

Licensing Committee

Monday 27 April 2020 at 2.00 p.m.

To be held as an online video conference (details to follow)

The Press and Public are Welcome to Attend

Membership

Councillors Karen McGowan (Chair), Andy Bainbridge, 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
27 APRIL 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. Officer Delegations in response to the current situation with Coronavirus (Covid-19)**
Report of the Chief Licensing Officer.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

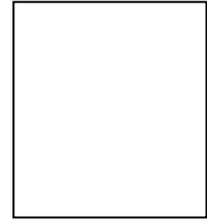
To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's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

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

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SHEFFIELD CITY COUNCIL Committee Report



Report of: Chief Licensing Officer & Head of Licensing

Date: 27th April 2020

Subject: Officer Delegations in response to the current situation with Coronavirus (Covid-19)

Author of Report: Stephen Lonnia

Summary: To provide additional delegations to the Chief Licensing Officer and Head of Licensing to enable the ongoing management of the Licensing Service during the ongoing situation with Coronavirus (Covid-19)

Background Papers: Not applicable

Category of Report: OPEN

New Temporary Delegations to the Chief Licensing Officer & Head of Licensing

1.0 Purpose of the report:

1.1 To provide additional delegations to the Chief Licensing Officer & Head of Licensing to enable the continued management of the Licensing Service during the ongoing position with Coronavirus (Covid-19)

2.0 Background:

2.1 As members are well aware we are currently facing very different and difficult challenges as we respond to the outbreak of Covid-19 and the lockdown.

2.2 The Licensing Service must continue to administer and perform the Council's statutory duties with regards to the Licensing Functions. This includes the administration of the grant, renewal, transfer and variation of various licences.

2.3 Government have confirmed that they expect decision making to still be undertaken on a normal basis with the ability to do remote hearings. There are no general 'emergency powers' to reinterpret legislation or bypass decision making.

2.4 However, we can change what we do under existing delegations and give new delegations but they have to be done in accordance with normal the schemes.

2.5 Whilst Licensing Committee has set policies, Members will be aware that policy can always be departed from by a decision maker where appropriate. Ultimately the test for grant is the statutory test for grant in each regime, not compliance with policy. Policy is used to help determine those statutory tests but it does not replace it.

2.6 The current Covid-19 crisis has brought about many changes in how business and people operate and that includes on matters relevant to the various licensing functions of the Council. Adapting how we consider applications in light of these changed circumstances is essential.

3.0 Points for Consideration

3.1 Whilst one option would be to consider changes (temporary or permanent) to policies that would not be a straight forward or quick task. It is only the Licensing Committee that can change policy and it would require the consideration of each policy in turn. What is not likely to be achievable is varying the policies to cover all possible eventualities in the current lock down and particularly as the changes in restrictions come in over time.

3.2 Therefore proposal is that decision makers look to depart from policy where appropriate and based on the circumstances of each application. Also there is no reason why there cannot be a 'consistent' approach in departing from Policy if there are consistent circumstances that justify it.

- 3.2 One of example of this approach of which Members may be aware is that following a request from Transport Services due to a reduction in available resources we were asked to look at the testing of licensed Hackney Carriage and Private Hire Vehicles to reduce the amount of tests each day so that we required the use of two test bays only.
- 3.3 Following consultation and approval of the Cllr Bainbridge and Cllr McGowan our two Chairs of Licensing, Cllr Johnson our Cabinet Member and Mick Crofts our Director it was decided to cancel all intermediate tests for April, reduce the test from a Compliance Test to MOT only and to re-schedule the remaining tests throughout the month to ensure the use of two test bays.
- 3.4 Members will be aware that the Annual and Intermediate Compliance Test(s) are part of Vehicle Policies and the Council needs to be sure that it is continuing to keep the public safe at all times when they are using licensed vehicles and/or premises etc. That is the reason why we have removed the Compliance part of the test but continue to insist that vehicles are presented for an MOT at the test station.
- 3.7 There has been representation made that we should just remove the requirements all together and permit vehicles and drivers to continue to work without ongoing checks / tests. However it is thought the position of moving to MOT only as a requirement provides the proper balance considering the following;
- how we reduce / prevent non-essential contact to aid the efforts to prevent the spread of Covid-19 and reduce the stress on the NHS and other key services;
 - the statutory test still needs to be met so we need evidence on which to base it;
 - there will be less use of taxis so the need for the normal regime to be relaxed is justified;
 - they will however still be potentially doing more miles that a normal car and be carrying passengers. Therefore the public protection aspect justifies going beyond Government MOT extension;
 - make the process quicker, easier and cheaper for customers in the current climate
- 3.7 Whilst this is an appropriate and pragmatic solution and is a justifiable departure from policy the issue it raises is that the current delegation to the Chief Licensing Officer & Head of Licensing to grant licences has a condition that it is only exercisable where the grant would be in line with current policy. Accordingly, unlike a decision maker with full delegation such as Sub-Committee or Licensing Committee he cannot depart from policy, even where appropriate in the circumstances.
- 3.8 Therefore, it is proposed that Sub-Committee grant an additional delegation to the Chief Licensing Officer & Head of Licensing to grant, renew or vary existing licences in respect of certain licensing functions without the restriction that the grant be in line with policies. This delegation will be exercised in consultation with the chairs of Licensing Committee where appropriate.
- 3.9 It should be noted that this delegation does not permit the Chief Licensing Officer & Head of Licensing to refuse applications, these will be considered by a Sub-Committee in the normal way.

Also all issues in relation to the;

- o Licensing Act 2003;
- o Gambling Act 2005;
- o Sex Establishment Licensing; and
- o Setting of Fees

Will remain the function of the licensing committee as determined via the current scheme of delegations.

4.0 Financial Implications

4.1 There are no financial implications attached to this report.

5.0 Legal Implications

5.1 This report has been checked and approved by Legal Services. Any specific questions regarding the content of the report and the proposal(s) can be directed to the Licensing Committee legal advisor at the meeting.

6.0 Proposal

6.1 That Sub-Committee approves the proposal to deal with Covid-19 related issues by decision makers departing from policy where appropriate rather than seeking a wholesale change of existing Policies

6.2 To provide the Chief Licensing Officer & Head of Licensing with the following additional delegation.

The Licensing Sub-Committee delegates to the Chief Licensing Officer & Head of Licensing the following delegated powers;

- a. to determine all applications for grant, renewal, transfer and variation of licences, permits and consents in relation to the following Licensing Systems only as set out below;
 - Hackney Carriage & Private Hire Licensing (Vehicles, Drivers and Operators)
 - Street Trading – All consent types
 - Animal Health Licensing (Pet Shops, Riding Establishments, Dog Breeders, Dangerous Wild Animals and Animal Boarding Establishments)
 - Street Collections
 - House to House Collections
 - Pavement Café Licences
 - Civil Marriages

6.3 That all licences which have been renewed so far need following the changes made and set out in paragraph 3.3 above are ratified by Licensing Sub-Committee. A list of those licence renewals are set out below;

March 2020 Grants / Renewals;

Registration Number		Licence Plate Number
WR17 BUV	–	PH2201
MV68 NGY	–	PH2203

SH65 DNX	–	PH0083
KW16 DXY	–	PH1995
GY13 LFW	–	PH0375
OY62 PKJ	–	PH1289
BD65 GKN	–	PH2199
SF14 CVR	–	HC0374
MV65 OAA	–	PH0319
YF66 ZTE	–	PH0118
SF56 NXW	–	HC0850
GT08 CAB	–	HC0488
SH56 KYU	–	HC0423
FH11 GDK	–	PH0662

April 2020 Grants / Renewals as on 15th April 2020:

Registration Number		Licence Plate Number
BC15 HFE	–	PH0128
YT61 YRL	–	PH0339
FG15 UOA	–	PH0364
PO61 NBB	–	PH0566
MT19 CWE	–	PH0705

7.0 Recommendations

7.1 That members carefully consider the details in the above report and approve the proposal(s) set out in paragraphs 6.1 to 6.3 above.

8.0 Options

8.1 To approve the proposal(s) set out in paragraph 6.1 to 6.3 above

8.2 To refuse the proposal(s) set out in paragraph 6.1 to 6.3 above and

(a) Take no further action

(b) Recommend a review of all policies to deal with Covid-19 related circumstances.

8.3 The options at 8.2 are not recommended as they do not adequately deal with the speed and rapidly changing nature of the required Covid-19 response as set out in this report. It would also mean additional cases going to Sub-Committee where not necessary and thus use resource that could otherwise be better utilised.

Stephen Lonnia
Chief Licensing Officer & Head of Licensing
15th April 2020

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