [Redacted]

Tracking:	Recipient	Delivery	Read
	[Redacted]		
	Bell Shaun	Delivered: 28/11/2018 15:10	Read: 28/11/2018 15:11

Good afternoon [Redacted]

Thank you for submitting your comments to the application fee consultation.

I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.

Best wishes

Claire

Claire Bower
Licensing Strategy & Policy Officer
Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk
Telephone: 0114 2734264
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-----Original Message-----

From: [Redacted]
Sent: 17 November 2018 17:50
To: licensingservice
Cc: Bell Shaun
Subject: New Application fee consultation - [Redacted]

FAO Clair Bower

I have today received a letter from Clair Bower regarding the 150% increase in licensing fees due to the new regulations from DEFRA

Our small businesses are rebelling against the very stupid rules DEFRA imposed and have been challenging them for months with a lot of head way made on our behalf - we had a face to face meeting with them last week and a lot of their regulations have been back tracked on - I copied Shaun into the changes DEFRA have already agreed

Sheffield City Council do not have a license for my business! They have a license for Kennels which they impose on my home boarding business - why I have no idea - try reading it - each kennel this each kennel that - I don't have kennels ! I look after dogs in a home environment and jump through hoops to meet your Kennel license!

Is it just laziness on your behalf that you cannot write a license for a home boarding environment - how long would it actually take - I've spent days writing procedures for meeting the DEFRA guidelines - policies, procedures, enrichment in the home, exercise regime, daily monitoring the welfare, child risk assessment, fire evacuation plan, preventative health care plan, risk assessment and that's just so far

We have raised with DEFRA the huge increases in fees local authorities have jumped on to inspect re the new DEFRA guidelines - some increases of 500% and it is somewhat laughable that a zoo license would be cheaper!

To tell me in your letter I as a licensed home boarder have to fund the costs of the council enforcing unlicensed activity has incensed me!

Fine the unlicensed don't punish me because you are incapable of finding them! I gave Shaun details of an unlicensed boarder last year - heard nothing back - she is still boarding dogs overnight and for the day

I will be taking this issue up with DEFRA and my MP and the secretary for the environment - who ever that is now the Tory party is in disarray

You addressed my letter to [REDACTED]

My business name has not been [REDACTED] for 2 years I have informed Shaun I am [REDACTED] at least have the curtesy of getting my business name right - my title is [REDACTED]

Kind regards
[REDACTED]

From: [REDACTED]
Sent: 28 November 2018 16:13
To: Bower Claire
Cc: [REDACTED]
Subject: Re: FW: Query re Changes to Animal Licensing

Good afternoon Claire,

Many thanks for your response, much appreciated. Please do call me ASAP. My detailed rebuttal of the official Council's response in your email may be found further down, but in the short term I have the following practical questions:

1) Under the new scheme does a licence term start on the day the license is issued or on 1st January of a calendar year? I.e. if a licence is granted on 30th December for '1 year', does it run out 1 day or 365 days later?

2) As I understand it, you have to meet at least one of the two optional requirements specified (as well as all the mandatory ones) to meet the top standard (and get a 5 year license). [REDACTED] has a fully enclosed garden bounded on either side by a single boundary fence to adjacent houses' gardens. At the far end, it is bounded by a single fence and a single locked gate to the exit. At the near end, it is bounded by the house from which it is accessed via a lockable kitchen door. [REDACTED] cannot alter any of this. Does he 'pass or 'fail; the optional condition "Any outside space will have two secure physical barriers between any dog and any entrance/exit?"

3) As I understand it, you are asking applications to be submitted this week without any guarantee as to what the fee will be (it's only at consultation stage). No doubt, at the point of submission, there will be a requirement to pay or at least a statement to the effect that you commit to pay. Would you commit to pay for a service the cost (and duration) of which you didn't know? Can [REDACTED] put in a submission, have a licence visit and then opt not to pay if he disagrees with the final charges (and consequently accepting he will not then get his license)?

Why the pricing structure is fundamentally flawed

a) I simply do not believe it costs over £450 to process an application for a small home premise like [REDACTED]. I produce cost estimates all the time for my job so know how to estimate the daily costs of employment of staff. Even on very generous estimates (salary of £30K p.a., 50% additional employer 'on' costs {e.g. for National Insurance, pension contributions, other benefits and Council overheads} and assuming only 200 productive days a year over which to recover these costs) you get a required cost recovery figure of £225 per day of effort. So what you are saying is that it takes over 2 full person days to process an application in an example like [REDACTED]. I don't think so!!! If the Council employee earns less than £30K p.a. (which they almost certainly do), your argument is even less convincing. If it genuinely costs that much to process an application for someone like [REDACTED] then you should seriously reconsider your sourcing strategy for this service as you are NOT getting good Value For Money! Moreover, are you really telling me that costs of processing applications have doubled since last year (you have effectively doubled your income take for each application compared to last year - the fact that a licence may last longer is irrelevant). Either the time to process an application has genuinely doubled (not credible), your operational costs have doubled (sack the Director) or the Council is profiteering!

b) You should ANYWAY be reducing barriers to small businesses. So regardless of point a), there is a strong moral and business case for introducing a tiered system of charges. It wouldn't be difficult to administer and it would produce as much income if properly structured. Thus you simply define 'small', 'medium' and 'large' businesses based on the maximum number of dogs that the licensee can board and then you produce three sets of rates: a lower set for the small business, the proposed rates (say) for the medium business, and higher rates for the larger business.

c) I can't attend the meeting (I'd like to) but please confirm that these points will be made and that I will receive feedback. If I could see the department's costs and a breakdown of the business licensed last year by the max dog limit they were licensed for, I could readily construct a simple 3-tier charging structure that would deliver the same revenue as your proposed scheme and be fairer.

d) In essence my beef with the proposed scheme is that it is flawed in the same way the Poll Tax was flawed, in that everyone pays the same irrespective of circumstances. This is simply wrong and must run counter to your (no doubt) espoused Council goals to reduce the number of people on benefits and promote enterprise.

Please do call me ASAP. I urgently need answers to the first 3 questions at least in order to accurately advise [REDACTED] how to proceed NOW.

Kind Regards,
[REDACTED]

On Wed, 28 Nov 2018 at 14:46, Bower Claire <Claire.Bower@sheffield.gov.uk> wrote:

Good afternoon [REDACTED]

First and foremost, apologies for the delay in responding to you. This change in legislation has increased my workload significantly and I, in error, thought I had sent the response below but have actually just found it in my draft emails.

I know you have been trying to contact me by telephone and it is difficult to catch me as I am in and out at meetings. Have a read through this response and if you still would like to discuss it with me, please let me know and I will give you a call.

I appreciate you taking your time to submit comments and it is helpful to hear how individual businesses are set up. Your comments will be placed before our Licensing Committee on 13th December for their consideration and you are welcome to attend that meeting.

To answer the specific points you raise in your email, the proposed fee scheme does not subsidise any business over another. The fee has been proposed by our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the

legislation and inspecting a premises to ensure compliance with the legislation and conditions. We have found that the time spent is not substantially different between operators of different sizes.

The new legislation allows licences to be granted for up to a three year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years. Again, if the application doesn't meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence.

The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.

I understand the initial outlay may be restrictive to smaller businesses and I am currently investigating whether a payment scheme can be introduced on a case by case basis.

The Committee meeting will be held on 13th December 2018, and as mentioned previously, you are welcome to attend the hearing. It begins at 10am and will be held in the Town Hall. The reception will be able to tell you which room on the day.

Best wishes

Claire

Claire Bower
Licensing Strategy & Policy Officer

Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

Email: licensing@sheffield.gov.uk

Telephone: 0114 2734264

Web: www.sheffield.gov.uk/licensing

Reception: Monday to Friday, 10am until 4pm

From: [REDACTED]
Sent: 19 November 2018 14:51
To: Bower Claire
Cc: [REDACTED]
Subject: Query re Changes to Animal Licensing

Good afternoon Claire,

I spoke to one of your colleagues earlier in the licensing department who recommended I contact you as I understand this is your area of expertise.

I'd be very grateful if you could call me to discuss the impact of these changes on my son's small business and what can be done to alleviate this. My son suffers from social anxiety and other issues which mean he is currently almost entirely reliant on benefits (ESA and HB). His passion is dogs and so he decided earlier this year to work to reduce (and hopefully eventually eliminate) his reliance on benefits by developing a small dog walking and dog boarding business. He is extremely knowledgeable about dogs and their needs and cares for them as if they were his own children!

However, he finds officialdom via any channel (face-to-face, telephone, email) a source of anxiety and he struggles to manage things like form-filling etc (he struggled throughout school). With considerable help from myself (including paying the licencing fee on his behalf), he was guided through the process of applying for a dog boarding licence in early summer and became a licensee. His business is however on a very small scale (I think his total takings from dog boarding since we paid his last license fee has been around £500). Also his house is small and so his licence limits him to boarding a maximum of 4 dogs at any one time (including his own).

In order to succeed, my son needs time to grow things bit by bit, by adding perhaps a handful of customers each year. You can imagine therefore his anxiety on learning:

a) first that the licence is tied to the calendar year and therefore up for renewal again already

b) likely to cost more than double what it had previously this time around.

He is now saying things like "what's the point" and "they're making it too expensive and difficult"! I cannot believe it is the intention of Local Government or Central Government to create an environment which increases the difficulty for vulnerable people like my son to become independent. It is surely in no-one's interests for him to stay on benefits indefinitely and we should collectively be doing all we can to support enterprising initiatives like his.

I do plan to contribute to the proposed fee consultation exercise. I assume from the proposed fee structure that the only design considerations were:

- 1) Meeting the new legislation by rewarding good practice and reducing risk (which is fine)
- 2) Charging everyone the same flat rates.

The problem with the 2nd point is that whilst it may be simpler for the Council to administer, it takes no account of the scale of the business being licensed. My son will pay exactly the same (all other things being equal) for his 4-dog boarding licence as a business that is licensed to board 40 dogs, or 400, or 4,000. The processing of my son's application and a single licensing visit to his house is self-evidently much more straightforward than than would be the case for a significant dog boarding business. It plainly won't cost the Council anything like £465 to administer the license in my son's case, whereas it may cost more than £465 for a large dog boarding business. Simply put, the proposed charging structure is manifestly unfair in exactly the same way the poll tax was. Why should my son's small start-up business have to subsidise large, well-established businesses??

Please can you call at your earliest convenience to discuss.

Yours sincerely,

[REDACTED]

[REDACTED]

From: Bower Claire
Sent: 28 November 2018 15:16
To: [REDACTED]
Subject: RE: animal licensing new application fee consultation

Good afternoon [REDACTED]

Thank you for submitting your comments to the application fee consultation.

I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.

In response to your question regarding paying in instalments, this will be considered and I appreciate you making the suggestion. It is important I understand how individuals businesses work in order to make this regime work for both the purpose of the animal welfare legislation and to enable existing, good operators to continue working and giving animal owners in Sheffield a trusted place to leave their pets when they are away from home.

If you have any further suggestions, please feel free to email them and I will consider them.

Thank you very much

Claire

Claire Bower

Licensing Strategy & Policy Officer
Licensing Service, Business Strategy & Regulation, Block C, Staniforth Road Depot, Sheffield, S9 3HD

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From: [REDACTED]
Sent: 23 November 2018 15:00
To: licensing@sheffield.gov.uk
Subject: animal licensing new application fee consultation

Thank you for the recent information on the above and the opportunity to comment.

I appreciate the proposal to tie the licensing period to the level of risk as this creates an incentive for establishments to improve their performance and also reflects on the work required to supervise and inspect. However for establishments such as ours home boarding a maximum of 4 dogs £465.70 is a large sum to pay out in one go. Can you say when payment is likely to be due and is it perhaps possible for small businesses such as ours if rated 4 or 5 star to pay in instalments if required?

From: [REDACTED]
Sent: 28 November 2018 17:18
To: Bower Claire
Subject: Re: Dog boarders license

Follow Up Flag: Follow up
Flag Status: Completed

Hi Claire,

Thank you for your reply.

I have projected earnings of £840 per year ie £20 per night for 6 weeks per year maximum so this means I easily fall outside the thresh hold.

I have found it useful reading guidance and things to consider. Wendy did say initially I could only have a year license, as I had no past experience so it's a bit chunk!

If my plans change I will contact the council again.

Thank you

Best wishes

[REDACTED]
> On 28 Nov 2018, at 3:30 pm, Bower Claire <Claire.Bower@sheffield.gov.uk> wrote:

- >
- > Good afternoon [REDACTED]
- >
- > Thank you for submitting your comments to the application fee consultation.
- >
- > I will submit your comments to our Licensing Committee. You are welcome to attend the hearing, it begins at 10am on Thursday 13th December 2018 and will be held in the Town Hall. The reception staff will be able to tell you which room on the day.
- >
- > I understand your comments and appreciate the suggestion of a graduated fee scale, this was something that we considered, however, the fee has been proposed by our colleagues in the Animal Control Team and reflects the actual estimated time spent examining the documents specified in the legislation and inspecting a premises to ensure compliance with the legislation and conditions. We have found that the time spent is not substantially different between operators of different sizes.
- >
- > The new legislation allows licences to be granted for up to a three year period, provided the higher standard is reached, therefore meaning only one application is required every three years and the fee payable would be for the period of three years. Again, if the application doesn't meet the higher standard and is granted for two years, this will still be less than applying for a yearly licence.
- >
- > The legislation's aim is to improve standards in animal welfare and the proposed fee offers an incentive to applicants to achieve the highest standard to benefit from the longest licence duration.
- >
- > I understand the initial outlay may be restrictive to smaller businesses and I am currently investigating whether a payment scheme can be introduced on a case by case basis.
- >

> Additionally, I have attached the DEFRA guidance notes for conditions for providing home boarding for dogs. Page 6 refers to the "out of scope criteria" and it may be that, because you are doing it for such a short period, you may fall under the threshold.

>

> Thank you again for taking the time to contact us. If you would like to add anything else, please feel free to contact me again.

>

> Best wishes

>

> Claire

>

> Claire Bower
> Licensing Strategy & Policy Officer
> Licensing Service, Business Strategy & Regulation, Block C, Staniforth
> Road Depot, Sheffield, S9 3HD

>

> Email: licensing@sheffield.gov.uk
> Telephone: 0114 2734264
> Web: www.sheffield.gov.uk/licensing
> Reception: Monday to Friday, 10am until 4pm

>

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> -----Original Message-----

> From: [REDACTED]
> Sent: 26 November 2018 18:00
> To: licensing@sheffield.gov.uk
> Subject: Dog boarders license

>

> Dear all,

> I wish to submit my comments on proposed dog boarding license fee.

> I recently thought I would like to board dogs ie one or maximum 2, I have one pet dog.

> I was going to do it for 4 to 6 weeks of the year only.

> It seems unfair that somebody like myself would have to pay the same fee as someone who has 6 dogs for a large part of the year.

> Paying the potential £465 fee would mean it would not be worth doing any boarding.

> Would it be possible to introduce some sort of graduated scale for fees??

> I look forward to hearing from you.

>

> Best wishes

> [REDACTED]

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