

Licensing Committee

Thursday 27 June 2019 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 Andy Bainbridge (Chair), Karen McGowan (Chair), Michelle Cook, Dawn Dale, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, 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

27 JUNE 2019

Order of Business

1. Welcome and Housekeeping Arrangements

2. Apologies for Absence

3. Exclusion of Public and Press

To identify items where resolutions may be moved to exclude the press and public

4. Declarations of Interest

Members to declare any interests they have in the business to be considered at the meeting

5. Minutes of Previous Meetings

To approve the minutes of meetings of (a) this Committee held on 13th December, 2018 and (b) the Sub-Committee held on 11th and 20th December, 2018 and 8th, 15th, 17th, 29th and 31st January, 5th, 7th, 26th and 28th February, 7th, 12th, 14th, 19th, 21st and 28th March, 4th, 9th, 16th, 18th and 25th April, 9th, 15th, 16th, 21st, 23rd and 28th May and 6th and 11th June, 2019

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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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Agenda Item 5

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 13 December 2018

PRESENT: Councillors David Barker (Chair), Andy Bainbridge, Lisa Banes, Neale Gibson, Adam Hurst, Douglas Johnson, Mike Levery and Mick Rooney

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Jack Clarkson, Dawn Dale, Josie Paszek and Cliff Woodcraft.

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 9th, 16th, 18th, 23rd, 25th and 30th October and 6th, 8th, 13th, 20th, 22nd and 29th November, 2018, were approved as correct records.

5. THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

- 5.1 The Chief Licensing Officer submitted a report informing Members of the proposed application fees for the single licence in relation to breeding dogs, pet animals, animal boarding establishments, riding establishments and performing animals under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

- 5.2 Present for this item were Claire Bower (Licensing Strategy and Policy Officer) and Mark Parry (Enforcement Team Manager), one interested party, Marie-Claire Frankie (Solicitor to the Committee) and Jennie Skiba (Democratic Services).

- 5.3 Claire Bower, outlined the legislation changes which came into force on the 1st October, 2018 and the aim of the legislation. She stated that the purpose of the Animal Welfare Act was 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; to raise the standards of those carrying out licensable activities and giving the public more information to enable them to make an informed decision about the businesses they wish to use.

She further stated that the selling of animals as pets; providing or arranging for the provision of boarding for cats or dogs; hiring out of horses; breeding dogs; and the keeping or training of animals for exhibition, were all licensable activities and as such are governed by guidance notes and conditions published by the Department for Environment, Food and Rural Affairs. Every applicant must look at the guidance and decide whether or not they need to hold a licence. Claire Bower outlined the transitional arrangements and proposed fees and stated that many of the current licences expire on 31st December, 2018 and to ensure that businesses can continue trading after this date, the application fees will be waived. As part of the consultation process, all applicants have been written to, explaining the new legislation and if no response is received from the applicants, the Animal Control Team will inspect the business.

- 5.4 In response to questions from Members of the Committee, Mark Parry stated that larger businesses, i.e. Pets at Home, by their nature required less time to regulate than smaller ones. At present, the Animal Control Team are concentrating on current businesses to help them through the transition period, rather than new applications. He explained the scoring matrix used to determine the length of the licence and the star rating awarded. He added that new businesses would initially get either a two or three star rating to begin with as they would have already met certain standards and then it is up to them to improve and attain four or five star ratings. Claire Bower stated that, at the end of October, 2019, the new system will be reviewed and, if necessary, any adjustments to the fees charged, will be made. She explained that there was to be a £1,000 threshold in place, whereby if a business does not earn £1,000 per annum, then that business would be deemed to be "out of scope" as detailed in the guidance and therefore not subject to licensing. The full amount of the fees payable would be paid to the Licensing Service who would then split the fee between themselves and the Animal Control Service. Ms. Bower said that there would be plenty of publicity about the changes and emphasised that this was Government guidance, not Council policy. She added that some of the queries received so far following the consultation, had been unbelievable as there was a genuine misunderstanding of what the guidance covers, but at the same time, extremely helpful in understanding how individual businesses operate, to make the regime work for everyone concerned.
- 5.5 A member of the public addressed the Committee, and stated that she had been a dog boarder for the past two years, that she had adapted her home and garden to accommodate dogs staying at her home and felt that the new guidance would be totally unfair to small businesses like hers. She questioned why she would be charged the same licence fee as large establishments and was informed by Mark Parry that the fee was to recover officer time inspecting establishments, however, operators with longer licences determined by their risk rating would receive fewer inspections, as inspections tended to be on renewal, in the term long they would pay less fees. The resident also stated that the fee was a large amount to find just before Christmas and was informed by Claire Bower that in appreciation that the initial outlay might be restrictive for small businesses like hers, but the Licensing Service was investigating whether a payment scheme could be introduced on a case by case basis to assist with this.
- 5.6 RESOLVED: That the public and press and attendees involved in the meeting be

Meeting of the Licensing Committee 13.12.2018

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

- 5.7 Members raised a number of comments with regard to the report now submitted and the representations now made, and Marie-Claire Frankie provided legal advice on various aspects of the licensing regulations and proposed fees.
- 5.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That the Committee approves the fees as proposed and authorises the Chief Licensing Officer and Head of Licensing to impose the fees as detailed in the report and the relevant attachments.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 December 2018

PRESENT: Councillors Josie Paszek (Chair), Vickie Priestley and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Lisa Banes.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

- 4.2 The applicant in Case No. 123/18 attended the hearing with a representative, and they both addressed the Sub-Committee.

- 4.3 The applicant in Case No. 124/18 attended the hearing with a friend, 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>
123/18	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of 12 months on the basis that, despite the number of offences and convictions reported, the Sub-Committee considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the period of that licence.

Meeting of the Licensing Sub-Committee 11.12.2018

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| 124/18 | Application for a
Hackney Carriage and
Private Hire Driver's
Licence | (a) Grant a licence for the term requested
on the grounds that the Sub-Committee
considers the applicant to be a fit and
proper person to hold a licence and (b) the
applicant be given a written warning as to
his future conduct, to remain live for a
period of 12 months. |
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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 December 2018

PRESENT: Councillors Josie Paszek (Chair), George Lindars-Hammond and Joe Otten

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Mick Rooney 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 and Strategy Policy Officer) reported that Case No. 126/18 was withdrawn as the matter had been resolved prior to the hearing.
- 4.2 The licence holder in Case No. 104/18 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated at, the meeting, the Sub-Committee determines that the licence in Case No. 104/18 be revoked under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 January 2019

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Mike Levery

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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. 117/18 attended the hearing with a representative, and requested that consideration of the case be deferred pending an appeal to the Magistrates' Court.

- 4.3 The licence holder in Case No. 01/19 did not attend the hearing and, as he had provided no reason for his absence, the case was considered in his absence.

- 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 hearing, 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	Agree to defer consideration of the case pending the licence holder's appeal to the Magistrates' Court.
01/19	Review of a	Revoke the licence under Section 61 of the

Meeting of the Licensing Sub-Committee 8.01.2019

Hackney Carriage and Private Hire Driver's Licence Local Government (Miscellaneous Provisions) Act 1976 on the grounds that the Sub-Committee considers that the licence holder is no longer a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 January 2019

PRESENT: Councillors Josie Paszek (Chair), Jack Clarkson and Dawn Dale

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing. Clive Stephenson (Licensing Strategy and Policy Officer) stated that the licence holder in Case No. 02/19 had not been able to attend the hearing as a result of the venue being incorrectly stated on his invitation letter.

- 4.2 The applicant in Case No. 03/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

- 4.3 The applicant in Case No. 04/19 attended the hearing with a friend, and they both addressed the Sub-Committee.

- 4.4 The licence holder in Case No. 05/19 did not attend the hearing and, as no notification had been received by the Licensing Service, the case was considered in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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02/19	Review of a Hackney	In the light of the circumstances, the Chief
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	Carriage and Private Hire Driver's Licence	Licensing Officer be requested to offer the licence holder an alternative date for a hearing at the earliest possible opportunity.
03/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested, subject to the applicant passing the advanced driving test, the knowledge test and the medical examination, to satisfy the Sub-Committee that he is a fit and proper person to hold a licence.
04/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term requested on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
05/19	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, on the grounds that the Sub-Committee considers the licence holder to be an immediate and ongoing risk to the public, and (b) arrangements be made for a hearing to be arranged at the earliest possible opportunity to enable the licence holder to attend and present his case in person.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 January 2019

PRESENT: Councillors Josie Paszek (Chair), Mike Levery and George Lindars-Hammond

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4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of two cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 06/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No. 02/19 attended the hearing with a representative and the manager of the taxi company he was employed by, and they all 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>
06/19	Renewal of a Private Hire Vehicle Licence	Grant a licence up to 28 th July 2019, given the exceptional circumstances in the case.
02/19	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a final written warning with regard to his future conduct, to remain on his licence for the remainder of the current term, and a further one year and seven months, making a total of two years.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 January 2019

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

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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. 05/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No. 117/18 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.4 The licence holder in Case No. 08/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers and the information reported, and circulated at, the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
05/19	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 remaining term of the licence and for the term of the next licence applied for.

Meeting of the Licensing Sub-Committee 29.01.2019

117/18	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, on the grounds that the Sub-Committee considers the licence holder to be an immediate and ongoing risk to the public.
08/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 31 January 2019

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

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor George Lindars-Hammond attended 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 a case relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 09/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 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.09/19 be refused on the grounds that the vehicle is fitted with windows that do not meet the criteria for light transmission into the vehicle required by the Private Hire Vehicle policy and the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the policy.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 February 2019

PRESENT: Councillors David Barker (Chair), Adam Hurst and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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 - DEAD DONKEY BAR, 240 ABBEYDALE ROAD,
SHEFFIELD S7 1FL**

- 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 Dead Donkey Bar, 240 Abbeydale Road, Sheffield S7 1FL (Ref No.10/19).

- 4.2 Present at the meeting were Douglas Daly and Edward Daly (Applicants), Patrick Robson (Solicitor for the Applicants), Dr. Matthew Bishop, Merisa Thompson, Christopher Taberner, Annette Taberner, Ms. K. Devlin, Ms. R. Hubbard, Peter Garbutt (representing Councillor Alison Teal)(local residents), Jayne Gough (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 Jayne Gough presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from six members of the public, and were attached at Appendix 'B' to the report.

- 4.5 The objectors collectively believed that the application should have been stopped at the planning stage and that change of use status from Class A1 to Class A4 should not have been granted. They were unhappy at the information they had been given by planning officers and believe that their objections had been totally disregarded. Councillor David Barker, Chair of the Sub-Committee, informed the objectors that planning law and licensing law were entirely different and that this Sub-Committee could only hear their objections with regard to the four licensing

objectives.

- 4.6 The objectors stated that historically many businesses have occupied the premises but none have ever been licensed. One objector said that his master bedroom was adjacent to the premises and, at present, after 8.30 p.m., the area was very quiet and peaceful, but he was concerned that if a drinking establishment was to open close to his home, his sleep would be disturbed into the early hours of the morning. The objectors added that the area was mainly residential; many of the homes being occupied by families and felt there would be safeguarding issues by allowing young children to be subjected to seeing people drinking alcohol through the proposed very large glass windows. Parking problems, which already existed in the area, would be further exacerbated as the majority of the businesses in the area close by 7.00 p.m., and residents felt that maybe a permit parking scheme might become operational. It was also stated that there have been regular infestations of rats and flies in the vicinity caused by food waste and also incidents of fly tipping, and to add further drainage into the main sewer could make matters worse. The area has been subjected to anti-social behaviour, particularly in the alleyway to the rear of the shops, where gangs have gathered to take or deal drugs. Following police advice, a CCTV system was installed, but it was smashed within a week of its installation. The objectors referred to a sign that had been erected saying "No Loitering" but felt that the change of use would encourage people to loiter.
- 4.7 An objector stated that he had carried out a survey along St. Ronans Road, and 18 out of the 30 residents he had spoken to had stated that they were unaware of the proposed bar and had raised concerns, stating that parking was already an issue, that overflow from Abbeydale Road already caused problems; that St. Ronans Road was a narrow road and that people would have to step into the road if customers of the bar were stood outside; noise emanating from the premises would be a problem, particularly late at night; a church was on the opposite side of the junction and again there would be problems with people attending funeral services, mass, and community activities at the adjacent church hall.
- 4.8 Patrick Robson introduced the applicants, stating that one was Assistant Manager and the other one was a Duty Manager at the nearby Broadfield public house and, as such, work and live in the area. He stated that it was not the intention that the premises would become a destination venue for those travelling either to or from the city centre; the aim was to attract 20 to 30 year old young professionals to enjoy craft ales, cocktails or spirits. He added that the serving of food would end at 9.00 p.m. Mr. Robson further stated that no objections had been received from Responsible Authorities, and that they had no problem with the change of use. He referred to the pack of papers circulated with the agenda, which showed satellite photographs of the area, highlighting licensed premises and gave a summary of trading hours of those premises, adding that the hours shown were permitted hours and that they don't always trade to permitted hours, often closing earlier. Mr. Robson then addressed the concerns of the objectors. He said that should there be a problem with the drains, this would also be a problem for the applicants to deal with; with regard to the large windows, it was felt that this would be easier for staff to monitor the outside area, which could potentially deter any anti-social behaviour; the emergency exit door would never be propped open; and

as with people smoking outside La Mamas next door, the applicants had little control over the area. The applicants were willing to work with the local residents and had displayed the appropriate notices regarding the application.

- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, and from the objectors, it was stated that it would be down to members of staff to manage the number of smokers outside the premises and notices would be displayed asking people to be mindful of local residents. A telephone number could be provided for residents to ring should there be cause to complain and if the phone wasn't answered, the resident should then complain to the Council. The applicants stated that they could see why the objections had been received but were happy to communicate with the local community and deal with any issues that they had, and added that they had no desire to make the area worse, but they have already spent a substantial amount of money on the project, so were committed to the business. The applicants intend to run the business responsibly and the target market was people living within the local area. With regard to food waste, the applicants have a contractor lined up to take away food waste in bins provided by them, which are to be kept in a bin store to the rear of the premises. There is to be a glass recycling bin behind the bar, which will then be emptied during the day into the bin store. Customers will not be permitted to take their drinks outside when they smoke, which will hopefully reduce the amount of time that people are outside for. Finally, there are no plans to extend the premises, as it faces out onto the public highway.
- 4.10 Patrick Robson summarised the case on behalf of the applicants.
- 4.11 Jayne Gough outlined the options open to the Sub-Committee.
- 4.12 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.14 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.15 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as Dead Donkey Bar, 240 Abbeydale Road, Sheffield S7 1FL (Ref. No. 10/19), subject to:
- (a) all doors to be closed, save for access and egress, after 21:00 hours daily; and
 - (b) the hours on Fridays and Saturdays for the sale of alcohol and late night refreshment to be available until 23:30 hours instead of midnight.

Meeting of the Licensing Sub-Committee 5.02.2019

(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 7 February 2019

PRESENT: Councillors David Barker (Chair), Joe Otten and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

- 4.2 The licence holder in Case No. 11/19 attended the hearing and addressed the Sub-Committee.

- 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.11/19 be immediately revoked 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.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 February 2019

PRESENT: Councillors Josie Paszek (Chair), Andy Bainbridge and Jack Clarkson

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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 two cases relating to hackney carriage and private hire licensing.

- 4.2 The applicant in Case No. 13/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

- 4.3 The licence holder in Case No. 14/19 attended the hearing, and addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
13/19	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term of two years, as requested, on the grounds that the Sub-Committee now considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.

Meeting of the Licensing Sub-Committee 26.02.2019

14/19 Review of a Hackney Carriage and Private Hire Driver's Licence The licence holder be given a final written warning as to his future conduct, to remain live for the term of his current licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 February 2019

PRESENT: Councillors Josie Paszek (Chair), Adam Hurst and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Lisa Banes.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 15/19 attended the hearing with his sister, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 16/19 did not attend the hearing and, as no notification had been received by the Licensing Service, the case was considered in his absence.
- 4.4 The applicant in Case No. 17/19 attended the hearing with a work colleague, and they both addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated at, the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
15/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 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.

Meeting of the Licensing Sub-Committee 28.02.2019

16/19	Application for an extension of a Private Hire Vehicle Licence	Refuse to extend the licence on the grounds that the Sub-Committee does not consider there to be any exceptional circumstances in the case to warrant the extension.
17/19	Application to be exempted from certain conditions of a Private Hire Vehicle Licence	Due to the bespoke nature of the business, the applicant be exempted from those conditions requiring taxi stickers and a taxi plate to be displayed on the vehicle, and the applicant be allowed tinted windows darker than the existing 60% ingress, with the exemptions only applying to the vehicle (a) when a job booking begins or ends outside the controlled district of Sheffield, or to a job booking within the controlled district of Sheffield where the period of hire is no less than 60 minutes and (b) for jobs taken by the applicant's operator and driven by the applicant.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 March 2019

PRESENT: Councillors David Barker (Chair), Mike Levery and Joe Otten

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - SCHOOLS (ICE CREAM) STREET TRADING CONSENT - BIRLEY PRIMARY ACADEMY, THORNBRIDGE AVENUE

- 4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the variation of a Schools (Ice Cream) Street Trading Consent to trade at Birley Primary School, Thornbridge Avenue, Sheffield, S12 3AB (Ref. No.12/19).

- 4.2 Present at the meeting were Paul Grayson (Applicant), Councillor Neale Gibson (on behalf of the Applicant), Councillor Denise Fox (on behalf of the Objector), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

- 4.4 Jayne Gough presented the report to the Sub-Committee and indicated that the application had been referred to the Sub-Committee on the grounds that the trading hours being applied for were outside the current street trading policy. It was noted that the application had been circulated to the Responsible Authorities and no objections had been received. However, a series of complaints had been received from a local resident since May 2018, copies of which had been included in the agenda circulated prior to the meeting. Ms. Gough confirmed that the complaints had been fully investigated by Enforcement Officers and no breaches of the licence had been found.

- 4.5 Paul Grayson stated that the reason he had applied for the variation to his Street Trading Consent was due to the fact that the end of school time had changed from

3.00 p.m. to 2.45 p.m. and he would lose business through customers having to wait for an extra 15 minutes. He said that the queues outside his van are always lengthy, he is very popular with the parents and children, had received no complaints about himself or the products he sells, nor has the Headteacher at Birley School raised any objections to him parking outside the school. Councillor Neale Gibson stated that Mr. Grayson had received a substantial amount of harassment from the complainant, who has been asked to stop using social media to make her complaints.

- 4.6 In response to questions from Members of the Sub-Committee, Paul Grayson stated that he had been selling ice cream for around 27 years, at various different locations, across the City, and had experienced very few problems. He explained that although he made his application to vary the licence in September, 2018, it had been necessary to postpone the application due to the engine needing replacing twice, after the first replacement engine had failed.
- 4.7 Jayne Gough outlined the options open to the Sub-Committee.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the application to vary the Schools (Ice Cream) Street Trading Consent at the times requested, to trade at Birley Primary School, Thornbridge Avenue, Sheffield, S12 3AB (Ref. No.12/19), be granted.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 March 2019

PRESENT: Councillors Josie Paszek (Chair), Dawn Dale and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 18/19 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 19/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 20/19 attended the hearing with two representatives, and they all addressed the Sub-Committee.

4.5 The applicant in Case No. 21/19 attended the hearing with two representatives, and they all addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
18/19	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of one year as requested, but in the light of the offences and convictions now

		reported, the licence holder be given a written warning as to his future conduct to remain live for the term of the licence.
19/19	Application for an extension of a Private Hire Vehicle Licence	Agree to renew the licence for a period of one year on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles.
20/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the case until after legal proceedings have been concluded.
21/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 March 2019

PRESENT: Councillors Josie Paszek (Chair), Vickie Priestley and Mick Rooney

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Andy Bainbridge.

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - COCOON, 2 HOLLAND STREET, SHEFFIELD, S1 4LN

- 4.1 The Chief Licensing Officer submitted a report to consider an application by South Yorkshire Police, under Section 53A of the Licensing Act 2003, for the summary review of the premises known as Cocoon, 2 Holland Street, Sheffield, S1 4LN (Ref No. 22/19).

- 4.2 Present at the meeting were Tan Tanvir (Designated Premises Supervisor) and Jessica Stewart (Manager), representing the premises; Emily Price (Solicitor), Ian Armitage (Licensing Officer) and John O'Malley (Licensing Manager), representing South Yorkshire Police; Magdalena Boo (Sheffield Public Health), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Legal Adviser 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 Jane Gough presented the report to the Sub-Committee, referring specifically to the application made by South Yorkshire Police for a summary review of the premises licence, which had been considered at an informal meeting held on 18th February 2019, and to the informal meeting held on 22nd February 2019, to consider representations made by the Designated Premises Supervisor against the interim steps imposed by the Sub-Committee on 18th February 2019. It was also noted that representations had been received from Sheffield Public Health, and were attached at Appendix 'E' to the report.

- 4.5 Emily Price, on behalf of South Yorkshire Police, stated that since the informal meeting held on 18th February 2019, at which the premises licence was suspended, the premises' management had worked very closely with the police, both in terms of physical and operational changes to the premises, in order to address the issues raised. Ms Price referred to the list of conditions suggested by the police, which were set out in the report, indicating that if implemented, and adhered to, the police would have no further objections to the lifting of the suspension. Ian Armitage confirmed that the police had discussed the suggested conditions with Mr Tanwir, in depth, and had made it very clear to him what was expected.
- 4.6 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie explained that the suggested measures had not been in place when the premises first opened on the basis that there had been no requirement for them, and, in many cases, such as this, premises had to be reactive, following incidents such as those that had occurred at this premises. It was understood that the majority of the physical works required had nearly been completed, specifically the upgrading of the CCTV system, and which was due to be inspected by the police later this day. It was added that the police considered all the suggested conditions to be proportionate, and had been imposed on a number of licensed premises in the City Centre. The police believed that the suggested conditions would drive away the gang members or people involved in organised crime, away from the premises.
- 4.7 Magdalena Boo stated that the representations from Public Health had been made simply on the basis of promoting public safety within the City. She stated that Public Health had reviewed a number of industry-based practices, which had resulted in a number of suggested security measures, which were detailed in the report. Ms Boo accepted that Public Health did not have sufficient knowledge of the licensing trade, particularly with regard to the operation of a bar/nightclub, therefore was not able to confirm whether the measures suggested would be feasible from an operational point of view. She added that some of the measures would be subject to negotiation between the premises management and the police and the Local Authority. In response to a question, Ms Boo stated that Public Health's suggestion about using breathalysers was simply one measure which it believed would help reduce alcohol-related harm. She accepted that it may not be practical, or operationally enforceable, and would be up to the police and the Local Authority as to whether they deemed this a serious issue.
- 4.8 Mr Tanwir stated that he did not believe it would be practical to breathalyse everyone entering the premises, and that the security staff would monitor the condition of customers when entering, and refuse anyone who were too drunk. He added the premises rarely encountered any serious problems in this regard. Written records would be maintained in respect of all staff training, with all staff being provided with a copy of the training procedures. All staff were aware of the procedures when the premises opened and closed. On the basis that the premises only opened up to two times a week, there were rarely any problems in terms of a manager not being present due to sickness. There were three managers at the premises – Tan Tanwir, Mohammed Janghir and Jessica Stewart. Reference was made to the premises' policies, several of which had been reviewed and updated.

- 4.9 Tan Tanvir put the case on behalf of the premises, indicating that he had been involved in the licensed trade for around 30 years, and that this was the first time that he had encountered any serious problems with any of his premises. He stressed that he did not want anyone involved in crime attending the premises, to safeguard both his customers and the wider reputation of the premises. Jessica Stewart confirmed that most of the conditions suggested by the police either were, or were in the process of being put, in place. She circulated details of the knife arch/scanner which had been installed at the premises, which represented a high-specification security measure. She added that considerable work had been undertaken in terms of updating the premises' policies and procedures, the premises were now recruiting SIA-accredited security staff from a new company, and had agreed to a 100% search policy on all customers and bags and ID scanner use on all but private bookings where the public had no access.
- 4.10 In response to questions from Members of the Sub-Committee, it was stated that the management would ensure that all staff were clear as regards their roles and responsibilities, particularly during any incidents at the premises. With regard to the external smoking area, concerns about which had been raised at the previous, informal review meetings, it was reported that the scanner had been placed in such a position that anyone going to the external area would have to return back through the scanner to regain access to the premises. It was the premises' policy that all staff should co-operate with the police and responsible authorities, if and when required to do so. The new security team would be meeting with the police shortly to discuss their responsibilities. As part of the upgrade to the CCTV system, a high-definition camera would be positioned at the entrance to the premises, ensuring that images would be recorded of anyone entering the premises. In addition to customers having to pass through the knife arch/scanner, which would pick up any metal objects on their person, security staff would also undertake bag searches and pat searches. In terms of the premises' dress code, customers were not allowed any sportswear, including hoodies, and notices were displayed to this effect. The police were due to visit the premises following this meeting, to carry out an inspection of the CCTV system. Due to the level of engagement between the premises and the police's CCTV Inspector, it was not envisaged that there would be an issue with the system not being up to standard. In terms of the ID scanner at the entrance to the premises, the police required that images be kept for 31 days, similar to the CCTV images. The ID the premises would accept included a passport, driving licence and any other form set out on the Government's approved list.
- 4.11 All parties present summarised their cases, and as part of Tan Tanvir's summary, a couple of further issues were raised, relating to the requirement for 100% ID checks and the issue of glass bottles of champagne in the VIP area of the premises. Mr Tanvir requested that the premises should have discretion in terms of the ID checks with groups of customers, who are obviously over 25, and do not present as being problematic customers. He stated that, on occasions, such groups had tried to gain entry to the club, with some members of the groups not having the required ID, resulting in the whole group moving on elsewhere, and not returning, thereby having an adverse effect on his business. Ian Armitage referred to the Action Plan, agreed and signed by Mr Tanvir and the police, on 19th

December 2018, which required the use of an approved ID scanner for all events, including corporate bookings. The second issue was raised by Ian Armitage, and referred to the requirement for drinks in glass bottles to be decanted into polycarbonate drinking vessels – another issue which had been set out in the Action Plan. Mr Armitage referred specifically to the use of glass champagne bottles in the VIP area of the premises, indicating that as long as these tables were monitored by security staff, when champagne was being served, the police would have no objection to this.

- 4.12 Jayne Gough presented the options available to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and attendees involved in the review 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 review 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 information now circulated and the representations now made, the Sub-Committee agrees to:-
 - (a) lift the interim steps imposed at its informal meeting held on 18th February 2019, in respect of the premises known as Cocoon, 2 Holland Street, Sheffield, S1 4LN (Ref No. 22/19); and
 - (b) modify the conditions of the premises licence by:-
 - (i) the replacement of Annex 2, Condition 12, with the following:-

A colour CCTV system to the specification and satisfaction of South Yorkshire Police will be fitted, maintained and in use at all times the premises are open. CCTV images will be stored for 31 days. Police will be given access to, and copies of, images for purposes in connection with the prevention of crime and disorder. CCTV footage shall be downloaded and made available to South Yorkshire Police and authorised officers of the Council on request. Members of the management team will be trained in the use of the system
 - (ii) the replacement of Annex 2, Condition 17, with the following:-
 - (A) All glass bottles to be decanted into polycarbonate drinking vessels, save for one glass bottle per table in the VIP area. The VIP area is to be monitored by a member of staff at all times;

and

- (B) Polycarbonate drinking vessels are to be used at the premises, save for patrons seated in the VIP area; and
- (iii) the addition of the following conditions:-
 - (A) A knife arch is to be used at all times the premises is open, including private bookings. All customers entering and re-entering the premises must walk through it;
 - (B) All customers and bags will be searched;
 - (C) An ID scanner will be used at all times that the premises are open to the public. Images to be kept for 31 days, and shall be downloaded and made available to South Yorkshire Police and authorised officers of the Council on request;
 - (D) Policies must be in place for entry procedures, search procedures and drugs and toilet inspections;
 - (E) A refusal and incident log will be kept at the premises. Such log will record incidents of staff refusals of alcohol sales and any incidents which occur throughout the premises. A refusals log shall be kept for a minimum of six months, and will be made available immediately upon a reasonable request from South Yorkshire Police and any responsible authority;
 - (F) An SIA accredited security firm are to be used at all times the premises is open. South Yorkshire Police are to be notified of the firm used, and be informed of any changes;
 - (G) A booking form must be used for all private functions. The form must detail customers' name, address and date of birth, and ID must be seen and recorded. When a booking is made, the policies for entry, searches and ID scanning must be shared;
 - (H) A copy of the South Yorkshire Police Violent Incident Protocol is to be kept in the office and entrance kiosk; and
 - (I) All staff are to be trained on all policies, procedures and protocols in place at the premises. Staff will also be fully trained in all aspects of the licensing law, and relevant training on the current legislation, systems and procedures surrounding alcohol sales shall be provided to all staff in commencement of employment. Refresher training shall be provided at regular intervals, and signed records shall be kept for two years. Records shall be available for inspection, upon request, by South Yorkshire Police or an authorised officer of a responsible authority.

Meeting of the Licensing Sub-Committee 14.03.2019

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 March 2019

PRESENT: Councillors David Barker (Chair), Douglas Johnson and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Lisa Banes.

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 - 705 ABBEYDALE ROAD, SHEFFIELD S7 3BE

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 premises licence at 705 Abbeydale Road, Sheffield S7 3BE (Ref No. 23/19).

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

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

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that a petition, containing 53 signatures, had been received and was attached at Appendix "C" to the report.

4.5 The applicant and the objectors, who had been invited, did not attend the hearing, although the applicant had informed the Licensing Service before the meeting of his intention not to attend. The Sub-Committee therefore agreed to consider the application in their absence.

4.6 Clive Stephenson reported on the options open to the Sub-Committee.

4.7 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information

Meeting of the Licensing Sub-Committee 19.03.2019

as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.8 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.10 RESOLVED: That, in the light of the information contained in the report now submitted, the application for a premises licence in respect of 705 Abbeydale Road, Sheffield S7 2BE (Ref No.23/19), be granted with the amended operating schedule as agreed with the statutory authorities during the consultation period.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 March 2019

PRESENT: Councillors Josie Paszek (Chair), Jack Clarkson and Mick Rooney

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.
- 4.2 The licence holder in Case No. 24/19 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No. 25/19 attended the hearing and addressed the Sub-Committee.
- 4.4 The applicant in Case No. 26/19 attended the hearing and addressed the Sub-Committee.
- 4.5 The applicant in Case No. 27/19 attended the hearing and addressed the Sub-Committee.
- 4.6 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
24/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action in this case due to the representation made, but the licence holder be given an informal warning as to his

		future conduct.
25/19	Application for an extension of a Private Hire Vehicle Licence	Refuse to extend the licence on the grounds that the Sub-Committee does not consider there to be any exceptional circumstances in the case to deviate from the current policy relating to the age limit of vehicles.
26/19	Application for an extension of a Private Hire Vehicle Licence	Agree to extend the licence for a period of one year on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy relating to the age limit of vehicles, but the vehicle be required to undergo two additional emission tests during that period.
27/19	Application for an extension of a Private Hire Vehicle Licence	(a) Refuse to extend the licence on the grounds that the vehicle is fitted with windows that do not meet the criteria for light transmission into the vehicle as required by the Private Hire Vehicle policy and the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the policy and (b) the Sub-Committee informed the applicant that the two rear door windows and the rear window needed to be changed, but the quarter lights could remain the same.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 March 2019

PRESENT: Councillors Josie Paszek (Chair), George Lindars-Hammond and Joe Otten

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 28/19 attended the hearing and addressed the Sub-Committee. The applicant was accompanied by Councillor Mazher Iqbal in a personal capacity.

4.3 The applicant in Case No. 29/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 30/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
28/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for a shorter term of six months, in the light of the offences and convictions now reported and the applicant be given a written warning, indicating that

		if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
29/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of three years as requested, but in the light of the offence now reported, the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.
30/19	Application for a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the term of one year, as requested, but in the light of the offences and convictions now reported, the applicant be given a written warning as to his future conduct, to remain live for the term of the licence and (b) the applicant be required to complete the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver'.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 April 2019

PRESENT: Councillors David Barker (Chair), Andy Bainbridge and Mick Rooney

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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. 31/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 32/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.4 The licence holder in Case No. 33/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
31/19	Review of a Hackney Carriage and Private Hire Driver's Licence	(a) the licence holder be issued with a written warning with regard to his future conduct, with such warning to remain live for the term of his current licence and (b) the vehicle be required to be taken to the Licensing Service Test

		Centre for two additional Compliance Tests to be carried out during the year.
32/19	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of three years as applied for, subject to satisfactory medical status, but in the light of the offences and conviction now reported, the applicant be given a written warning as to his future conduct, to remain live for the full term of his licence.
33/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 April 2019

PRESENT: Councillors Josie Paszek (Chair), Dawn Dale and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 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. 34/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The owner of the vehicle in question attended the hearing on behalf of the applicant, and addressed the Sub-Committee (Case No. 35/19).
- 4.4 The applicant in Case No. 36/19 attended the hearing, and addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
34/19	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.
35/19	Application for the	Refuse to extend the term of the licence on

	extension of a Private Hire Vehicle Licence	the grounds that there were no exceptional circumstances.
36/19	Application to be exempted from certain conditions of a Private Hire Vehicle Licence	Due to the bespoke nature of the business, the applicant be exempted from those conditions requiring taxi stickers and a taxi plate to be displayed on the vehicle, and the applicant be allowed tinted rear windows darker than the existing 60% ingress, with the exemptions only applying to the vehicle (a) when a job booking begins or ends outside the controlled district of Sheffield, or to a job booking within the controlled district of Sheffield where the period of hire is no less than 120 minutes and (b) for jobs taken by the applicant's operator and driven by the applicant.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 April 2019

PRESENT: Councillors David Barker (Chair), Mike Levery and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - DIXON LANE, SHEFFIELD CITY CENTRE

- 4.1 RESOLVED: That, in the light of the non-attendance of the applicant, who had made an application for the grant of a Static Street Trading Consent to trade at Dixon Lane, Sheffield City Centre (Case No.37/19), the Sub-Committee agreed to defer consideration of the application, to allow the applicant a further opportunity to attend and present his case.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - STATIC STREET TRADING CONSENT - TUDOR SQUARE, SHEFFIELD CITY CENTRE

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Tudor Square, Sheffield City Centre (Case No.38/19).

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

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

- 5.4 Clive Stephenson presented the report, and it was noted that representations had

been received from the City Centre Management Team, and were attached at Appendix "B" to the report.

- 5.5 In terms of the representations, the City Centre Management Team was requesting that, given that a number of events were held on Tudor Square, if consent was granted, a condition be attached to the consent to the effect that the applicant would not be able to trade anywhere on Tudor Square during the World Snooker Championships and that, when other events were being held, such as Doc.Fest and Out of this World, the applicant should use the existing pitch, by the brick planter at the Norfolk Street end of Tudor Square.
- 5.6 Daniel Teng stated that he accepted the comments made by the City Centre Management Team, and that would be happy to either trade at an alternative site, or move to a different position on Tudor Square, depending on the nature of the events to be held there. He added that his preferred location would be at the Surrey Street end of Tudor Square, as he wanted to target students walking to and from Hallam University, as well as people walking to and from the railway station.
- 5.7 In response to questions from Members of the Sub-Committee and Clive Stephenson, Mr. Teng stated that he was aware of the requirements, in the Council's policy, with regard to the appearance of the food trailer, and that, although he had not purchased a food trailer yet, he would be happy to discuss details, such as colour and signage, with the Authority. Mr. Teng indicated that he would be using his own vehicle to transport the trailer to and from the trading site, and that it was a new business venture for him. In terms of the power supply to the trailer, Mr. Teng confirmed that he was planning to use a small generator for the fridge, the location of which he had not yet decided, and that he would be using small gas canisters to power the cooker, which would be contained within the trailer.
- 5.8 Clive Stephenson presented the options available to the Sub-Committee.
- 5.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.10 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That, following consideration of the information contained in the report now submitted, together with the representations now made, the application for the grant of a Static Street Trading Consent at Tudor Square, Sheffield City Centre (Case No.38/19) be granted, as applied for, subject to the applicant liaising

Meeting of the Licensing Sub-Committee 16.04.2019

with the City Centre Management Team with regard to finding an alternative trading site, either elsewhere on Tudor Square, or elsewhere in the City Centre, depending on the nature of the events being held in the Square.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 April 2019

PRESENT: Councillors David Barker (Chair), Lisa Banes and Douglas Johnson

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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. Clive Stephenson (Licensing and Strategy Policy Officer) reported that Case No.40/19 was withdrawn as the matter had been resolved prior to the hearing.
- 4.2 The licence holder in Case No.39/19 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No.41/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
39/19	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, in the light of the offences and convictions now reported, the Sub-Committee no longer considers the

Meeting of the Licensing Sub-Committee 18.04.2019

		licence holder to be a fit and proper person to hold a licence.
41/19	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant the licence for the term of three years as applied for.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 April 2019

PRESENT: Councillors Josie Paszek (Chair), Vickie Priestley and Mick Rooney

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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 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 - BROCCO ON THE PARK, 92 BROCCO BANK, SHEFFIELD, S11 8RS

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a premises licence, made under Section 34 of the Licensing Act 2003, regarding Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS (Ref No. 42/19).
- 4.2 Present at the meeting were Tiina Carr (Applicant), Michelle Hazelwood (John Gaunt and Partners, Solicitors, for the Applicant), Dr David Black (Objector), Scott Royal (supporting the application), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 4.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that four representations had been received from members of the public, three objecting to the application and one in support. All four members of the public who had submitted representations had been invited to the meeting, and two attended the hearing, and addressed the Sub-Committee.
- 4.5 Dr David Black, who was attending in his own capacity, as well as on behalf of the two other members of the public who had submitted written objections to the application, stated that he lived very close to the premises, and considered the application to increase the hours regarding the sale of alcohol to be a significant change, and one which could have a detrimental effect on himself and other

neighbours living within the immediate vicinity of the premises. Dr Black stressed that he has never made any complaints, or raised any concerns, regarding the operation of the premises, but considered that the extension to the licensing hours would result in an increase in noise, both in terms of customers leaving the venue, and cars driving away, late at night. He stated that there were several families, some with young children, living in the surrounding area, who would be affected by the potential increase in noise. Dr Black made reference to recent advertisements he had seen, where the venue proposed to hold wedding functions for up to 60 people, and expressed concerns regarding the potential increase in noise and anti-social behaviour from customers leaving later at night. He raised concerns with regard to the proposed sale of alcohol on the terrace area, specifically if the premises were sold on.

- 4.6 In response to questions raised by Members of, and the Legal Advisor to, the Sub-Committee, an explanation was provided as to the precise location of the premises, and Dr Black produced photographs, which mainly showed its location in relation to where he lived. Jayne Gough confirmed that a notice regarding the application had been placed outside the premises, as well as in the local press, for a period of 28 days. Dr Black stated that children would be detrimentally affected by the increase in licensing hours in that they would be affected by the likely increase in late-night noise, as well as being more exposed to customers drinking, and possibly being drunk in the external areas. He confirmed that he was not aware that the premises had applied for a number of Temporary Event Notices (TENs), in connection with increased hours regarding alcohol sales at various events held there, and that he had not noticed any particular issues relating to these events, such as increases in noise levels. Michelle Hazelwood confirmed that since December 2016, the premises had operated 21 days using TENs, with the opening hours being extended to 00:30 hours.
- 4.7 Scott Royal, who stressed that he had no connection to the applicant, stated that he had visited the premises, on occasions, and had always had a positive experience. Mr Royal stated that he lived close to the premises, with his wife and four children, having lived in the area for a number of years. He made reference to the diversity of offer in terms of bars, restaurants, shops and recreational areas. He considered that the premises were a huge benefit for the area, providing an exceptional and unique offer in terms of a hotel and restaurant facility. Mr Royal made reference to how well the premises were managed, and stated that, in his opinion, the application to extend the licensing hours would not have a detrimental effect on the surrounding neighbourhood. He made reference to the fact that people presently drank alcohol in Endcliffe Park, which did not create any noise nuisance for residents living nearby.
- 4.8 In response to a question raised by Dr David Black, Mr Royal confirmed the precise location of where he lived, in comparison to the premises.
- 4.9 Michelle Hazelwood, on behalf of the applicant, stated that the applicant had taken over the premises in 2015, which comprised a small, boutique-style hotel, spending a considerable amount of money building up the business. The premises had won a number of accolades, both locally and nationally. There were only eight rooms, which had an occupancy rate of approximately 80%. The applicant accepted that

there were issues regarding car parking, particularly given the location of the premises, and for this reason, the applicant had an arrangement with the church, situated a little further up Brocco Bank, whereby hotel residents were allowed to park in the church grounds. Ms Hazelwood made reference to the numerous other licensed premises in the area, therefore residents living in the area should be used to a certain level of noise generated by such premises. The application represented only a modest increase in hours in terms of licensable activities (23:00 hours Monday to Thursday and 00:00 hours Friday and Saturday), with the main reason for the increase being that the premises was building a reputation for boutique-style weddings and other events, and wished to afford customers more time. The capacity at such events was 60, with dining space for 54, and there was a strong possibility that up to 18 of these customers would be residents there, and stopping overnight, meaning that there would be a further reduction in dispersal traffic. The applicant had applied for a number of Temporary Event Notices (TENs), for wedding parties and other events, and there had been no objections from any of the responsible authorities to these applications, or any concerns raised by them, or any complaints raised by local residents. It was also pointed out that none of the responsible authorities had made representations with regard to this application. Ms Hazelwood also pointed out that Dr Black had not been aware that the applicant had applied for the TENs, and had not noticed any problems with any of the events. It was not the applicant's intention to create a pub-style operation, and she certainly didn't want any of her residents disturbed by any noise downstairs. It was also stressed that the later hours at the weekends would only be used for special events, which would not be every weekend.

- 4.10 With regard to the other elements of the application, Ms Hazelwood stated that the hotel guests regularly asked for bottles of wine, or other alcohol, to take out on picnics, or for presents for special events, therefore, the applicant would like to be able to offer ready-made picnic hampers and gift hampers for this purpose. Such sales were anticipated to be limited, and would be wholly ancillary to the current operation of the premises. The other element of the application included a request to license a small external area for the sale of alcohol at special events. As well as this being an additional attraction for guests, it would also make it easier for them, as it would save them from walking back through the dining area inside the premises to get to the bar. In the light of potential concerns regarding this, the applicant was happy to offer a condition in that sales from this area would not be made after 21:00 hours, and that the number of times such a facility would be used should be limited to 50 times a year. In terms of the concerns raised with regard to dispersal noise, Ms Hazelwood stated that there were several other licensed premises within the surrounding area, so any such noise could not be solely apportioned to the premises. Ms Hazelwood referred to a layout plan, highlighting the three points of entry to the premises, indicating that the side door on to Rossington Road was only used by disabled guests, therefore any noise breakout from this entrance, would be minimal.
- 4.11 Tiina Carr stated that there were very few other places in Sheffield which offered this unique boutique-style operation and that, given the recent increase in demand for wedding parties and other events, she had considered it necessary to apply for the extension in hours. As well as there being a limit as to the number of TENs she could apply for, she wanted to afford her guests more time to have a drink,

particularly at special events. The premises were very well run, with the primary concern being the comfort and wellbeing of the residents, therefore it was very important that they had a good night's sleep. Ms Carr stated that since she took over the premises in 2015, there had been very few, if any, complaints from, or issues with, local residents. She stressed that there was no intent, as part of the application, to change the nature of the operation, and highlighted the fact that there had been no issues in terms of the events held using the TENs.

- 4.12 In response to questions from Members of the Sub-Committee and Dr Black, it was confirmed that there were five car parking spaces within the grounds of the premises, and a further four spaces for use by hotel residents in the church grounds nearby. It was not envisaged that there would be too many problems in terms of car parking, as many guests, particularly those attending special events, were expected to travel by taxi or minibus. The applicant would try and discourage guests parking on nearby Rossington Road. The premises management would be expected to keep a record of the number of times the external bar area was used, and in addition to this, there was an expectation that Licensing Enforcement Officers would monitor this, and expect to see records. Hunters Bar Primary School was located approximately 200 metres away, on Sharrow Vale Road, and it was not envisaged that the application would have any adverse effects on pupils attending the School. The external terrace area was not visible from the road as it was screened by shrubbery and trees. There were some tables and chairs outside the premises, visible from Brocco Bank, which had been placed there in an attempt to attract custom, although they were not used very often.
- 4.13 Scott Royal summarised his case.
- 4.14 Dr David Black summarised his case.
- 4.15 Michelle Hazelwood summarised the case on behalf of the applicant.
- 4.16 Jayne Gough reported on the options open to the Sub-Committee.
- 4.17 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.
- 4.18 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.20 RESOLVED: That the Sub-Committee agrees to grant a variation to the premises licence in respect of Brocco on the Park, 92 Brocco Bank, Sheffield, S11 8RS (Ref No. 42/19), in the terms requested, and in accordance with the operating schedule, subject to the addition of the following condition:-

Meeting of the Licensing Sub-Committee 25.04.2019

'The external terrace shall not be used after 21:00 hours, and on no more than 50 occasions a year'.

(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 9 May 2019

PRESENT: Councillors Josie Paszek (Chair), Jack Clarkson 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.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 44/19 did not attend the hearing and, as no notification had been received by the Licensing Service, the case was considered in his absence.
- 4.3 The applicant in Case No. 45/19 attended the hearing with a representative and two other people speaking in favour of the application, and they all addressed the Sub-Committee.
- 4.4 The applicant in Case No. 46/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
44/19	Application for an extension of a Private Hire Vehicle	Refuse to extend the licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that

	Licence	
45/19	Application for a Hackney Carriage and Private Hire Driver's Licence	there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
46/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence. (a) Grant a licence for the term of one year, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence and (b) the applicant be given a written warning as to his future conduct, to remain live for the term of the licence.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 15 May 2019

PRESENT: Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Michelle Cook, Dawn Dale, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Mick Rooney and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. APPOINTMENT OF CO-CHAIRS

2.1 RESOLVED: That Councillors Andy Bainbridge and Karen McGowan be appointed Co-Chairs of the Committee for the Municipal Year 2019/20.

3. DATES AND TIMES OF MEETINGS

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 May 2019

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

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1. APPOINTMENT OF CHAIR

1.1 It was agreed that Councillor Josie Paszek be appointed Chair of this meeting.

2. APOLOGIES FOR ABSENCE

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

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. LICENSING ACT 2003 - LANGLANDS GARDEN CENTRE, WEST LANE, SHEFFIELD, S6 6SN

5.1 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 premises at Langlands Garden Centre, West Lane, Sheffield S6 6SN (Ref.47/19).

5.2 Present at the meeting were Rachel Shaw (Applicant), Sean Gibbons (Environmental Health Officer), Elaine Cresswell (observing on behalf of the Health Protection Service), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

5.4 Jayne Gough presented the report to the Sub-Committee, and it was noted that an objection had been received from a member of the public and was attached at Appendix "B" to the report. An objection had also been received from the Health Protection Service, but this had been withdrawn, following the agreement of conditions with the applicant.

5.5 Ms. Gough reported that the objector had contacted the Licensing Service stating

that he would be out of the country for a period of one month and asking that the hearing be deferred. The Sub-Committee considered the written information that had been provided by the objector and decided that it was sufficient to proceed with the hearing in his absence.

- 5.6 Sean Gibbons circulated an amended plan and outlined the differences to Members stating that the doors leading to the outside of the premises should be turned round to open outwards to be compliant with the Building Regulations. He added that the proposed changes would significantly affect the day to day operation for both the staff in and out of the premises and members of the public and the applicant had agreed to the proposed changes.
- 5.7 Rachel Shaw referred to the seven public objection points raised and addressed them in turn. With regard to the lack of notification, Ms. Shaw stated that notices had been displayed on the top and bottom gates to the premises; on a post close to the junction; at the nearby bus stop and at the entrance to the till area inside the premises, and also an advert had been placed inside the local newspaper. Ms. Shaw said that members of staff currently escort patrons to the car park during events and the front of the premises in the till area were always monitored for health and safety reasons and the possibility of theft from the premises. She added that during the past 10 years that she had worked at the premises, events such as "Supper with Santa", bistro nights, charity events and BBQs etc. had been held and it was these types of events they wished to replicate with the consumption of alcohol being ancillary to the events. Ms. Shaw further stated that there was only a very limited bus service to the premises, therefore customers had never left by public transport and all events were ticket only with patrons supplying the details of a designated driver. With regard to concerns regarding extra deliveries to the premises, it was anticipated any extra produce required, would be added to the deliveries to be made by the two local companies who already delivered to the premises. Live music at the premises was non-amplified and included a choir at Christmas, a singer with a guitar and a steel band and light background music from a CD player at bistro nights. Finally, Ms. Shaw stated that there would be no extra traffic or any more events than already mentioned. She said that there was a solid white line on the brow of the hill to prevent parking and the local police were aware of the dangers of parking at the junction and regularly check the area for illegal parking. The garden centre ensures that any shrubbery is cut back at the junction to keep visibility as clear as possible and there was no history of any complaints.
- 5.8 In response to questions from Members of the Sub-Committee, Rachel Shaw stated that she didn't anticipate any problems with regard to drink/driving as this had never happened in the past, but the offer of a cup of coffee could be made to the designated driver and the situation would be monitored. With regard to a question regarding TENs applications, she stated that there had never been the need to apply for one as alcohol hadn't been served in the past, and the reason for wanting to serve alcohol was to compete with local businesses. There would be no extension to the opening hours, as members of staff would not want to stay any later at events than they already had done. Ms. Shaw further stated that there were no plans to increase the number of events already planned and private parties were not catered for as there wasn't a private function room at the

premises.

- 5.9 Jayne Gough reported on the options open to the Sub-Committee.
- 5.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.13 RESOLVED: That, in the light of the information contained in the report now submitted, together with the representations now made, the application for a premises licence in respect of Langlands Garden Centre, West Lane, Loxley, Sheffield S6 6SN (Ref No.47/19), be granted as applied for and with conditions agreed with the Health Protection Service prior to the hearing.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 May 2019

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

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Joe Otten attended the meeting as a reserve Member, and stayed for the consideration of Case No. 48/19 only.

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. 48/19 did not attend the hearing and, as no notification had been received by the Licensing Service, the case was considered in his absence.
- 4.3 A representative attended on behalf of the licence holder in Case No. 49/19, at the licence holder's request, and requested that consideration of the case be deferred subject to further police investigations.
- 4.4 The licence holder in Case No. 50/19 attended the hearing with his sister-in-law, and they both addressed the Sub-Committee.
- 4.5 RESOLVED: That, after consideration of the information contained in the case papers, and the information reported, and circulated, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
48/19	Review of a Hackney	Immediately revoke the licence under

	Carriage and Private Hire Driver's Licence	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.
49/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Agree to defer consideration of the case pending further police investigations.
50/19	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.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 May 2019

PRESENT: Councillors Andy Bainbridge (Chair), Michelle Cook and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were 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 a case relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 20/19 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and the information reported at the meeting, the licence in Case No.20/19 be revoked 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.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 May 2019

PRESENT: Councillors Andy Bainbridge (Chair), Ruth Mersereau and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

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

- 4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, for the grant of a Static Street Trading Consent for Rustlings Road (Case No. 51/19).

- 4.2 Present at the meeting were Andrew Cuneo (Applicant), Samantha Bond (Legal Adviser to the Sub-Committee) and John Turner (Democratic Services).

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

- 4.4 Samantha Bond, in the absence of an officer from the Licensing Service, presented the report, and it was noted that an objection to the application had been received from a local resident, and was attached at Appendix 'B' to the report. The local resident had been invited to the meeting, but was not in attendance.

- 4.5 Andrew Cuneo stated that he had one permanent trading site in Endcliffe Park, and that this application was similar to a previous application in respect of the site on the Hunters Bar roundabout, as in he would only be trading from the site on those days when it was particularly busy in the Park. He stated that on certain days of the year, particularly during the summer months, there was an increased demand on those days when it was particularly busy. He stressed that he would not be trading at this location every day. Mr Cuneo stated that all his trading vans were either Euro 4, 5 or 6 compliant in terms of CO2 emissions. He stated that he used the newest and cleanest vans in the City, and that CO2 emission levels were

negligible. In terms of road safety, Mr Cuneo stated that he assumed that any young children wanting an ice cream would be accompanied by an adult. He also stated that, given that there could be three vans trading in the immediate area, they were not expecting long queues.

- 4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Cuneo stated that whilst some of the ice cream was kept frozen using battery power, with the battery having been charged the previous night, there was a need to keep the van's engine running in order to maintain the soft ice cream at the correct consistency. He stressed however, that given the current strict conditions regarding CO2 emissions, he did not consider this to be an issue. With regard to the errors on the application form, which had been completed by Mr Cuneo's partner, he confirmed that he did have the legal right to work and live in the UK and that he had never been refused a Street Trading Consent in this or any other area. Mr Cuneo also confirmed that he would park the van on the road, where there were currently no restrictions, and not on the pavement. He confirmed that the van to be used at this location was Euro 4 compliant, and that given the very stringent tests when taken for its MOT, he stated that the engine emissions were very low. Whilst he could not predict the exact number of days the van would trade at this location, on the basis that this would depend on demand on any given day, Mr Cuneo confirmed that he would not be trading from this van every day. He did not consider that having the van at this particular location would create any additional road safety concerns. Mr Cuneo stated that, whilst there would always be a small number of people who complained about applications such as this, he had not received any major complaints during his many years in the business, and would always try very hard to keep everyone happy. The intention was to trade at the location on Rustlings Road, in between its junctions with Peveril Road and Ranby Road, near to the entrance to Endcliffe Park. Mr Cuneo concluded by stating that if there was no suitable and/or safe space to trade from, he would not trade on that day.
- 4.7 Samantha Bond reported on the options available to the Sub-Committee.
- 4.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 4.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.11 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for a Static Street Trading Consent for a site on Rustlings Road (Case No. 51/19) be granted.

(NOTE: Councillor Ruth Mersereau abstained from making a decision on the

Meeting of the Licensing Sub-Committee 28.05.2019

application, and asked for this to be recorded.)

(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 6 June 2019

PRESENT: Councillors Karen McGowan (Chair), Douglas Johnson and Josie Paszek

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

- 4.2 The applicant in Case No. 54/19 did not attend the hearing and, as no notification had been received by the Licensing Service, the case was considered in his absence.

- 4.3 The applicant in Case No. 55/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
54/19	Application for an extension of a Private Hire Vehicle Licence	Refuse to extend the licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.
55/19	Application for an	(a) Grant a licence for 12 months on the

extension of a
Private Hire Vehicle
Licence

grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are unique and exceptional reasons to deviate from the current policy on the age limit of vehicles, and (b) the applicant be required to book the vehicle in for a test, within 28 days of this hearing, specifically to have the vehicle's anchorage points checked.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 June 2019

PRESENT: Councillors Andy Bainbridge (Chair) and Josie Paszek

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 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. 56/19 attended the hearing, and addressed the Sub-Committee.
- 4.3 The applicant in Case No. 57/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.4 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, and circulated, where relevant, at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
56/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Consideration of the case be deferred to a future meeting pending the licence holder submitting (a) evidence to prove he was residing at the property now mentioned, during the period in question and (b) the tenancy agreement in respect of the property now mentioned, including details of his landlord's insurance.

Meeting of the Licensing Sub-Committee 11.06.2019

57/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Subject to the applicant committing no offences up to 14 th September 2019, being the date on which he will have held a full driving licence for two years, delegated authority be given for the Chief Licensing Officer to grant a licence for three years, as requested, from that date, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
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