

Licensing Committee

Monday 3 February 2020 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, Roger Davison, 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
3 FEBRUARY 2020**

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 30th September, 2019 and (b) the Sub-Committee held on 9th, 10th, 16th and 23rd September, 1st, 7th, 8th, 14th, 15th, 21st and 29th October, 5th, 12th, 19th and 25th November and 2nd, 16th, 17th and 23rd December, 2019 and 6th and 7th January, 2020

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Licensing Committee

Meeting held 30 September 2019

PRESENT: Councillors Karen McGowan (Chair), Roger Davison, Adam Hurst, 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 Apologies for absence were received from Councillors Andy Bainbridge, Michelle Cook, Dawn Dale and Douglas Johnson.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of (a) this Committee held on 27th June 2019, and (b) the Licensing Sub-Committee held on 18th June, 2nd, 9th, 11th, 18th, 23rd, 25th and 30th July, 5th, 6th, 12th, 13th and 20th August and 3rd September 2019, were approved as correct records.

(NOTE: Item 6 on the agenda – Licensing Act 2003 – Cumulative Impact Assessment Proposals, was withdrawn from consideration prior to the meeting.)

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 September 2019

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 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 - HEX, 4 QUEENS ROAD, SHEFFIELD S2 4DG

4.1 The Chief Licensing Officer submitted a report to consider an application made by the Health and Safety Enforcing Authority, under Section 51 of the Licensing Act 2003, for a review of a Premises Licence in relation to HEX, 4 Queens Road, Sheffield S2 4DG (Ref.79/19).

4.2 Present at the meeting were Sean Gibbons (Environmental Health Officer, Sheffield City Council), Julie Hague (Licensing Manager, Sheffield Children Safeguarding Partnership), Peter Clifton (Property Owner), Christopher Grunert (John Gaunt and Partners, Solicitor for the Premises), Gurnitnekh Rai (Premises Operations Manager), Jakob Plant (Premises Manager), 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 had been received from Sheffield Children Safeguarding Partnership, and was attached at Appendix "C" to the report.

4.5 Sean Gibbons stated that, following an email he had received in January 2019 from South Yorkshire Police, which had expressed concerns regarding the nature of an event due to be held on 1st February advertising the use of bouncy castle, rodeo rides, gladiator duels and bouncy slides, a visit was made to the premises by himself and representatives of other Responsible Authorities. Mr. Gibbons said the Premises Management confirmed to him that no further events of this nature would take place as it had been deemed to be detrimental to public safety. Mr.

Gibbons added that he had numerous concerns regarding the electrical safety of the premises, damaged electrical sockets, and exposed cables hanging out of the ceiling, although these were deemed to be redundant. At the visit, Sean Gibbons asked for 100% of the electrical wiring to be tested by a competent electrician and that a satisfactory report be submitted to his service. Other concerns were the use of three laser lights, the management of asbestos, glass door panels which needed to be replaced with safety glass or fitted with safety film, damaged flooring and very poor state of repairs to the toilets. He further stated that, although he had asked for a copy of the asbestos report, this had only been shown to him digitally.

- 4.6 In response to questions from Members of the Sub-Committee, and the Solicitor for the Premises, Sean Gibbons stated that he was not disputing that the electrical works had been carried out by a qualified electrician, but his main concern was that only 25% of the electrical wiring had been tested and it was not anticipated that the full 100% testing would be carried out until five years' time. He felt that the general regulations should be applied to a commercial property of this type and that 100% electrical testing should have been carried out. Sean Gibbons added that although there were many problems with the building, the Premises Management had been very co-operative on every visit.
- 4.7 Julie Hague stated that in June, 2019, she had received a complaint alleging that during a wrestling match held at the premises, a 14 year old boy had been injured and he had not been fully clothed. Ms. Hague contacted the venue to ascertain what had happened. She was informed that the boy was not hurt and the performance had been "staged". She had also been informed that the child was licensed to perform under a licence issued by Bradford City Council and he was chaperoned by his trainer and his mother and was appropriately dressed in line with professional wrestling requirements. Following a meeting held at the premises in July, Julie Hague stated that the management of the venue had been very co-operative and had agreed to develop the safeguarding policies and would attend multi-agency safeguarding training.
- 4.8 In response to questions from Members of the Sub-Committee, Julie Hague stated that, following investigations, it was found that the show had been managed properly and there was no need to carry out checks regarding safeguarding as Bradford Council would have carried out the appropriate checks, therefore negating the need for Sheffield Licensing Service to do so.
- 4.9 Chris Grunert felt that the application for the review of these premises had been made due to concerns that had been raised by South Yorkshire Police with respect to events/promotions advertised at HEX. He said that following a visit by the Responsible Authorities, suggested improvements had been made to the premises, all of which have now been carried out. The electrical rewiring has been carried out by a competent electrician and the certificate for 25% of the wiring is compliant with the Regulations, broken plug sockets have been repaired, the floor has been replaced, the toilets are now of a suitable standard and the glass doors have been fitted with safety film. Mr. Grunert said that the owner has done everything required of him to make the premises safe and up to standard. It had been discovered after the event that the boy had not been issued a performance

licence by Bradford City Council but was instead performing under an exemption.

- 4.10 In response to questions from Members of the Sub-Committee, Chris Grunert stated that since the inspection that had been carried out in June, there were no outstanding issues at the premises. He said that the building was old and some parts of it were still in disrepair, but these were not accessible to the general public. With regard to the adult bouncy castles, he said that these were provided by a reputable company in Sheffield and reinforced to hold adult weight. It was further stated that, due to the premises being used as a nightclub, damage was expected on a weekly basis and the venue was checked every week and repairs carried out as necessary. In response to a question relating to the asbestos report only being available online, it was stated that it had now been emailed to the Health and Safety Enforcing Authority and the owner was awaiting re-inspection of the premises. Communication between promoters of events and the management of the premises was in place to ensure compliance with the safeguarding policy.
- 4.11 Sean Gibbons, Julie Hague and Chris Grunert summed up their respective cases.
- 4.12 Jayne Gough outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.16 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to modify the conditions of the premises licence in respect of HEX, 4 Queens Road, Sheffield S2 4DG (Ref No.79/19), in accordance with the conditions agreed by the applicant and the Sheffield Children Safeguarding Partnership prior to the hearing, and also subject to the following:-

The asbestos report following re-inspection be produced to the Health and Safety Enforcing Authority.

(NOTE: 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 10 September 2019

PRESENT: Councillors Andy Bainbridge (Chair), Douglas Johnson and Josie Paszek

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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 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 - PEACE GARDENS, SHEFFIELD CITY CENTRE

4.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, to move a static street trading consent to an alternative trading site, at the top of Cheney Row, outside the Town Hall, from an existing site in the Peace Gardens (Ref No. 87/19).

4.2 Present at the meeting were Andrew Cuneo (Applicant), Angela Gower (City Centre Management Team, Objector), Paul Turner (Highway Licences and Regulation, Objector), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Jayne Gough presented the report, and it was noted that objections to the application had been received from the Highways Service and City Centre Management Team, and were attached at Appendix 'B' to the report.

4.5 Andrew Cuneo reported that his business was in its 14th year of trading in the Peace Gardens, and that during this time, he had noticed a number of changes, notably the increase in events and the siting of tables and chairs from cafes, bars and restaurants. Whilst he stressed that the changes were mainly positive, in that they resulted in a more vibrant atmosphere, the tables and chairs, as well as A-

boards, predominantly relating to Browns, had made it very difficult for him to drive off the site in the evenings. Mr Cuneo stated that he had asked staff at Browns to move the tables, chairs and A-boards, on a number of occasions, but they had refused. He stated that he had also asked the City Centre Management Team if, on those occasions when fairground rides were to be sited in the Peace Gardens, in conjunction with special events, they could be moved further away from the trading van on the grounds that it created health and safety issues for customers queuing for ice creams, but such requests had also been turned down. Mr Cuneo pointed out, by referring to the photographs in the report and additional photographs he circulated at the hearing, the difficulties he faced when leaving the site, stating that the issue was made more difficult when there were people outside Browns, drinking alcohol. He also stated that the site at the top of Cheney Row would be a lot safer to drive on and off as it was only around 20 feet from Pinstone Street, and there was a dropped kerb adjacent to the trading site. Mr Cuneo concluded by referring to the numerous problems he had encountered, both in terms of access and egress from the Peace Gardens, and the lack of co-operation he had received from the City Centre Management Team.

- 4.6 In response to questions from Members of the Sub-Committee, Mr Cuneo stated that he traded from the site at the top of Cheney Row on those occasions when there were special events in the City Centre, at a cost of £200 a day. He believed the problems, which mainly related to leaving the Peace Gardens from his current trading site, started around eight years ago, presumably when Browns started putting tables and chairs outside. Mr Cuneo stated that he could not understand why he was not allowed to move to his preferred site, particularly when he was allowed to trade from this site when there were special events in the City Centre. He also pointed out that there would be sufficient room for people to walk past the trading van and use the dropped kerb to cross Pinstone Street. Mr Cuneo believed that, as well as making it a lot easier getting on and off the site, the preferred site would also be better from a health and safety point of view.
- 4.7 Angela Gower referred to the decision of this Sub-Committee, at a previous meeting, to agree to Mr Cuneo's request to change from a trailer-style unit to a motorised van to allow for ease of access and egress, and confirmed that the trading site being requested was not a permanent trading pitch. Ms Gower stated that it would not be suitable having an ice cream van in such close proximity to the Town Hall, and that it could potentially obstruct access to Cheney Row and have an adverse impact on weddings being held at the Town Hall.
- 4.8 Paul Turner stated that the main focus of the objections of the Highways Service was that driving on and off the trading site at the top of Cheney Row would mean driving on a public highway which, as well as being illegal, could be very dangerous, particularly given the level of footfall in that area. Mr Turner pointed out that the dropped kerb referred to by Mr Cuneo was for pedestrian access, and not motor vehicles. Mr Turner also concurred with the views of the City Centre Management Team in terms of the backdrop of the Town Hall not being an appropriate location for an ice cream van, and that it could have an adverse impact on those wedding guests who exited the Town Hall in that area to use the Peace Gardens.

- 4.9 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was stated that, following contact with the Licensing Service during the hearing, it had been confirmed that the area directly outside Browns was not licensed, so Enforcement Officers would be visiting the premises to discuss this issue with the venue. It was also pointed out that, under current Council policy, A-boards were not legally licensable, and that the Highways Service only responded as and when they received specific complaints. Angela Gower indicated that the City Centre Management Team would be happy to look into the issues facing Mr Cuneo when leaving the site in the evenings. Paul Turner confirmed that, in his opinion, the trading site currently being used by Mr Cuneo was the site that posed the lesser risk in terms of pedestrian safety.
- 4.10 Angela Gower, Paul Turner and Andrew Cuneo summarised their cases.
- 4.11 Jayne Gough reported on the options available 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 in light of the information contained in the report now submitted, together with the representations now made and the responses to the questions raised, the application for the grant of a City Centre Static Street Trading Consent, to move to an alternative trading site, at the top of Cheney Row, outside the Town Hall, from an alternative site in the Peace Gardens (Ref No. 87/19), be refused on the grounds that:-
- (a) it was illegal for any motor vehicle to mount the highway footway at the point the applicant intended to access and leave the trading site; and
 - (b) trading at this site would be contrary to the Council's Qualitative Criteria relating to Static Street Trading Consents, in that an ice cream van, at this location, would detract from the visual impact of the area.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 September 2019

PRESENT: Councillors Karen McGowan (Chair), Andy Bainbridge and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence. Councillor Bob Pullin 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 (AS AMENDED) - SPEARMINT RHINO, 60 BROWN STREET, SHEFFIELD, S1 2BS

4.1 The Chief Licensing Officer submitted a report to consider an application for the renewal of a Sexual Entertainment Venue Licence, made under Schedule 3, Section 10, of the Local Government (Miscellaneous Provisions) Act 1982, as amended, in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS (Ref No. 52/19).

4.2 Present at the meeting were Philip Kolvin QC (Counsel for the Applicants), Robert Sutherland (Solicitor for the Applicants), John Specht (Director), Andy Foster (Area Manager) and Peter Mercer (Designated Premises Supervisor) (Spearmint Rhino), Andrew Bamber (Crime and Disorder Consultant), Julian Norman (Counsel for the Complaint Coalition), 13 objectors, seven supporters, Julie Hague (Sheffield Children Safeguarding Partnership and Sheffield Adults Safeguarding Partnership), Claire Bower, Emma Rhodes-Evans, Shelley Marshall and Lee Freeman (Licensing Service), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing, as set out in Appendix 'I' to the report.

4.4 Emma Rhodes-Evans presented the report to the Sub-Committee, and it was noted that written representations objecting to the application had been received from 390 interested parties, 13 of whom were in attendance and addressed the Sub-Committee, and details of all those representations were attached at Appendix 'D'

to the report. It was also noted that written representations in support of the application had been received from 363 interested parties, seven of whom were in attendance and addressed the Sub-Committee, and details of all those representations were attached at Appendix 'E' to the report. In addition, a petition containing 958 signatures, in support of the application, had been submitted, and details of this were attached at Appendix 'F' to the report.

- 4.5 Julian Norman referred to a skeleton argument and an additional witness statement she had prepared on behalf of the Complaint Coalition. Philip Kolvin objected to these on the basis that he hadn't seen them prior to the hearing, therefore had not had a chance to give them consideration.
- 4.6 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.
- 4.7 The Sub-Committee took legal advice as to whether the documents referred to could be taken into consideration as part of the license renewal application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.9 RESOLVED: That, based on the legal advice received, the Sub-Committee determines that the statement now referred to be not considered as part of the proceedings.
- 4.10 Julian Norman referred to John Specht's statement, which had been circulated to all parties on 13th September 2019, indicating that there was no supportive evidence to show that Mick Goodwin had taken on the role of General Manager in 2018, nor was there any information in terms of when he left. As the application for the renewal had been submitted on 29th April 2019, and as it was apparent that there were no changes to the operation of the premises at this stage, Ms Norman queried why Mr Specht's statement, and supportive evidence, had only been submitted to herself and the Sub-Committee at such late stage. There was also a lack of clarity in terms of what improvements had been made to the CCTV system, particularly when the application referred to the system being upgraded and having improved coverage, yet at the renewal hearing in 2018, it had been stated that cameras already covered all areas of the premises. It also appeared that images from the system were now only retained for a period of 31 days, and not 70 days, which represented a key change. Ms Norman referred to the findings of the undercover investigations in February/March 2019, indicating that it revealed that the private booths in the premises were enclosed, with some booths even being on a different floor, which also cast questions of the evidence contained in the application. She confirmed that such covert surveillance had been used in connection with objections raised in terms of renewal applications of similar clubs in other areas of the country. Ms Norman concluded her preliminary comments by indicating that her objections were based on three key areas – Public Sector Equality Duty (PSED), location and the suitability of management, and handed over

to the other objectors.

4.11 **Representations from Objectors**

4.11. Objector 1

1

Objector 1, whose role it was to advise national and local governments, and other bodies, on policy and practice to promote gender equality and prevent violence against women and girls, based her grounds for objection on the unsuitability of the applicant and the location of the premises. It was clear that, given the flagrant, serious and unlawful acts that had been recorded as part of the independent investigations, these rendered the applicant unsuitable. The existence of the premises also had a direct impact on the PSED in terms of the equal treatment of men and women. The premises, by their nature, had directly supported and promoted attitudes which constituted and fostered discriminatory behaviour by men and boys towards women and girls, which were the major causes of men's violence against women and girls. There was a tendency for customers to treat the workers as objects, and there was a need to give serious consideration to the safety of women who stripped. There was no evidence to show that, if the premises was closed down, stripping would go underground, thereby putting the workers in more danger, or that the practice would expand. In fact, it was such clubs that provided such services that fuelled the demand. The licensing of such activity contributed to normalisation, and there was evidence to show that men who worked in the sex trade were more likely to abuse women or treat them badly. There was also no evidence to show that regulating such clubs made the workers any safer. The location of the premises was also unsuitable, and the premises could easily be re-purposed to serve the local community, and provide local jobs in a contribution that would be positive to the City and its economy. There were issues with sexual entertainment venues located in other city centres, with applications for some being refused, with the support of local police and the local Crime Commissioner.

4.11. Objector 2

2

Objector 2 stated that several women felt unsafe when walking past the premises. Reference was made to the two judicial reviews of decisions made in the past two years, one of which highlighted the fact that the Council had failed to take its PSED into account. The decisions by the Sub-Committee to grant renewals had not helped stop some men's views towards women and, despite all the promises made by management in the past, the recent undercover investigations had clearly highlighted the fact that licence breaches were taking place, which showed that the management were not fit persons to hold a licence.

4.11. Objector 3

3

Objector 3, who was representing Sheffield Hallam University (SHU), stated that the University had been consistent in its objections to the renewal of the licence over the years, on the grounds of location and unsuitability. Reference was made

to the Council's Sexual Entertainment Venue Licence Policy, which indicated that the Council would not license premises that were close to schools, hospitals, parks, churches or buildings of a historical or cultural interest. Buildings including the University Technical College (UTC), the University's prayer rooms and Students' Union building and the Cultural Industries Quarter (CIQ) were all within close proximity of the premises, and the Site Gallery was located directly opposite. SHU was about to commence major investment in this area of the City, which would complement the Council's own development plans for the City Centre and, if the licence was renewed, the Council would be in conflict with such plans. The existence of the premises was not conducive to the PSED, and in 2016, at the request of the then Minister for Universities, all Universities had been requested to draft a report on hate crime, including violence against women, with those establishments where there were such occurrences, being cautioned. 85% of women aged 18 to 24 had been the subject of victimisation, harassment or sexual violence, with 45% being subject to unwanted sexual touching. SHU wanted to produce an environment for all students where such behaviour had no place.

4.11. Objector 4

4

Objector 4 considered that the application for the licence should not be renewed on the grounds of unsuitability, location and conduct of the premises management. Harassment and violence against women were clearly evident in the sex trade, with several young women objecting to what sex clubs represented. There was evidence of former dancers being terrified of speaking out due to threats from management. Reference was made to an excerpt from the Women and Equalities Committee report of October 2018, on sexual harassment of women and girls in public places, specifically to comments made by Karon Monaghan QC, who stated that such venues 'have an impact on the wider community because they promote the idea that sexual objectification of women and sexual harassment commonly in those environments is lawful and acceptable'. Ms Monaghan continued 'how are we doing that in the 21st century – we are not going to get rid of sexual violence if we mandate the sexual objectification of women in licensed premises.' In terms of the unsuitable location of the premises, each year highlighted that a cumulative increase of women chose not to attend various venues in the surrounding area. It was apparent that evidence of sexual abuse and harassment against women had simply been dismissed. A number of such incidents had occurred on the SHU campus, and involved vulnerable young women, who were living away from their homes. Such incidents had been replicated at universities across the country. The location of the premises was unsuitable for a number of reasons, mainly due to the plans to regenerate the area and the fact that it was close to the UTC, one such establishment listed in the Sexual Entertainment Venue Licence Policy, where it states that the Council will not license premises if close to such establishments. In addition, the City Centre Plan identified Festival Square, which was located within the immediate vicinity of the premises, as a high quality events area. Reference was made to incidents and licence breaches at other Spearmint Rhino clubs, notably in Bournemouth and Leicester, with the club in Leicester having the same Area Manager as the club in Sheffield. The operation at the premises should be closed down, and the premises used as a more inclusive venue, to enhance the City's night-time economy. Reference was made to the findings of the undercover

investigators, which clearly highlighted numerous breaches of the licence, and raised questions regarding the merits of visits made by the Licensing Service's Enforcement Officers.

4.11. Objector 5

5

Objector 5 worked at the Sheffield Rape and Sexual Abuse Centre, which was located around 400 metres from the venue, and the majority of women who had sought help at the Centre were dismayed that a venue, based on the objectification and de-humanisation of women, was located so close. The location of the premises was totally unsuitable given the recent transformation of the City Centre into a modern, vibrant and safe space for everyone, with the venue being completely at odds with the environment being created. Given the serious nature of the licence breaches, it was hoped that the Council would refuse to renew the licence. The venue was not conducive to the Council's PSED, which needed to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between the sexes.

4.11. Objector 6

6

Objector 6 stated that the licence should not be renewed given the serious nature of the licence breaches, as highlighted by the undercover investigations. The nature of lap-dancing clubs normalised the representation of women as sexual objects, thereby making sexual harassment seem normal. The existence of such a club, particularly in such a central area of the City, provided a negative impact on all women, particularly those who had been subject to sexual abuse or sexual violence. It was believed that, in some cases, men's views in terms of violence against women was not just kept inside such venues. There was not just a moral duty on the Council, but a legal requirement, under the Equality Act 2010, to promote equality between men and women.

4.11. Objector 7

7

Objector 7, representing the Women's Equality Party, stated that it was the Party's policy to object to granting licences for sexual entertainment venues. Reference was made to the Council's duty in terms of its responsibilities under the Equality Act 2010, namely having regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity between the sexes and foster good relations between the sexes. The undercover investigations had highlighted over 200 licence breaches, which clearly indicated that the management was not fit to run such a venue. The imagery and publicity for the organisation, particularly online, promoted misogyny and sexism, and celebrated demeaning attitudes to women, again, contrary to the Council's legal obligation to promote equality. A number of quotes from women who had worked in the lap-dancing trade were read out at the hearing. In terms of the locality of the venue, as well as the use of buildings in the surrounding area, it was totally inappropriate

having such a venue in such a prominent City Centre location. Consideration should be given to the SHU's development plans for the area, and which represented a major investment, which would enhance the Council's own development plans in the City Centre. The PSED states that the Council will not license a sexual entertainment venue if it was located close to a school, amongst a number of other establishments.

4.11. Objector 8

8

Objector 8, who had been involved in the 'Know the Line' campaign against the sexual harassment of women and girls in South Yorkshire, stated that as part of the campaign, women had been consulted on a number of issues that affected them adversely, and sexual harassment was one of the main issues for the majority of the people consulted. The sexual entertainment business was based on the sexualisation and objectification of women by men, and Spearmint Rhino not only encouraged such behaviour, but legitimised it. The venue was not conducive to the Council's PSED, in which the Council has a duty to have regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between the sexes. Despite a growing number of people objecting to the renewal of the venue's licences over the years, the Council, which had the right to refuse to grant a licence, was ignoring such views.

4.11. Objector 9

9

Objector 9 considered that Spearmint Rhino had no place in this City, with its current location being totally unsuitable, specifically being located next to the SHU's Students' Union, directly opposite the Site Gallery and very close to the Showroom Cinema, which were both used by children and families. It was also near Freeman College, which was attended by many vulnerable people. On this basis, and in line with the Council's Sexual Entertainment Venue Licence Policy, the licence should not be renewed. The venue could have an adverse effect on the University's planned redevelopment, which represented a huge economic resource for the City. Reference was made to the two judicial reviews the Council had been subject to, following the licence being renewed in 2017 and 2018, regarding the Council's failure to consider the effects on all women of licensing strip clubs, as part of its PSED, both of which it lost. Such venues sent a message that it was acceptable to buy women's bodies, for sexual gratification, thus treating women as sex objects. There was clear evidence to show that employment at such venues was not safe, and was indeed exploitative and psychologically harmful.

4.11. Objector 10

10

Objector 10 expressed concerns at the fact that, despite the clear breaches of the licence conditions, and the subsequent investigation by the Council, the Sub-Committee was still giving consideration to the licence renewal. Concerns were also expressed at the lack of weight given to the concerns of local people who had

objected to the licence renewal, as well as the fact that the Council had not taken proper account of the PSED, as regards sex inequality. Being a survivor of serious sexual violence, it was difficult to accept that such a venue, which encouraged the objectification of women, harassment and violence, could continue to operate. Reference was made to safeguarding issues, specifically regarding the women who worked in the trade, many of whom would have suffered sexual violence or harassment in the workplace. There were concerns that many of the workers were students, many of whom were only working there to fund their studies. There were grounds for the Sub-Committee to refuse the licence renewal on the venue's location alone, and due to this, and the Council's commitment to end sexual violence and harassment against women, the application for renewal should not be allowed.

4.11. Objector 11

11

Objector 11, who was representing the Sheffield Feminist Network, stated that they were objecting to the application on the grounds that strip and lap-dancing clubs were outdated, harmful and promoted inequality between women and men, which was incompatible with the Council's obligation under the PSED. As well as having no place in the City, they considered the current location unsuitable, being next to SHU's Students' Union, opposite the Site Gallery and Showroom Cinema, which were both used by children and families, and near Freeman College, which was attended many vulnerable young people. The Sub-Committee had grounds, under the Council's Sexual Entertainment Venue Licensing Policy, for refusing the application based on its location alone. Reference was made to the two judicial reviews about the Council's failure to consider the effects of licensing such venues on all women, both of which had been lost. The Network believed that strip clubs promoted a message that it was acceptable to buy women's bodies for sexual gratification, thus treating women as sex objects. Research showed that men who held objectifying views of women were more likely to be violent towards them, therefore, if the application was granted, the Council would be sending out a confusing message with regard to its commitment to women's safety and equality. There was information, which included evidence from women who had worked in strip clubs, on the adverse impacts of working in such establishments, with regard to sexual harassment and assault of the women performers by users, and even staff. Reference was made to the numerous breaches of the licence, following the recent undercover investigations, which had not been picked up by the Council's own inspections.

4.11. Objector 12

12

Objector 12 stated that the Council was obligated to consider the licence renewal as though it was a new application each year, and discount any consideration given to previous applications. It was also believed that the whole electorate should be able to put their views forward in order to assist the Council in making the decision. The Council needed to consider effects that could not be seen, such as how such venues impacted on people's lives, and not just the physical aspects. Reference was made to the huge number of objections received to the renewal

application, with the vast majority based on relevant criteria, which was not the case in respect of those in support. Case law indicates that Councils were able to refuse licence renewal applications even if there had not been any changes of circumstance. The key change in this case was the change in the character and change of use of some of the buildings in the surrounding area. Such views were also held by the Council's own Office of the Director of Public Health. The Council had powers to refuse the application, under its Sexual Entertainment Venue Licensing Policy if the venue was located close to specific establishments, including schools, churches or parks or other recreational areas, to name a few, and given its proximity to such establishments in this case, the application should be refused on these grounds alone. Reference was made to the distances of the venue to the various establishments and areas, and specific reference was made to the fact that this was the first year that the UTC was taking children under 13 years of age, as well as the fact that the College had not been consulted on the renewal application. The undercover investigations in February/March 2019, had included only two visits to the premises, yet had uncovered six dancers breaching the licensing rules, with all of the actions being voluntary on their part. The breaches raised the question as to what the club had in place to stop this happening. There was obviously an issue in terms of the CCTV, in that staff must have been watching the coverage, but failed to take any action to stop what was going on. CCTV images of those two nights when the undercover investigators visited the premises must have been kept by management, but were not identified as breaches at that time. There was evidence to show that customers could pay extra for the privilege of a dancer in a private booth. It was evident that, despite previous assurances made by management in terms of the actions of the dancers, this has not been successful, given the serious nature of the recent breaches, which would not have been highlighted if the undercover investigations had not occurred. There were further suspicions regarding the CCTV in that when the Council tried to access the coverage during 9th and 10th February 2019, they were told it was not available, yet in an article in The Sunday Times on 31st March 2019, the dancers involved were identified via CCTV. There was clearly a failure on the premises management to stop, and identify the breaches, or take relevant action after the event.

4.11. Objector 13

13

Objector 13 stated that her grounds for objection were based on the unsuitable location, unfit licence holder, prevention of crime and disorder, and breach of equality law. The location of the premises has always been unsuitable, even according to the Council's own Sexual Entertainment Venue Licensing Policy. It is very close to the SHU, and next door to the University's Students' Union. It was stressed that if the Sub-Committee was minded to refuse to grant on the grounds of locality, such decision could not be legally challenged. It was clear that the management was unsuitable, particularly given the recent licence breaches following the undercover investigations in February 2019. Such covert filming had resulted in Spearmint Rhino in Chester being closed down. Three former workers had given testimony last year regarding abuse they and others had suffered at the club, as well as reporting issues of drug use at the premises. It had also been disclosed that one of the managers had been abusing dancers. Questions had to

be asked as to why the CCTV coverage of 9th and 10th February 2019, when the undercover investigators visited the premises, had not been made available to the Council or police. It was also pointed out that licence breaches had taken place under different managers. With regard to the licence breaches and safeguarding concerns, the fact that the breaches had involved a number of dancers indicated that there was a good chance that the majority, if not all, of the dancers, would, at some stage, have been acting other than in accordance with the licence. If the licence was renewed, there would be a need for increased unannounced visits by Licensing Enforcement Officers, and better use of CCTV. The independent investigator hired by Spearmint Rhino did not visit the venue unannounced, and visited straight after the licence breaches had occurred, such time when management and staff would have been very mindful of their behaviour. If the Sub-Committee was to grant the licence, it would do so knowing that there was a likelihood that the licence conditions would be breached in the future.

- 4.12 Julian Norman stated that the Sub-Committee was able to take any evidence heard into account, even hearsay evidence. Many of the objectors lived and worked in Sheffield, therefore were aware of the adverse effects the venue was having on those people living and working in the surrounding area. The premises management did not inform of a change in management, when in fact there had been, after the breaches, which involved one manager leaving, then returning the day before the application for renewal was submitted. The question still remained as to whether this manager left before or after last year's renewal hearing, on 19th June 2018. There were a number of discrepancies in terms of what the Sub-Committee has been told in previous years to what it had been told now. One such discrepancy involved the CCTV, particularly how the system had been improved when the Sub-Committee were informed there had already been full coverage in 2018. The premises management also informed that there were no private rooms, which was clearly not the case, with some of the rooms even being on a different floor. The main grounds for objection were based on the Council's PSED, the location of the premises and the suitability of management. Ms Norman referred to a number of the representations made by objectors in order to highlight the fact that the venue was not conducive to the PSED. In terms of the representations in support of the renewal application, namely the references to the support of customers who visited the club, it was stated that it was not likely that such users were going to confirm the licence breaches. In addition, the fact that staff members had indicated that they were happy in their jobs was not a relevant consideration. The evidence obtained by the undercover investigators should be admissible, as part of the application for renewal, on the grounds that such covert footage had been used as part of applications relating to other sexual entertainment venues. The comments made regarding some dancers being forced to move underground, or work in illegal venues, was also not relevant as, according to current case law, the Sub-Committee could make a decision based on the PSED. The Equality Impact Assessment (EIA) included in the papers was deficient, and there was a reliance, on the part of the premises management, that the licence breaches could not be taken into consideration as they had not been seen by the Authority, despite the fact that it had been proved that they had occurred. There was no reference in any of the paperwork to indicate that dance groups brought in to provide entertainment, namely the Chocolate Men Dancers in this case, were paid by the club to perform, whereas the lap-dancers were not. A number of events at the

venue were specifically targeted at students, and it was considered that no consideration had been given to the adverse effects that attending such venues could have on young, vulnerable students. In terms of the locality, reference was made to the representation by Magda Boo, Health Improvement Principal, Office of the Director of Public Health, indicating that the site at Brown Street was no longer suitable for such an establishment due to the changed use and regeneration of the area. There was no evidence at all to suggest that Spearmint Rhino had looked for suitable, alternative accommodation. The findings of the recent undercover investigations had brought the suitability of the management into question, whether it was a case of the management being unaware of the licence breaches, or that they were aware, but had failed to take any action at the time. Either scenario rendered them unsuitable. Reference was made to conditions placed on the licence, by the Sub-Committee, following the grant of a previous licence on renewal, which included the requirement to remove any signage from the exterior of the venue, prohibiting advertisement and adhering to inspections, which it was believed, by the objectors, had done nothing to stop the licence breaches. In terms of advertising, the applicant had clearly disregarded this condition, as dancers had been sent outside to advertise events using ink stamps. It was apparent that the club had paid little or no attention to the requirements of the Sub-Committee at previous meetings, or had taken little action following the recent breaches of the licence conditions.

- 4.13 In response to a question from the Chair of the Sub-Committee, it was stated that the dates of the undercover investigations had not been brought to the Council's or police's attention straightaway as there were other similar investigations being undertaken at venues in other areas of the country, namely Camden and Manchester, and the objectors were wanting to see if there was a consistent pattern in terms of licence breaches, as part of their case.
- 4.14 Philip Kolvin QC, stated that Spearmint Rhino had operated in the City for 17 years, under various different licences, and had never had a licence either refused or reviewed, or had ever been prosecuted for any offence. Whilst it was acknowledged that the recent licence breaches were completely irresponsible, management had acted immediately, by implementing remedial measures. He stressed that management wished to apologise unreservedly for such lapses. The Authority had received 363 letters in support of the application, together with a petition containing just under 1,000 signatures, in support. Mr Kolvin focused on the three grounds, as raised by the objectors for the basis of their objections to the application, namely suitability, location and the Equality Act. In terms of the suitability of the premises, the presumption, under the Licensing Act 2003, was to grant such applications, with the burden of proof, as regards refusal, being on the objectors. The application could be refused on discretionary grounds, and the Sub-Committee must act proportionately. The Licensing Act was deemed to be forward-looking, and venues should not always be penalised for past breaches. The majority of licensed premises failed from time to time, but instead of closing them down immediately, local authorities should give consideration to what action was necessary to remedy any problems, including placing additional conditions on licences. Mr Kolvin made reference to the application, highlighting the fact that neither the applicant, Sonfield Developments Limited, or any of its directors, had any convictions, or had had any action taken against it, or them, in 17 years of

operation. The recent licence breaches had been subject to a full and detailed investigation by the Council and the police, and Spearmint Rhino had accepted the results of findings, namely regarding the improper conduct of the dancers. However, there was no evidence to show that there was any management complicity, and systems were now in place in respect of the conduct of the dancers. Reference was made to John Specht's statement, in which Mr Specht stated that he had instructed his solicitor to inform the Authority as soon as he was aware of the breaches; management had carried out their own investigations; the manager responsible at the time had been demoted; two security staff had been disciplined and the contracts of those dancers who had acted not in accordance with the licence had been stopped. The manager who had left in 2008 was brought back to replace the manager who had been demoted, and management began working on an action plan with the Council and other responsible authorities. All staff and dancers had received refresher training and an improved CCTV system, to the specification of the police, and including the installation of cameras in private dance areas, had been installed. A new CCTV monitoring room had been established, with the footage being reviewed regularly by managers throughout the night, with the timings of such viewings being logged, and an offer being made to the Licensing Service that its Enforcement Officers check these logs. In addition, the club had increased its security, now having two SIA registered doorstaff - one upstairs and one downstairs, being responsible solely for monitoring the dancers. The club had also increased the number of posters containing warnings for both customers and dancers with regard to their expected behaviour. The manager had been more than happy to take all the above action. Mr Kolvin made reference to the investigations requested by management of the premises, and introduced Andrew Bamber, Crime and Disorder Consultant, to report on the visits he and colleagues had made to the premises.

- 4.15 Andrew Bamber addressed the Sub-Committee, indicating that he had served in the Metropolitan Police for 34 years, being regularly involved in the enforcement, management and development of licensing initiatives and policies. After retiring from the police in 2007, he had been employed by an inner London Local Authority as an Assistant Director for Safer Communities, a position which he held for 10 years. Following questioning by Philip Kolvin, Mr Bamber stated that having an independent position was important for his integrity, and that the main reason for the visits were to inspect the remedial action undertaken by the premises, following the recent licence breaches. He undertook the first visit, then briefed colleagues in terms of undertaking further visits to the premises. During his visit, he found the premises to be compliant in all aspects, with particular note being made of the safeguarding arrangements and the clarity of signage in the venue, in terms of what customers and dancers should or should not do. Following the first visit undertaken by Mr Bamber, and three further visits made by colleagues, no licence breaches were found.
- 4.16 Philip Kolvin continued with the case on behalf of the applicants, referring to the integrity of the current manager, and stating that the manager was very concerned about the livelihood of around 50 staff members should the licence not be renewed, and that, following the investigation into the licence breaches, he had been responsible for ensuring that all issues highlighted had been remedied. Reference was made to the fact that no representations had been received from the police,

despite them being involved in the inspection. Mr Kolvin referred to the representations submitted by Julie Hague, Sheffield Children Safeguarding Partnership (SCSP) and Sheffield Adults Safeguarding Partnership (SASP), summarising her comments, and highlighting the fact that neither the Board or Partnership had received any complaints about the premises in the past 12 months; the safeguarding measures were consistent with other licensed premises of this nature; no unusual practices had been observed; the Challenge 25 age verification scheme had been evidenced, with records being maintained and there were both male and female managers on site, to support the self-employed performers in connection with any welfare issues they had. It was confirmed that the vulnerability training for managers had been provided and that welfare information for self-employed performers and other staff to access would be provided. In response to some of the concerns and comments raised by the objectors, Mr Kolvin stated that the dancers going into separate rooms was allowed, in accordance with the venue's Code of Conduct. The CCTV coverage of the incidents highlighted following the undercover investigations, had not been destroyed, but retained for a period of 31 days, in accordance with the licence. There was now CCTV coverage in the private rooms. All allegations of systematic rape at the premises were strongly denied and, with regard to the allegations of a former worker being physically and sexually assaulted at the premises, on a regular basis, there was no evidence to prove that she had worked at Spearmint Rhino.

- 4.17 In terms of the location, Mr Kolvin stated that this issue had been raised at previous renewal hearings, and at which the Sub-Committee had made no findings, or raised any concerns. The venue only operated at night and, due to conditions imposed by the Sub-Committee in 2017, namely the removal of all external signage, the premises were not only closed during the day, but were virtually anonymous. Even when the premises were open at night, the building and operation was mainly innocuous in terms of its impact on the surrounding area, with Andrew Bamber, Independent Investigator, commenting that the building looked like an office block, and did not impose itself on the surrounding environment in any way. Brown Street was almost deserted at night, and reference was made to the photographs taken by Mr Bamber and his colleagues, on the seven visits they made to the premises, which highlighted this. When the premises were open, customers were not able to take drinks outside, the dancers were not allowed outside and there would only be a steady stream of customers arriving at, and leaving, the premises. There had not been any complaints of nuisance from neighbours living near the premises, or from any of the responsible authorities. Mr Kolvin made reference to the witness statement of Inspector Neil Mutch, who had confirmed that only one of 26 incidents on Brown Street, in the last 14 months, had a link to Spearmint Rhino. It was considered that the venue provided a security presence at night, and this view was supported by a number of people who had submitted representations in favour of the application. The premises had been operating at this location for 17 years, and whilst it was in the immediate vicinity of the CIQ, there was no evidence to show that businesses in the Quarter had been adversely affected by its presence, or that it had adversely affected tourism in the City. Reference was made to the representation from SHU's Students' Union, in favour of the application. Mr Kolvin pointed out that the UTC was in fact 320 metres away on foot; there was evidence to show that the existence of the club

was not holding up any of SHU's development plans for the area; there had been no complaints in terms of the operation of the premises; there were extremely low crime levels on Brown Street; the premises were not having an adverse effect on the local area and the premises were not situated on a gateway to the City Centre. The Sub-Committee needed to have due regard to the discretionary powers it had in terms of determining the application, and also be mindful that lap-dancing had been determined a lawful activity. The comments raised by the objectors regarding violence against women in general was not a consideration for the Sub-Committee. Mr Kolvin made reference to the numerous representations made by dancers, both present and former, with the majority having positive views about their experiences, and how the club was managed. There was no evidence to show that such work was harmful. The licence breaches that took place had been due to incorrect supervision, and the Sub-Committee could impose conditions on the licence as it wished. Mr Kolvin concluded by referring to the Equality Act 2010, indicating that, whilst there were no separate grounds for refusing the application under this Act, the statutory grounds were relevant, such as the PSED. The Sub-Committee had looked at the impacts of the premises on the PSED in previous years, and had imposed relevant conditions to mitigate this. The dancers were protected, and were in the main, happy in their work, with several submitting representations to this effect, approximately 30% of customers were female, children were not allowed in the premises and there was disabled access to both floors, together with disabled facilities inside the venue. Consideration regarding the employment of the dancers was not admissible, as that came under employment law, not licensing law.

4.18 **Representations from Supporters**

4.18.1 Supporter 1

1

Supporter 1 was an academic, with an expertise in erotic dance, and who had conducted a number of studies which had been explored in academic publications, with such studies including work exploring dancer and customer culture, as well as community perceptions of sexual entertainment venues. It was quite clear, based on academic evidence, that erotic dance, including lap-dancing, was a stigmatised form of precarious labour, with this stigmatisation often being based on a moral opposition to sex work more widely. Whilst it was important that all opinions were taken into account, morality should not strictly determine licensing outcomes. One study conducted involved surveying a number of people in different locations in the country, as well as generating data from guided walks with community members around city centres at night and, interestingly, and significantly, the findings of this study had indicated that the majority of people did not object to sexual entertainment venues, and that only a significant minority objected. The majority of people involved in the study were no more concerned by such venues than other licensed premises, such as pubs and nightclubs. It was also pointed out that where objections were made, these were mainly directed at the customers, and not the dancers. The findings of other research had indicated that the majority of male customers who attended such venues, did not do so in order to sexually objectify women, but to engage with fun, hospitality and emotional gratification. There were concerns that if the application was not granted, some dancers may be forced to

seek work in unregulated sex work, which continued to persist with little scrutiny.

4.18. Supporter 2

2

Supporter 2, who was a SHU Students' Union Women's Representative, stated that the Union strongly objected to the University itself using the Union's location and existence as one of their reasons for objecting to the licence renewal application. There was very little impact on the Union, particularly as the building was rarely open past 11.00 pm, whereas Spearmint Rhino did not open until 10.00 pm. Several students were not even aware of the venue's existence, and the Union had not received a single complaint from students about the club. The University also objects on the grounds that the UTC was located very close to the club, but this was irrelevant as the club was never open during school hours, nor was there any signage or advertising. The University also refers to families not being able to use the public spaces near the venue, but they were not likely to be doing this after 10.00 pm. The Union believes that the campaign to revoke the licence was vindictive, and not representative of modern feminism, as well as violating the consent of the women working in the club. Women had the right to work where they wanted to, and if the venue was closed down, thereby removing their safe space to work, this could put them in more danger. The supporter concluded by stating that she had been very offended by some of the comments raised by the objectors.

4.18. Supporter 3

3

Supporter 3 was speaking both as a local resident and as a researcher working on sexual objectification, objectification more broadly and feminist sexual ethics. She lived very close to the premises, walked past the premises, going to and from work every day, and used to work nights, meaning that she walked past the premises in the middle of the night and early hours of the morning. She stressed that she has never felt unsafe in the area, and welcomed the security presence at night, in what was generally a very quiet area. It was pointed out that the concerns regarding the wellbeing of the workers had only been made by people who had not worked in the venue, and that it was the current workers who were the only people qualified to discuss current working conditions. It was extremely harmful and offensive to suggest that the workers' experiences of real sexual violence, and their work, were the same thing. Reference was made to the findings of research she had undertaken in terms of how people perceived exploitation and objectification differently.

4.18. Supporter 4

4

Supporter 4 stated that she had worked at Spearmint Rhino for two years, and that the job had helped her out in many ways, such as providing her with financial security and giving her the flexibility to look after her father. The dancers at Spearmint Rhino were valued, looked after and made to feel part of a team, and she felt safer at the club than she had done at other similar venues where she had

worked. She had never been threatened, either by management or customers, during her time working at Spearmint Rhino. Several of the workers were students, and the income received from the job helped to pay for their courses. She stressed that she loved her job and had never felt more valued.

4.18. Supporter 5

5

Supporter 5 stated that she had never felt threatened during her time working as a dancer at Spearmint Rhino, and had actually felt more threatened as a result of the undercover filming. The undercover filming of the dancers, when naked, and without their consent, had been very upsetting, and it was believed that these actions, and those of many of the objectors, were simply an attempt to take away the dancers' livelihoods. The unpleasant comments made on social media towards the dancers had also been very upsetting. Many of the dancers were viewed as vulnerable, and closing the club down would make them even more vulnerable. The dancers worked at the club on their own free will, and were not forced to do so. The dancers had made a number of attempts to speak to the groups objecting to the application, particularly those offering to help them, but such requests had been refused. Working as a dancer at the club gave the girls a huge confidence-boost, and being paid well for something they liked, gave them financial freedom. It was considered that many of the objectors were not bothered about the dancers' welfare, but just simply wanted lap-dancing clubs closed down.

4.18. Supporter 6

6

Supporter 6 stated that she was a dancer at Spearmint Rhino, and a full-time student at the University of Sheffield. She had not been forced into this line of work, or made to do anything at work, by anyone, that she did not want to. She worked there simply because she enjoyed being a dancer, providing services for both men and women. The flexible working hours provided her with the opportunity to mix work with pleasure. The venue was a very safe and secure place to work, and the management provided excellent support for the dancers, and closing the club down would result in them losing this sense of security. It could also result in customers turning to unlicensed brothels. The venue was ideally located, being very close to the train station, and generally only attracted clients who were seeking it out.

4.18. Supporter 7

7

Supporter 7 stated that the dancers at Spearmint Rhino were not sex objects, as had been described by some of the objectors, but were human beings, women, and should be treated with respect, like anyone else. As a survivor of sexual violence herself, she had been particularly offended by some of the comments made by the objectors. She objected strongly to the fact that the dancers had been privately filmed, without their consent, and had been very concerned with regard to where the footage could have ended up. She had been particularly offended by the degrading comments made against the dancers on social media, and referred

to the lack of support, or willingness to engage, by those objectors who claimed to want to help them. The dancer, who was a disabled student, chose to work at the venue for a number of reasons, for the financial benefits, the flexible working hours and the support of a predominantly female workforce. Reference was made to human sexuality being natural and nudity being normal, and that most of the dancers were working in order to pay mortgages or university tuition fees, whilst working in a safe environment at the same time. If the club was closed down, the dancers may be forced to work in unregulated venues, as well as having to travel further afield to other licensed venues, or undertake higher contact sex work that they wouldn't otherwise choose.

- 4.19 Julie Hague, Sheffield Children Safeguarding Partnership (SCSP) and Sheffield Adults Safeguarding Partnership (SASP), stated that the Partnerships were always proactive when identifying safeguarding risks in licensed premises, working closely with the Local Authority and the police. She confirmed that, other than the recent licence breaches, no safeguarding issues had been identified at the venue, nor had any complaints been received about the premises during the past 12 months. Ms Hague pointed out the importance of how the management had dealt with the recent licence breaches.
- 4.20 In response to questions raised by members of the Sub-Committee, it was stated that the SCSP and SASP had found a gap in the club's policies regarding the provision of help and advice in terms of any mental health or other welfare issues being faced by the dancers. Consequently, training for management and staff had been arranged, and had been delivered in the previous week, with plans to arrange refresher training at this and other sexual entertainment venues in the City. As the club had been operating for 17 years in the City, there was a likelihood that there had been other licence breaches during this time, but the important issue was to ensure that there were appropriate systems in place for identifying them, and taking appropriate action, which had been done in the recent cases. Regarding the retention of CCTV footage, particularly relating to the recent undercover investigations, the premises licence indicated the requirement to retain such images for a period of 31 days, which had been done in this case. The dancers were not able, or willing, to disclose how many of them were members of a union, in the presence of management.
- 4.21 Julian Norman summarised the case on behalf of the objectors.
- 4.22 Philip Kolvin summarised the case on behalf of the applicants.
- 4.23 Emma Rhodes-Evans outlined the options open to the Sub-Committee in relation to the application.
- 4.24 The meeting was adjourned at this stage, with a view to reconvening at 10.30 am, on Tuesday, 17th September, 2019.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee – 16th September 2019

Meeting reconvened on 17 September 2019

PRESENT: Councillors Karen McGowan (Chair), Andy Bainbridge and
Vickie Priestley

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1.1 **RESOLVED:** That the Sub-Committee agrees to grant the application for the renewal, for a period of twelve months, of the Sexual Entertainment Venue Licence in respect of the premises known as Spearmint Rhino, 60 Brown Street, Sheffield, S1 2BS (Ref No. 52/19), subject to the following additional condition:-

A random sample of the premises CCTV is to be inspected by officers on a minimum of a monthly basis, and an inspection report is to be presented to the Licensing Committee quarterly.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 September 2019

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Douglas Johnson

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 88/19 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

4.3 The applicant in Case No. 89/19 did not attend the hearing and, on the basis that he had offered no explanation for his non-attendance, the Sub-Committee agreed to consider the case in his absence.

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
88/19	Application for an extension of a Private Hire Vehicle Licence	(a) Grant a licence 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 on the age limit of vehicles and (b) the granting of the licence be subject to the production of an Emissions Test

to Euro 6 standard to the Licensing Service, and be valid until the date of the next MOT test to be carried out in February, 2020 after which delegated authority is given to the Chief Licensing Officer to further grant a licence until August 2020 subject to that test being passed.

89/19

Application for a Hackney
Carriage Vehicle Licence

Refuse to grant a licence on the grounds that the applicant has not provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 October 2019

PRESENT: Councillors Dawn Dale and Vickie Priestley

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1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That, in the absence of the Chair of the Sub-Committee (Councillor Andy Bainbridge), Councillor Dawn Dale be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 An apology for absence was received from the Chair (Councillor Andy Bainbridge).

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

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

5.2 The licence holder in Case No. 49/19 attended the hearing with a representative and his father, and they all addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
49/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Re-instate the licence on the grounds that the Sub-Committee considers the licence holder to be a fit and proper person to hold a licence.

(NOTE: Item 6 on the agenda – Licensing Act 2003 - Two Thirds Beer Co., 434-436 Abbeydale Road, Sheffield, S7 1FQ, was withdrawn from consideration by the Sub-Committee on the grounds that the sole objection to the application had been withdrawn.)

6. LICENSING ACT 2003 - TWO THIRDS BEER COMPANY, 434-436 ABBEYDALE ROAD, SHEFFIELD, S7 1DQ

- 6.1 The Sub-Committee noted that the application for a premises licence in respect of the premises known as Two Thirds Beer Company, 434-436 Abbeydale Road, Sheffield, S7 1DQ (Ref No. 90/19) had been granted following the withdrawal of the sole objection to the application.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 October 2019

PRESENT: Councillors Karen McGowan (Chair), Michelle Cook and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 91/19 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 92/19 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 93/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 95/19 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 now reported, and where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
91/19	Application for a Hackney Carriage	Grant a licence for the term of three years, as requested, on the grounds that the Sub-

	and Private Hire Driver's Licence	Committee considers the applicant to be a fit and proper person to hold a licence.
92/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
93/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
95/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, in the light of the offences and convictions now reported, the applicant's attitude and his responses to the questions raised, the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence.

(NOTE: Councillor Michelle Cook entered the meeting after the consideration of Case No. 91/19.)

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 October 2019

PRESENT: Councillors Douglas Johnson and Joe Otten

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1. APPOINTMENT OF CHAIR

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

2. APOLOGIES FOR ABSENCE

2.1 Apologies for absence were received from Councillors Andy Bainbridge and Mick Rooney.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

5.2 The licence holder in Case No. 94/19 attended the meeting and addressed the Sub-Committee.

5.3 RESOLVED: That, after consideration of the information contained in the case papers, and the information now reported, the case now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
94/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action in relation to the licence on the grounds that the Sub-Committee were unable to determine that the applicant was not a fit and proper person to hold a licence, however the licence holder be issued

with a written warning as to his future conduct.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 October 2019

PRESENT: Councillors Karen McGowan (Chair) and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Adam Hurst. Councillor Vickie Priestley attended the meeting, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1972 - STREET TRADING - STATIC STREET TRADING CONSENTS - BOTANICAL GARDENS, CLARKEHOUSE ROAD

4.1 The Chief Licensing Officer submitted reports to consider the revocation of two Static Street Trading Consents outside Botanical Gardens, Clarkehouse Road, following the implementation of a new Traffic Regulation Order at the current consent site.

4.2 Present at the meeting were Andrew Cuneo, Inglanga Saqlani (Consent Holders), Peter Devoti and Zoe Devoti (on behalf of Mrs Heath and Mrs Vilela (Consent Holders), 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 informed the Sub-Committee that the site was shared, on different days, by Mr. and Mrs. Cuneo and Mrs Heath and Mrs Vilela and asked whether they were happy for both cases to be heard at the same time, to which they confirmed they were. Ms. Gough presented the reports to the Sub-Committee.

4.5 Andrew Cuneo stated that his family had sold ice cream in the city for 150 years and have been on this site for 50 years, 18 of those with a consent, and was well known in the area. He said that he had regular customers who visited the Botanical Gardens and bought ice cream from him. Mr. Cuneo said that one day in May 2019 he had parked as normal at the site and had received a parking ticket. He asked the Parking Services Operator why he had been given a ticket

and was told by the Officer that he had been instructed to issue a ticket to him. He then contacted the Licensing Service to enquire about this, to be told that they would deal with it and contact him. Since that time, he has been in regular contact with the Licensing and Highways Departments, and has received conflicting information regarding the situation he now faces. Mr. Cuneo said that six years ago, he had been parked in the bay and double yellow lines had been painted on the road to the front and rear of his van. When he returned the following day, the lines had been connected up in his absence, but he had always been allowed to park there. Mr Cuneo further stated that he was aggrieved because there had been a lack of consultation regarding the enforcement of the Traffic Regulation Order (TRO). Mr. Cuneo added that there was already a bus stand in the area with enough room for the ice cream van to be parked at the front of the bay and a coach to pull in behind and he didn't see the need for another stand to be created. He said that his partner rang the Highways Department to ask why the TRO had been made and was told that a pro-cyclists group within the city had said that Clarkehouse Road was an accident blackspot for cyclists. Mr. Cuneo also felt that the nearby school had complained about the van being parked up. He added that the TRO meant that no-one visiting the Botanical Gardens would be able to park.

- 4.6 In response to questions from Members of, and the Legal Adviser to, the Sub-Committee, Mr Cuneo stated that he could produce emails sent and received between himself and the Licensing Service. Jayne Gough responded to this by stating that the Licensing Service were unaware of the proposed TRO until Mr. Cuneo had sent the parking ticket to them. She stated that contact between the Highways Department and the Licensing Service regarding the Order had been sent to the email address of the Chief Licensing Officer who was away on extended sick leave and not the generic Licensing Service inbox, so no-one was aware of the Order. Mr. Cuneo said that ice cream pitches were built up over the years and there wasn't anywhere else within the area to move to, so if a compromise could not be reached there was a threat to the livelihood not only to himself, but also a threat to the other consent holder. He added that, in his opinion, if other unlicensed traders saw the empty space, they would risk a parking ticket and trade there.
- 4.7 Jayne Gough, on behalf of the Licensing Service, apologised to the consent holders and said that the matter had gone under their radar. She said that the Notices had been displayed on the appropriate dates, but the Service had been unaware of the first one, and the Licensing Authority has no power to override a Traffic Regulation Order. She said that the Service would assist Mr. and Mrs. Cuneo and Mrs. Heath and Mrs. Vilela in finding an alternative site if necessary.
- 4.8 Jayne Gough reported on the options available to the Sub-Committee.
- 4.9 **RESOLVED:** That the public and press and attendees involved in the application, be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 4.10 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the applications.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 RESOLVED: That, following consideration of the information contained in the reports now submitted, and the representations now made, the Sub-Committee deferred the matter subject to a meeting being arranged between the consent holders and officers of the Licensing Service, the Highways Department, Parking Services and the Parks and Countryside Service to reach an agreement in this case.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 15 October 2019

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

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Ruth Mersereau 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. 98/19 attended the hearing with his family support worker, and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 99/19 attended the hearing with his mother, 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 where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
98/19	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of three years, as requested, on the grounds that the Sub-Committee considers the applicant to be a fit and proper person to hold a licence.
99/19	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.

5. LICENSING ACT 2003 - THE TELLER, 440-442 ABBEYDALE ROAD, SHEFFIELD, S7 1FQ

- 5.1 The Sub-Committee noted that the application for a premises licence in respect of the premises known as The Teller, 440-442 Abbeydale Road, Sheffield, S7 1FQ (Ref No. 100/19) had been granted following the withdrawal of the sole objection to the application.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 October 2019

PRESENT: Councillors Karen McGowan (Chair) and Ruth Mersereau

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Douglas Johnson.

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. 101/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 102/19 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 where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
101/19	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, on the grounds that, given the nature of, and short timescale between, the two incidents now reported, the Sub-Committee considers the licence holder to be an immediate and ongoing risk to the

		public.
102/19	Application for a Hackney Carriage Vehicle Licence	Grant a licence for a period of 12 months in the light of the exceptional circumstances now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 October 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. Councillor Josie Paszek attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

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

4.2 The applicant in Case No. 104/19 attended the hearing with a representative and an observer, and the applicant and his representative both addressed the Sub-Committee.

4.3 The applicant in Case No. 105/19 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 106/19 attended the hearing with his nephew, and they both addressed the Sub-Committee.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
104/19	Application for the renewal of a Hackney Carriage and Private	(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

	Hire Driver's Licence	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 terms of his next two licences, and warned that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.
105/19	Application for the extension of a Private Hire Vehicle Licence	The application be refused 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.
106/19	Application for the extension of a Private Hire Vehicle Licence	Extend the licence up to 31 st March 2020, 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 on the age limit of vehicles, subject to the applicant supplying (a) the remaining service history documentation, which had been omitted from the case papers and (b) an up to date certificate of compliance.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 November 2019

PRESENT: Councillors Andy Bainbridge (Chair), Roger Davison, Bob Pullin (entered the meeting during Case No.107/19, but did not stay) and Joe Otten

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. 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. 107/19 attended the hearing with a representative, and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 108/19 attended the hearing and addressed the Sub-Committee.

4.4 The licence holder in Case No. 109/19 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 now reported, and where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
107/19	Renewal of a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for a shorter term than applied for, of one year, in the light of the offences 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.

108/19	Extension of a Private Hire Vehicle Licence	Grant a licence 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 on the age limit of vehicles.
109/19	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain live for the term of the licence, and warned that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 November 2019

PRESENT: Councillors Andy Bainbridge (Chair), Douglas Johnson and Josie Paszek

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. 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.112/19 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 113/19 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, where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
112/19	Application for an extension of a Private Hire Vehicle Licence	Grant a licence for three months on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles.

113/19	Application for an extension of a Private Hire Vehicle Licence	(a) Grant a licence for 12 months, on the grounds that the applicant has provided sufficient evidence to convince the Sub-Committee that there are exceptional reasons to deviate from the current policy on the age limit of vehicles and (b) delegated authority be given to the Chief Licensing Officer to further grant an extension to the licence for a further two years, subject to the vehicle passing the standard compliance tests.
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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 November 2019

PRESENT: Councillors Andy Bainbridge (Chair), Dawn Dale and Josie Paszek

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Ruth Mersereau and Joe Otten.
- 1.2 Councillor Mersereau had requested that she did not wish to take part in the hearing on the basis that the premises were situated in her Ward.

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 - THE PARROT CLUB, UNIT 3, 92 BURTON STREET, SHEFFIELD, S3 8DA

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as The Parrot Club, Unit 3, 92 Burton Street, Sheffield, S3 8DA (Ref No. 114/19).
- 4.2 Present at the meeting were Chris Grunert (John Gaunt and Partners, Solicitors, for the Applicants), Andrew O'Hara (Company Director, Parrott Club), John Wickham (Designated Premises Supervisor), Lynne Wixon (Objector), Craig Harper (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Craig Harper presented the report to the Sub-Committee, and it was noted that representations in respect of the application had been received from three members of the public, and were attached at Appendix 'B' to the report. Mr Harper stated that South Yorkshire Police and the Environmental Protection Service had agreed conditions with the applicants, and that a reduction in the proposed hours of operation had also been agreed through the consultation period. All three members of the public who had submitted representations had been invited to the meeting, with one attending and addressing the Sub-Committee.

- 4.5 Lynne Wixon, who lived in the Kelham Mill development, which looked directly over the premises, indicated that she had experienced problems of noise nuisance connected with the premises during the last six months. In July 2019, during Tramlines, her and other residents had been forced to complain to the applicants, following loud music being played at the premises from 23:00 hours to 04:00 hours the following morning, on Friday, Saturday and Sunday. Since this incident, there had been several more cases where loud music had been played until 04:00 hours, making it very difficult to sleep. Ms Wixon stated that there were only metal roller doors at the front of the premises, which did very little to stop music emanating from the premises, and that the music being played on the occasions she was forced to complain about, comprised loud dance music, with a repetitive beat. She was very concerned, with the current application, that residents could potentially be adversely affected by loud music until 02:00 hours, seven days a week. She made reference to the fact that there were a number of other licensed premises in the vicinity, as well as the Pedlar's Market which, whilst being quite loud, always finished at 23:00 hours.
- 4.6 Chris Grunert reported that the premises had not previously had a premises licence, but had operated on Temporary Event Notices (TENs). He made reference to the plans, indicating that there was a blending lab to the rear of the premises, where the spiced rum, which was the main focus of the drink offer, would be blended, and which would not be open to the public. A considerable level of structural and internal works had been undertaken to the premises, and the roller door was to be replaced with a dual-glazed, bi-folding door. As part of the works, acoustic engineers had been instructed to check the design. In addition to this, a number of conditions, predominantly relating to the prevention of noise nuisance had been agreed with the Environmental Protection Service. The event referred to, during Tramlines, which had been the cause for complaints by local residents, had been organised by a third party. It was accepted that the event had resulted in residents being adversely affected by the music but following this, and some minor issues in terms of noise nuisance in connection with a further event held at the premises, in conjunction with the Pedlar's Market in September 2019, there had been no complaints or issues of concern. Mr Grunert stressed that the applicants wished to operate the premises as an up-market cocktail-style bar, focusing on spiced rum. On the days the bar wasn't open, the owners planned to run fun and informative rum schools, as well as special tasting events and private parties. There would be recorded music, but not at a level as to encourage dancing, and there were plans for live music, mostly at weekends, comprising a three-piece swing band. The applicants had made a commitment that staff would monitor volume levels, at regular intervals during the night, and, as a result of this, as well as the further agreed conditions, it was not envisaged that there would be any further problems regarding noise nuisance. He also pointed out the representations received all related to issues of noise nuisance, and not anti-social behaviour or other matters. He concluded by stating that if there were any further problems regarding noise nuisance, there was the option of requesting a review of the premises licence.
- 4.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, it was confirmed that the events held as part of Tramlines had been run

by a third party, and that the management would not be arranging similar events at the premises in the future. The premises management had responded to complaints received from local residents regarding noise nuisance, and would be prepared to provide a telephone number for any residents to use to discuss any future concerns or issues regarding the operation of the premises. There were plans for live music at the venue which, as well as recorded music, would focus on modern, up-beat swing. The recorded music would be slightly louder than standard background music, but would not be the main draw of the venue. As part of the plans, the management had held detailed discussions with the Environmental Protection Service in connection with noise levels. On the basis that it was only a small bar, with a capacity of around 60, it was not envisaged that there would be any major problems in terms of dispersal at closing time. There were a number of other bars in the area, having a much larger capacity. The premises management was a representative of the Sheffield Bartenders' Community, where members would meet to discuss information, and to share knowledge about all aspects of the licensing trade in the area. Customers would not be allowed to take their drinks outside, even when attending the smoking area, and regular checks would be made in terms of noise levels at this area. Although all doors and windows will be closed at 23:00 hours, access and egress will still be allowed for customers after this time. It was not expected, given the capacity of the venue, that this would create any problems. With regard to the agreed condition relating to the Designated Premises Supervisor (DPS) or a delegated member of staff taking a pro-active approach to noise control, it was stated that, on those occasions when live music was planned, a baseline check would be undertaken prior to the event commencing, a further check would be undertaken when the music had started, then further periodic checks would be made throughout the evening. The results in terms of noise levels of each check would be documented. It was proposed that such checks be undertaken by members of staff and, if any problems were identified, or if any further complaints were received, a specialist company would be asked to undertake such monitoring. The monitoring of noise levels would be focused on the apartment blocks where Ms Wixon lived.

- 4.8 Chris Grunert summarised the case on behalf of the applicants.
- 4.9 Craig Harper presented the options available to the Sub-Committee.
- 4.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Parrot Club, Unit 3, 92 Burton Street,

Sheffield, S3 8DA (Ref No. 114/19), subject to (a) the amended condition in Section M(d)(3) of the application, as agreed with the Environmental Protection Service, as follows:-

- (a) noise or vibration shall not emanate from the premises so as to cause a nuisance in the vicinity;
- (b) the three conditions agreed with the Environmental Protection Service:-
 - (i) The Designated Premises Supervisor or a delegated member of staff shall take a pro-active approach to noise control, checking outside the premises to that the breakout of internal noise and noise from patrons using the external areas and departing the premises is managed so as not to cause nuisance;
 - (ii) Save for access, egress, or in case of emergency, all doors and windows shall remain closed from 23:00 hours, whenever regulated entertainment is present on the premises; and
 - (iii) No alcohol shall be consumed on the external area ('front apron') of the premises after 23:00 hours on any day. From this time, the use of the external area by customers shall be for smoking purposes only; and
- (c) the new, additional condition, as follows:-

All events at the venue to be operated by the premises management, with no external promoters having any control over sound levels.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 November 2019

PRESENT: Councillors Andy Bainbridge (Chair), Douglas Johnson and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor Michelle Cook 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 paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - APPLICATION TO REVIEW A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Ref No. 115/19).

4.2 Present at the meeting were Bill Masini, Neil Bates and Lisa Marsden (Trading Standards, Applicants), Julie Hague (Sheffield Children Safeguarding Partnership), Sarah Hepworth and Amanda Pickard (Sheffield Public Health), Cheryl Topham (South Yorkshire Police Licensing Officer), Jayne Gough (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). The Premises Licence Holder was invited to the hearing, but was not in attendance.

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 had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership, Licensing Authority and Sheffield Public Health, and were attached at Appendix 'C' to the report.

4.5 Bill Masini reported on the grounds as to why the application had been made by Trading Standards.

- 4.6 Bill Masini and representatives of the other responsible authorities in attendance responded to questions from Members of the Sub-Committee.
- 4.7 Sarah Hepworth made representations on behalf of Sheffield Public Health.
- 4.8 Julie Hague made representations on behalf of Sheffield Children Safeguarding Partnership.
- 4.9 Cheryl Topham made representations on behalf of South Yorkshire Police.
- 4.10 Bill Masini summarised the case on behalf of Trading Standards.
- 4.11 Jayne Gough outlined the options open to the Sub-Committee.
- 4.12 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.13 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 attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the premises licence in respect of the premises now mentioned (Ref No. 115/19) be revoked.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 December 2019

PRESENT: Councillors Karen McGowan (Chair), Ruth Mersereau and Josie Paszek

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Ref No. 116/19).

4.2 Present at the meeting were Bill Masini, Neil Bates and Lisa Marsden (Trading Standards, Applicants), Julie Hague (Sheffield Children Safeguarding Partnership), Cheryl Topham (South Yorkshire Police Licensing Officer), Chris Grunert (Solicitor, John Gaunt and Partners (on behalf of Licence Holder), the Manager of the Premises, the Licence Holder, 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 had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership and the Licensing Authority, and were attached at Appendix 'C' to the report.

4.5 Bill Masini reported on the grounds as to why the application had been made by Trading Standards.

4.6 Bill Masini and representatives of the other responsible authorities in attendance

responded to questions from Members of the Sub-Committee.

- 4.7 Cheryl Topham made representations on behalf of South Yorkshire Police.
- 4.8 Julie Hague made representations on behalf of Sheffield Children Safeguarding Partnership.
- 4.9 Chris Grunert made representations on behalf of the Manager and Licence Holder of the premises.
- 4.10 Bill Masini summarised the case on behalf of Trading Standards.
- 4.11 Chris Grunert summarised the case on behalf of the Licence Holder.
- 4.12 Jayne Gough outlined the options open to the Sub-Committee.
- 4.13 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.16 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to modify the conditions of the Premises Licence in respect of the premises now mentioned (Ref No.116/19) as follows:-
- (a) remove the Designated Premises Supervisor;
- (b) add the following conditions to the licence:
- (i) the premises will operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years and signage to this effect is to be prominently displayed within the premises, including the premises entrance and behind the service counter;
- (ii) all members of staff involved in the retail sale of alcohol shall be trained in the prevention of underage sales of alcohol at least once every 3 months. The training must include:
- what age restricted products are sold at the store;
 - the Challenge 25 policy and what this means;
 - what forms of ID the business will accept as proof of age;
 - how to complete the refusals book;

- details of training will be recorded in an electronic or paper record and this information shall be made available for inspection by the Police or any other authorised person on request, with all such records being retained for at least 12 months. Training records must specify:
 - the name of the trainee;
 - the name of the trainer;
 - the date the training was delivered;
 - the nature of the training, i.e. induction/initial or refresher;
 - the trainee must also sign a declaration confirming that they have undertaken and understood the training. The declaration document shall be made available for inspection by the Police or any other authorised person on request and shall be retained for at least 12 months;
- (iii) the written refusals book shall be kept at the premises to record all instances where sale of alcohol is refused. Such records shall show:
- the basis for the refusal;
 - the person making the decision to refuse; and
 - the date and time of the refusal;
- such records shall be retained at the Premises for at least 12 months, and shall be made available for inspection by the Police or any other authorised person on request. The refusal log will be checked and signed off regularly by management;
- (iv) CCTV shall be installed with recording facilities such recordings shall be retained for a period of 28 days (except where such retention cannot be achieved due to reasonable periods of maintenance or repair) and made available within a reasonable time upon request by the police as long as the request is in accordance with data protection principles;
- (v) alcohol shall not be sold in an open container or be consumed in the licensed premises;
- (vi) all alcohol and tobacco products will be purchased from a bona fide wholesaler. All such purchases will be accompanied with official invoices which will allow full traceability through the supply chain alongside any applicable AWRS Scheme Number for that supplier. Invoices will be retained on the premises for a minimum of 6 months and will be provided on request to a Police Officer or authorised officer of Sheffield City Council with a reasonable and valid reason for doing so. All items sold in the premises are to be entered into the till and receipts given;
- (vii) the Premises Licence Holder and/or the Designated Premises Supervisor will ensure that all staff are instructed and trained on the

subject of illicit alcohol and tobacco products, including periodic refresher training. Records of the training will be made and kept up to date and checked on a regular basis by the Premises Licence Holder and / or Designated Premises Supervisor;

- (viii) a personal licence holder is to be on the premises at all times;
- (ix) a record of shop rotas and personal licence holder details are to be kept at the premises for 12 months and made available to authorised officers on request; and
- (x) a person who has attended the Sheffield safeguarding training should be on the premises at times that the premises is open to the public.

(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 16 December 2019

PRESENT: Councillors Karen McGowan (Chair), Roger Davison and Ruth Mersereau

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Cliff Woodcraft.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOVLED: That the public and press be excluded from the meeting before discussion takes place on item 5 on the agenda on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

4.1 The Chief Licensing Officer submitted a report to consider an application, made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for a review of a premises licence (Ref.No.117/19).

4.2 Present at the meeting were Bill Masini and Neil Bates (Trading Standards, Applicants), Julie Hague (Sheffield Children Safeguarding Partnership), Sarah Hepworth (Sheffield Public Health), Cheryl Topham (South Yorkshire Police Licensing Officer), Craig Harper (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). The current Premises Licence Holder had been invited to the hearing, but was not in attendance.

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

4.4 Craig Harper submitted the report to the Sub-Committee, and it was noted that representations had been received from South Yorkshire Police, Sheffield Children Safeguarding Partnership, Licensing Authority and Sheffield Public Health, and were attached at Appendix "C" to the report.

4.5 Bill Masini reported on the grounds as to why the application had been made by Trading Standards.

- 4.6 Bill Masini and representatives of the other responsible authorities in attendance responded to questions from Members of the Sub-Committee.
- 4.7 Sarah Hepworth made representations on behalf of Sheffield Public Health.
- 4.8 Julie Hague made representations on behalf of Sheffield Children Safeguarding Partnership.
- 4.9 Cheryl Topham made representations on behalf of South Yorkshire Police.
- 4.10 Bill Masini summarised the case on behalf of Trading Standards.
- 4.11 Craig Harper outlined the options open to the Sub-Committee.
- 4.12 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act, 1972, as amended.
- 4.13 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 attendees.
- 4.15 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the premises licence in respect of the premises now mentioned (Ref No. 117/19) be revoked.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 December 2019

PRESENT: Councillors Andy Bainbridge (Chair), Adam Hurst and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Dawn Dale. Councillor Adam Hurst attended the meeting in her absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1972 - STREET TRADING - STATIC STREET TRADING CONSENTS - BOTANICAL GARDENS, CLARKEHOUSE ROAD

4.1 The Chief Licensing Officer submitted reports to consider the renewal of two Static Street Trading Consents outside Botanical Gardens, Clarkehouse Road, following the implementation of a new Traffic Regulation Order at the current consent site.

4.2 Present at the meeting were Andrew Cuneo and Inglana Saqlani (Consent Holders), Peter Devoti, Zoe Devoti and Mrs. Heath (Consent Holders), Ben Brailsford (Parking Services Manager), Matthew Lowe (Engineer, Strategic Traffic and Infrastructure), Simon Botterill (Transport Projects Service Manager), 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 informed the Sub-Committee that the site was shared, on different days, by Mr. and Mrs. Cuneo and Mrs Heath and Mrs Vilela and she asked the consent holders whether they were happy for both cases to be heard at the same time, to which they confirmed they were. Ms. Gough presented the reports to the Sub-Committee.

4.5 At the meeting of this case held on 14th October, 2019, Mr. Cuneo had said that his family had sold ice cream in the city for 150 years and on the site in question for the past 50 years, 18 of those years with a consent to trade and he was well known in the area and had regular customers. He said that one day in May, 2019

he had parked as normal at the site and had received a parking ticket. Although he parked on double yellow lines, he had always been allowed to park at the site by the Licensing Service, and he contacted them to enquire why he should be issued with a parking ticket now. The Licensing Service said they would contact the Highways Department and contact him again. Jayne Gough, on behalf of the Licensing Service had stated at the meeting, that the Service had been unaware of the proposed Traffic Regulation Order (TRO) until Mr. Cuneo had sent the parking ticket to them. Mr. Cuneo said that ice cream pitches were built up over the years and there wasn't anywhere else within the area to move to, so if a compromise could not be reached, there was a threat to the livelihood not only to himself but also to the other consent holder. Jayne Gough stated that the Licensing Authority has no power to override a TRO but the Service would assist the consent holders in finding an alternative site if necessary. The decision taken at that meeting was to defer the matter, subject to a meeting being arranged between the consent holders and officers of the Licensing Service, the Highways Department, Parking Services and the Parks and Countryside Service for agreement to be reached in this case.

- 4.6 Andrew Cuneo said that he would prefer for the case to be deferred pending the outcome of the judicial review which had been undertaken in relation to this case. He reiterated the case regarding the double yellow lines and said that the Chief Licensing Officer had told him that the matter would be sorted out, and that two boxes would be painted on the road for the ice cream vans to park. He said that when the yellow lines were painted, all the relevant Council were aware of the situation and the parking tickets that were issued, had been quashed. Mr. Cuneo said that there had been no communication to himself or the other trader about the Traffic Regulation Order and he had been led to believe that the Licensing Section was unaware of it.
- 4.7 In response, Simon Botterill stated that in terms of Traffic Regulation Orders (TRO) being made, they are legal and enforceable. There were processes in place that so that when a TRO is made, Parking Services were informed so that parking restrictions were enforced and in this particular instance the restriction was "no parking, no waiting". As stated at the earlier meeting, the reason for the TRO was due to information received from South Yorkshire Police about the number of accidents to cyclists that had been reported.
- 4.8 In response, Mr. Cuneo stated that having traded in the area for the number of years that he has, he was aware of the roads where accidents happened, but Clarkehouse Road was not one of them. He added that all the arguments for both parties had been put before this Committee and he was prepared to wait for the High Court ruling.
- 4.9 Jayne Gough reported on the options available to the Sub-Committee.
- 4.10 **RESOLVED:** That the public and press and attendees involved in the application, be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972,

as amended.

- 4.11 Samantha Bond reported orally, giving legal advice on various aspects of the applications.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That, following consideration of the information contained in the reports now submitted, and the representations now made, the applications for the renewal of two Static Street Trading Consents for Botanical Gardens, Clarkehouse Road, Sheffield, be refused.

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

5. LICENSING ACT 2003 - THE HAIRBAND, 625 ECCLESALL ROAD, SHEFFIELD S11 8PT

- 5.1 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 The Hairband, 625 Ecclesall Road, Sheffield S11 8PT (Case No.122/19).
- 5.2 Present at the meeting were Michael West (Objector), Stewart Gibson (Licence Agent), Wayne Cade (Director, The Hairband UK Limited, Applicant), 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 reported that representations had been received from seven local residents, and were attached at Appendix "B" to the report.
- 5.5 Michael West stated that he was representing the Botanical Gate Community Association, and his concern was that the staff employed at the premises, were not trained to serve or be responsible for the serving of alcohol. He said that staff could not be expected to control customers who might have drunk too much and possibly take their drinks outside the premises. Mr. West also said that he had safeguarding concerns as children may be present at times when alcohol was being served.
- 5.6 Stewart Gibson said that the hair salon has been there for over 40 years and the reason for the application is to enable alcohol to be sold as part of the hair treatment package for those who wish to buy it. He stated that it would not be the primary purpose of staff to serve alcohol, as with alcohol-led premises. It was envisaged that a glass of wine or prosecco, or occasionally a bottle of beer, may be offered to customers when they are in the chair waiting for their hair/beauty

treatment, in the same way they were offered tea or coffee. The price of the alcohol will be included in the treatment for which the customer has attended and they are unlikely to be given more than one drink as this would not be commercially viable. He stated that staff will be trained and retrained throughout the year and the owner, who will be the Personal Licence Holder and Designated Premises Supervisor, will be in the salon every day. Also, a member of staff will be trained to be a Personal Licence Holder in his absence. Mr. Gibson stated that the premises would be open later until 8.30pm on Tuesday, Wednesday and Thursday evenings, and therefore it was unlikely they would contribute to any noise nuisance or anti-social behaviour.

- 5.7 Jayne Gough outlined the options open to the Sub-Committee.
- 5.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.9 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That, in the light of the information contained in the report now submitted and the representations now made, the Sub-Committee agrees to grant a premises licence in respect of the premises known as The Hairband, 625 Ecclesall Road, Sheffield S11 8PT (Ref No.122/19).

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

6. LICENSING ACT 2003 - EARLY BAR, 96 CROOKES, SHEFFIELD S10 1UG

- 6.1 It was noted that an application for the grant of a Premises Licence, made under Section 17 of the Licensing Act, 2003, in respect of the premises known as Early Bar, 96 Crookes, Sheffield, S10 1UG, had been received and subsequently withdrawn from consideration as the objection to the application had been resolved after the agenda for the meeting had been published.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 23 December 2019

PRESENT: Councillors Karen McGowan (Chair) and Mick Rooney

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.
- 1.2 Councillor Douglas Johnson, who was attending as a reserve Member, stated that he did not wish to take part in the hearing as the three cases involved drivers who lived near him, and he wished to avoid any possible conflict of interest.

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. 71/19 attended the hearing with a representative, and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No. 120/19 attended the hearing and addressed the Sub-Committee.
- 4.4 The licence holder in Case No. 121/19 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 now reported, and where relevant, circulated at the meeting, the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
71/19	Application for a	Grant a licence for a period of one year, as

	Hackney Carriage and Private Hire Driver's Licence	requested, on the basis that the Sub-Committee considers the applicant to be a fit and proper person, subject to the him (a) passing any tests required of a new driver and (b) being referred for a random drug test within the period of one year.
120/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Take no action.
121/19	Review of a Hackney Carriage and Private Hire Driver's Licence	Lift the suspension.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 6 January 2020

PRESENT: Councillors Karen McGowan (Chair), Ruth Mersereau and Bob Pullin

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASE

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

4.2 The licence holder in Case No.01/20 attended the hearing and addressed the Sub-Committee.

4.3 RESOLVED: That, after consideration of the information contained in the case papers and information reported at the meeting, the Sub-Committee determined that the licence holder be given a written warning as to his future conduct, to remain live for the term of the licence, and warned that if there is any further cause for concern, the licence will be referred back to the Sub-Committee.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 7 January 2020

PRESENT: Councillors Joe Otten, Josie Paszek and Cliff Woodcraft

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1. APPOINTMENT OF CHAIR

1.1 RESOLVED: That, in the absence of the Chair of the Sub-Committee (Councillor Andy Bainbridge), Councillor Josie Paszek be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

2.1 An apology for absence was received from the Chair (Councillor Andy Bainbridge).

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 - SOUL FOOD, 285 ECCLESALL ROAD, SHEFFIELD, S11 8NX

5.1 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 the premises known as Soul Food, 285 Ecclesall Road, Sheffield. S11 8NX (Ref No.03/20)

5.2 Present at the meeting were Sean Gibbons (Health Protection Officer), Elaine Cresswell (Health Protection Officer), Ata Izadi (Applicant), 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 representations in respect of the application had been received from the Health Protection Service, the Environmental Protection Service and a local resident and were attached at Appendix "B" to the report. The Planning Service had also submitted comments regarding the lack of planning permission at the premises, but did not lodge a formal representation. Ms. Gough stated that the Environmental Protection Service had agreed conditions and reduced opening

hours with the applicant, which had resulted in the local resident and the Environmental Protection Service withdrawing their representations prior to the hearing.

- 5.5 Sean Gibbons stated that the applicant had failed to communicate with him to arrange site visits for the premises and acknowledged that the applicant had recently been out of the country and only recently returned. He said that his initial concerns were that the original application had been for a take-away business, but the plan received had shown tables inside the premises and that there was a lack of facilities for clientele if the business was not purely for take-away food. Mr. Gibbons said he had sought clarification of what the business would be and there had been a last minute development prior to the meeting. He submitted a revised plan that had been agreed with the applicant.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Gibbons stated that he was now satisfied that the business would be take-away only and that the toilet shown on the revised plan was for the sole use of staff. He said that the premises had previously been used as a charity shop and as there were no structural works to be carried out, he didn't think that a building control certificate would be necessary.
- 5.7 Ata Izadi confirmed that the business would be take-away food only and that the tables and chairs shown on the original plan would be removed with only a waiting area being provided at the front of the premises. Mr. Izadi said that this would be the first time he had managed a take-away business and he was waiting to obtain the licence before applying for planning permission and carrying out the necessary works to the premises.
- 5.8 Jayne Gough commented that the initial application had been for patrons to sit inside the premises, but had now changed to take-away. Therefore, it was no longer necessary for the premises to be licensed for an extra half hour after closing time. Clarification was also obtained from Mr Izadi that a delivery service was not going to be offered, and that collection and takeaway only would be provided. Jayne Gough clarified that the actual provision of the hot food was the licensable activity and that the time of the last order of hot food had to be managed to ensure that no food is provided beyond the last licensed time.
- 5.9 Sean Gibbons, in summing up, stated that he would keep in contact with the applicant and would provide him with details of all the relevant Responsible Authorities to assist him in starting up his business.
- 5.10 Jayne Gough reported on the options available to the Sub-Committee.
- 5.11 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.

- 5.12 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 5.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.14 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and the responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises known as Soul Food, 285 Ecclesall Road, Sheffield S11 8NX (Ref No.03/20), subject to:-
- (a) the hours the premises are open to the public be reduced to 12.00 p.m. to 12.00 a.m. Sunday to Thursday and 12.00 p.m. to 01.00 a.m. Friday and Saturday; and
 - (b) the premises operating as take-away only.

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

6. LICENSING ACT 2003 - MILLER AND CARTER, 55 SURREY STREET, SHEFFIELD, S1 1XX

- 6.1 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 at 55 Surrey Street, Sheffield S1 1XX (Ref. No.05/20).
- 6.2 Present at the meeting were Jonathan Smith (Solicitor for the Applicants), Paul Dykes (Building Manager, Mitchell & Butlers), Sue Walsh (Operations Director, Miller & Carter), Sam Ellis (General Manager, Miller & Carter), Jayne Gough (Licensing Strategy and Policy Officer), Samantha Bond (Legal Adviser to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 6.3 Samantha Bond outlined the procedure which would be followed during the hearing.
- 6.4 Jayne Gough presented the report to the Sub-Committee, and it was reported that representations had been received from one member of the public, and were attached at Appendix "B" to the report. Ms. Gough said that the objector had been invited to attend the hearing but was not in attendance.
- 6.5 Jonathan Smith stated that the application was for the premises to be a premium steakhouse restaurant and bar which would be open seven days a week to serve hot food and drinks with recorded background music. He said that Mitchell & Butler held approximately 1,800 licences throughout the country, with 115 to 118 of those licences being held under the Miller & Carter brand which offered premium food to the upmarket sector. Mr. Smith said that work on the premises would commence in May, 2020, with an anticipated opening date of August, 2020. He said that although the building was in a conservation area, it was not a listed

building and he produced and described to Members the proposed outline plan. The premises are to consist of a restaurant and bar on the ground floor and restaurant and toilet facilities to the basement floor. The first and second floors of the building are to be converted to provide hotel bedrooms, with 10 rooms on each floor. Access to the hotel could be via the bar area on the ground floor as well as a separate on street entrance to the left of the premises.

- 6.6 Sue Walsh stated that it had taken four years for the Company to obtain the freehold of the property. She said she had met with officers of the City Council and had consulted with the Police prior to the application being made and had outlined the Company's commitment to Sheffield. As regards the objections which had been received, she stated that the proposed opening hours would be similar to the Mercure Hotel and the Head of Steam public house, both located close by. She referred to the fact that no objections had been received from the caretaker to the adjoining property nor any of the licensed premises in the area. She said that a member of management would act as a doorperson after 11.00 p.m. each night to ensure that people left the premises quietly. As the premises were to be a hotel as well as a restaurant/bar, it would not be in the best interests of the Company for their guests to be disturbed late at night.
- 6.7 In response to questions from Members of, and the Solicitor to, the Sub-Committee, the applicants said that the Company might apply for a roped-off outside area for al fresco dining along Surrey Street/Norfolk Street but they were still working on this as a possibility. Also, those who wished to smoke would be encouraged to go around the side of the premises, and members of the management team would check at frequent intervals to ensure that the area was kept clean with the necessary receptacles being provided for this use.
- 6.8 Jonathan Smith summarised the case on behalf of the applicants.
- 6.9 Jayne Gough presented the options available to the Sub-Committee.
- 6.10 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.
- 6.11 Samantha Bond reported orally, giving legal advice on various aspects of the application.
- 6.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.13 RESOLVED: That, in the light of the information contained in the report now submitted, the representations now made and responses to the questions raised, the Sub-Committee agrees to grant a premises licence in respect of the premises at 55 Surrey Street, Sheffield S1 1XX (Ref No.05/20), in the terms requested.

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

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