

# **Licensing Committee**

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**Monday 26 October 2020 at 2.00 pm**

**To be held as an online video  
conference**

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

## **Membership**

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Councillors Andy Bainbridge (Chair), Karen McGowan (Chair), Dawn Dale, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Sioned-Mair Richards, Mick Rooney, Jim Steinke and Cliff Woodcraft

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

If you require any further information please contact John Turner on 0114 273 4122 or email [john.turner@sheffield.gov.uk](mailto:john.turner@sheffield.gov.uk)

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## **FACILITIES**

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

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

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**LICENSING COMMITTEE AGENDA  
26 OCTOBER 2020**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**  
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Licensing Act 2003 - Revised Draft Statement of Licensing Policy**  
Report of the Chief Licensing Officer

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

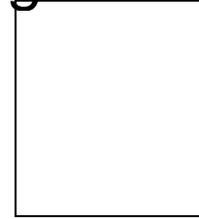
Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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# SHEFFIELD CITY COUNCIL Committee Report

## Agenda Item 5



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

**Date:** 26<sup>th</sup> October 2020

**Subject:** The Licensing Act 2003  
Statement of Licensing Policy Approval Report

**Author of Report:** Claire Bower – Licensing Strategy and Policy Officer

**Summary:** To seek approval from the Licensing Committee on the draft revised Statement of Licensing Policy under the Licensing Act 2003

The report also provides:

- details of the public consultation process undertaken;
- details of the comments received during the consultation period; and
- details of the process and timetable followed and next steps

**Recommendations:** That Members of the Licensing Committee approve the revised Statement of Licensing Policy with any amendments that they consider appropriate and refer the matter to Full Council for approval.

**Background Papers:** Revised Statement of Licensing Policy

**Category of Report:** OPEN

**The Licensing Act 2003  
Draft Statement of Licensing Policy - Approval**

**1.0 SUMMARY**

- 1.1 This report is to seek approval from the Licensing Committee on the draft revised Statement of Licensing Policy under the Licensing Act 2003
- 1.2 The report also provides:
- details of the equality impact assessment;
  - details of the public consultation process undertaken;
  - details of the comments received during the consultation period; and
  - details of the process and timetable followed and next steps.
- 1.3 This is the final consultation with the Licensing Committee before the policy goes to Full Council.

**2.0 BACKGROUND**

- 2.1 Section 5 (1) of the 2003 Act states:

“Each Licensing Authority must in respect of each five year period –  
(a) determine its policy with respect to the exercise of its licensing functions , and  
(b) publish a statement of that policy before the beginning of the period.

- 2.2 The current Statement of Licensing Policy was published in January 2016. Therefore the amended policy must be published in/or before January 2021. When reviewing its policy the Licensing Authority has gone through a strict consultation process in line with the process carried out for the last policy review, as well as what is stipulated within legislation.
- 2.1 The proposed policy has been amended from the one that was approved five years ago and has been produced in accordance with the 2003 Act and the Guidance issued under Section 182 of the Act.

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

- 3.1 The policy deals with the sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment.
- 3.2 The policy covers all types of applications that can be made under the Act, outlines other licensing functions which are often linked with these applications, and details other associated strategies which support the wider Council ambitions and visions.
- 3.3 The policy will also guide the Licensing Sub-Committee when determining applications and assists the Licensing Authority in administering and enforcing the Licensing Act systems in accordance with the promotion of the four core licensing objectives.

- 3.4 It provides developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process and how applications are dealt with in Sheffield.

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

- 4.1 The statement of licensing policy document is designed to give clear and concise guidance to all who need to use it. It is easy to read and interpret, and provides the necessary guidance to allow structured and evidence based decision making for officers and Councillors of the Council.
- 4.2 The structure and content of the policy document positively assists the Council to deliver and achieve its aims and visions for the City as a whole. It clearly links into several Council wide strategies and initiatives that ensure the city maintains safety for all, it builds equality throughout, and allows for the licensing sector to contribute fairly and productively to the City's economy whilst supporting those who choose to enjoy, live, work, and study in Sheffield.

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

- 5.1 The Equality Impact Assessment (EIA) is the chosen vehicle for Sheffield City Council to systematically understand and assess the effect of our proposals and decisions on different groups of people.
- 5.2 As a council we have a Statutory Public Sector Equality Duty (PSED) to pay due regard to:
- eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity; and
  - foster good relations.
- 5.4 An Equality Impact Assessment has been completed in relation to this policy and has been approved by the Council's Equality Team. A copy is attached at Appendix 'A'.
- 5.5 Members should be aware that EIA's are under constant review.

#### **5.0 CONSULTATION**

- 5.1 All responsible authorities under the Act and relevant internal partners were consulted prior to the formal consultation in order to ensure the final draft was as comprehensive and current as possible.
- 6.2 The formal 12 week consultation period began on Monday, 20<sup>th</sup> April 2020 and concluded at 5:00pm on Monday, 13<sup>th</sup> July 2020.
- 6.3 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -
- the chief officer of police for the licensing authority's area;
  - the fire authority for that area;
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority.

- such persons as the Licensing Authority considers to be representative of businesses and residents in its area.

6.4 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other relevant groups; information was published on the Licensing Service webpages with the opportunity to provide comment electronically through Citizen Space as well as in writing through the normal channels.

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

7.1 The Licensing Service has received 31 responses to the formal consultation exercise.

7.2 All consultation responses are attached to this report in full at Appendix 'B'.

7.2 An overview of the responses is attached at Appendix 'C' of the report, which outlines whether or not the comments were used to implement amendments to the document or not.

7.3 The draft policy document was presented to Business Strategy and Regulation Senior Management Team on the 25<sup>th</sup> August 2020 with minor amendments being requested. The details of these amendments are outlined within the overview of comments in Appendix 'C'. The policy document was presented again to SMT on the 10<sup>th</sup> September 2020 where it was formally approved.

7.4 Place Leadership Team approved the draft policy document on 23<sup>rd</sup> September 2020 with no further amendments.

7.5 The draft policy was previously presented to Licensing Committee on 5<sup>th</sup> October 2020, where Members requested the document be submitted to a future meeting, prior to its submission to the Cabinet, subject to the following suggestions, for approval:-

- (i) the issue regarding vaping be further referred to the Health Protection Service and the Office of the Director of Public Health for further comment; and
- (ii) the revised draft Statement to include tracked changes which clearly highlight what revisions have been made.

7.6 The final draft Statement of Licensing Policy for approval with revisions following consultation with the Office of the Director of Public Health is attached to the report at Appendix 'D'.

7.7 At Appendix 'E' is a document summarising the Changes made to the Statement of Licensing Policy throughout the Consultation.

## **8.0 A BRIEF TIMETABLE AHEAD**

8.1 To meet the statutory requirements set out in the 2003 Act and associated regulations and to ensure that the Statement of Licensing Policy is published by the agreed deadlines; we must submit the document for Full Council approval in December 2020, to ensure it is published and in force in or before January 2021.

## **9.0 FINANCIAL IMPLICATIONS**

9.1 There are no financial implications arising from this report.

9.2 The work on the revision of the Statement of Licensing Policy has been undertaken within the current resources of the Licensing Service.

## **10.0 RECOMMENDATIONS**

- 10.1 That Members of the Licensing Committee approve the revised Statement of Licensing Policy with any amendments they feel necessary and refer the matter to Full Council for approval.

## **11.0 OPTIONS OPEN TO THE COMMITTEE**

- 11.1 To approve the contents of the report; the attachments and the consultation that has taken place.
- 11.2 To refer the Statement of Licensing Policy to Full Council in December 2020 for approval.



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

Date: 14<sup>th</sup> October 2020

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# Equality Impact Assessment

## Introductory Information

**Budget/Project name**

Licensing Act 2003 - Statement of Licensing Policy

**Proposal type**

- Budget
- Project

**Decision Type**

- Cabinet
- Cabinet Committee (e.g. Cabinet Highways Committee)
- Leader
- Individual Cabinet Member
- Executive Director/Director
- Officer Decisions (Non-Key)
- Council (e.g. Budget and Housing Revenue Account)
- Regulatory Committees (e.g. Licensing Committee)

**Lead Cabinet Member**

Cllr Robert Johnson

**Entered on Q Tier**

- Yes
- No

**Year(s)**

- |                             |                             |                             |                             |                             |  |  |                             |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|--|-----------------------------|
| <input type="radio"/> 14/15 | <input type="radio"/> 15/16 | <input type="radio"/> 16/17 | <input type="radio"/> 17/18 | <input type="radio"/> 18/19 | <input checked="" type="radio"/> 19/20 | <input checked="" type="radio"/> 20/21 | <input type="radio"/> 21/22 |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|--|--|-----------------------------|

**EIA date**

11/05/2020

**EIA Lead**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li><input type="radio"/> Adele Robinson</li> <li><input checked="" type="radio"/> Annemarie Johnston</li> <li><input type="radio"/> Bashir Khan</li> <li><input type="radio"/> Beth Storm</li> <li><input type="radio"/> Diane Owens</li> </ul> | <ul style="list-style-type: none"> <li><input type="radio"/> Ed Sexton</li> <li><input type="radio"/> Louise Nunn</li> <li><input type="radio"/> Michael Bowles</li> <li><input type="radio"/> Michelle Hawley</li> <li><input type="radio"/> Rosie May</li> </ul> |
|---|--|

**Person filling in this EIA form**

Javne Gough

**Lead officer**

Steve Lonnia

**Lead Corporate Plan priority**

- |  |   |   |   |   |
|--|---|---|---|---|
| <input type="radio"/> An In-Touch Organisation | <input checked="" type="radio"/> Strong Economy | <input type="radio"/> Thriving Neighbourhoods and Communities | <input type="radio"/> Better Health and Wellbeing | <input type="radio"/> Tackling Inequalities |
|--|---|---|---|---|

## Portfolio, Service and Team

### Cross-Portfolio

Yes       No

### Portfolio

Place, BS&R

Is the EIA joint with another organisation (eg NHS)?

Yes       No

## Brief aim(s) of the proposal and the outcome(s) you want to achieve

In developing the Statement of Licensing Policy, the Licensing Authority will ensure it is meeting its obligations as defined under Section 5 of the Licensing Act 2003.

The policy will help the Licensing Authority in:

- Providing applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- Providing a clear, consistent basis for determining licence applications in Sheffield;
- Ensuring the relevant views of those affected by licensed premises are taken into consideration;
- Ensuring local area issues are taken into account by licensed premises; and
- Supporting wider strategies of the City Council and the approach to gambling in the city

It will help in guiding the Licensing Committee in determining applications that may be placed before it.

The policy will also enable our customers, partners and stakeholders to understand Sheffield's approach to the Licensing Act 2003, whilst taking into account other integrating strategies and policies.

It is hoped that the implementation of this policy will assist in tackling inequalities to increasing fairness and social cohesion across Sheffield, reduce health problems which could be a result of the provision of alcohol and help people to have independence and control over their lives.

Operators who are licensed or who want to be licensed will be able to use this policy to assist them to operate responsibly, risk assess their local area and adopt the necessary and most appropriate measures to ensure the promotion of the licensing objectives.

## Impact

Under the [Public Sector Equality Duty](#) we have to pay due regard to the need to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

More information is available on the [Council website](#) including the [Community Knowledge Profiles](#).

Note the EIA should describe impact before any action/mitigation. If there are both negatives and positives, please outline these – positives will be part of any mitigation. The action plan should detail any mitigation.

## Overview

### Briefly describe how the proposal helps to meet the Public Sector Duty outlined above

The Statement of Licensing Policy is a cohesive document which provides framework that encompasses and enables positive ways of working across all aspects of the Sheffield community so that there is a high quality provision of accessible licensed services that deliver what matters most to our diverse communities in Sheffield.

It supports a fair and equal approach in upholding the four Core Licensing Objectives which guides in concise decision making including a clear commitment to meet the Public Sector Equality Duty in the exercise of all functions under the Licensing Act 2003.

The policy is intended to be a key means of facilitating compliance with all of the Council's obligations, including the Equality Act 2010.

It is structured to ensure that it does not discriminate against any protected groups, and as such encourages proportionate legislative regulation so that all services are accessible at all times, whilst also protecting the public in an appropriate and even way. The content and structure of this policy shows our commitment to challenging inequality and promoting a fair and inclusive City for all who live, work and enjoy it.

In order to help facilitate decision making, the Licensing Committee members undertake equality and diversity training and review their learning on a regular basis to ensure their knowledge and understanding of all matters concerning equality and diversity are implemented and considered when any decision making is undertaken. This is referenced within the policy.

## Impacts

### Proposal has an impact on

|   |   |
|---|---|
| <input checked="" type="radio"/> Health     | <input type="radio"/> Transgender                         |
| <input checked="" type="radio"/> Age        | <input type="radio"/> Carers                              |
| <input checked="" type="radio"/> Disability | <input type="radio"/> Voluntary/Community & Faith Sectors |
| <input type="radio"/> Pregnancy/Maternity   | <input checked="" type="radio"/> Cohesion                 |
| <input type="radio"/> Race                  | <input type="radio"/> Partners                            |
| <input type="radio"/> Religion/Belief       | <input type="radio"/> Poverty & Financial Inclusion       |
| <input type="radio"/> Sex                   | <input type="radio"/> Armed Forces                        |
| <input type="radio"/> Sexual Orientation    | <input type="radio"/> Other                               |

Give details in sections below.

### Health

#### Does the Proposal have a significant impact on health and well-being (including effects on the wider determinants of health)?

Yes  No *if Yes, complete section below*

#### Staff

Yes  No

#### Impact

Positive  Neutral  Negative

#### Level

None  Low  Medium  High

## Details of impact

### Customers

Yes     No

### Impact

Positive     Neutral     Negative

### Level

None     Low     Medium     High

## Details of impact

Alcohol is a legally recognised substance that has a detrimental effect on health and wellbeing. It is therefore vital that legislation and associated local policies are adopted and implemented to ensure the highest level of protection of all who choose to enjoy it in a safe and sensible way, and safeguard children and vulnerable adults in this area.

The Department for Public Health is the responsible authority under the Licensing Act 2003 and is focused on matters pertaining to activities that can have impacts on the health and wellbeing of the general public. This statement of Licensing Policy positively supports the core objective of public safety by outlining expectations on operators in this regard.

Although public health itself is not one of the licensing objectives in the Act, applicants are required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapacity through excess alcohol. It is also expected that consideration should be given to sign posting individuals to intervention or referral policies, including the option of licence holders displaying paraphernalia in premises toilets promoting support services which can be clearly seen by all patrons.

Glass drinking vessels and bottles have the potential to cause accidental or deliberate injury ("glassing"). The type of injuries sustained – blunt force trauma or cuts – can be serious, with long term implications for the individual, and high treatment costs for the National Health Service.

Evidence has been provided from Public Health colleagues that outlines higher levels of risk and associated alcohol related crime and disorder in premises that fit the following profile:

- Pubs, Clubs, crowded venues with "pinchpoints", vertical drinking establishments and public spaces
- Friday and Saturday nights into the early hours 22:00 - 03:00 hours
- Younger males under 30 years old

This policy considers this evidence and expects there to be a common sense approach to requesting a licence to be conditioned appropriately in relation to the use of glass alternatives. A targeted approach is preferred by the industry rather than a blanket approach, with the request for the replacement of glassware with polycarbonates or alternatives to glass to be determined on a case by case basis in association with the calculated level of risk. By implementing this condition it will not necessarily reduce alcohol related violence but will reduce the severity of the injuries sustained, in turn reducing the impact and unnecessary cost to the National Health Service in dealing with the casualties as a fall out to the use of glass wear in higher risk premises/areas.

In addition to alcohol related harm, there is also the requirement for operators to display and execute zero tolerance policies to drug use and make every effort to provide contact details to relevant services such as the Drugs and Alcohol Co-ordination Team (DACT) to facilitate this.

The policy refers to positive links with the Sheffield Joint Health & Wellbeing Strategy 2019-2024 and other associated plans and strategies.

## Age

### Staff

Yes  No

### Impact

Positive  Neutral  Negative

### Level

None  Low  Medium  High

### Details of impact

### Customers

Yes  No

### Impact

Positive  Neutral  Negative

### Level

None  Low  Medium  High

### Details of impact

The Licensing Act 2003 specifically promotes the protection of children from harm objective and the Statement of Licensing Policy reinforces that with a number of local expectations of licence holders to mitigate risk.

For the purpose of this EIA, a child is anyone under the age of 18.

The policy will assist in protecting children under the age of 18 from being sold alcohol themselves or via proxy sales, whilst also ensuring that licensed establishments are places where children and young people can learn to integrate and socialise safely and in a responsible and appropriate environment.

Any operators of premises who are licensed to sell alcohol for consumption both on and off the premises are expected to implement a strict age verification scheme such as 'Challenge 21' or 'Challenge 25'. This is standard practice outlined by the Sheffield Children's Safeguarding Partnership and South Yorkshire Police, and operators should expect to comply with this section of the policy to reinforce them as being responsible operators and providing safe premises for children of all descriptions across Sheffield.

Sheffield Children's Safeguarding Partnership help operators with their child protection responsibilities, by providing free training that operators are expected to attend. It is deemed a sensitive area of risk so operators should expect to apply extra measures to mitigate associated risks and apply the necessary safeguarding tools to allow them to carry out their choice of licensed trade in a proactive and responsible way.

It is clearly set out under this objective within the policy what actions would be taken if operators do not meet or uphold their responsibilities within this area of risk.

Whilst this EIA is connected to the Statement of Licensing Policy, it is understood

that gambling matters must also be addressed in relation to alcohol premises and activities, as they often are provided together. To this end, the age verification schemes and levels of risk in relation to gambling must also be addressed and actively managed to ensure that children are protected from the harms of gambling.

## Disability

### Staff

Yes       No

### Impact

Positive     Neutral     Negative

### Level

None       Low       Medium       High

### Details of impact

### Customers

Yes       No

### Impact

Positive     Neutral     Negative

### Level

None       Low       Medium       High

### Details of impact

The Statement of Licensing Policy refers to direct links with the Accessible Sheffield project which is where Sheffield City Council works cohesively in partnership with AccessAble, Disability Sheffield and Nimbus Disability to support Sheffield being an accessible and fairer city for all who live, work, study and/or visit.

The Access Guides from AccessAble, have detailed access information for over 2,000 venues in Sheffield, including shops, community halls, places of worship, Council buildings, hospitals, universities, bus and train stations, hotels, and more - a lot of which would benefit from the provision of a type of licence.

An Access Guide includes information about a venue's facilities, including wheelchair access, automatic doors, accessible changing rooms, large print, sign language, and parking.

Developed by disabled people for disabled people, the Access Guides improve choice, control, independence and inclusivity.

Public Safety is a core licensing objective and there are minimum standards imposed on operators to ensure they provide the necessary facilities in licensed premises to address the needs of disabled and vulnerable customers to this end. The Health Protection Service are the responsible authority for all matters involving the health and safety of customers, and there is a clear expectation for operators to work closely and proactively with this service when ensuring that the licensed facilities that they provide are done so in line with legal requirements whilst allowing for fair and available accessibility to all who wish to frequent their premises.

The licensing offering in Sheffield is fully inclusive and available to all people of the city, regardless of their physical, mental or social disability. The Council is keen to promote this through the provision of a carefully constructed policy, and encourages high levels of equality by operators to encompass a wide variety of service provision to the required standard.

The policy document has been written in simple terminology so it can be easily understood by all who need to use it, and is freely available in different formats

such as large print, Braille etc.

## Cohesion

### Staff

Yes       No

### Impact

Positive     Neutral     Negative

### Level

None       Low       Medium       High

### Details of impact

### Customers

Yes       No

### Impact

Positive     Neutral     Negative

### Level

None       Low       Medium       High

### Details of impact

The policy encourages applicants to create a positive impact on the local community where their business is operating by ensuring the upkeep of the four core licensing objectives.

It is expected that applicants and licence holders must cooperate with responsible authorities in a cohesive and proactive way to ensure conditions of operation and the type of licensable activities being provided, do not negatively impact on these objectives and subsequently reduce the quality of life of the local community in any way.

The policy gives local residents a voice if they experience problems with existing licensed premises, and also the opportunity to have their say against any new premises which they fear may negatively impact on their lives. This policy is a helpful tool for these residents, and should be used to assist them if they have any difficulties or problems.

It is detailed within the policy how it links with other Council strategies such as the Sheffield City Partnership and the Safer and Sustainable Communities Partnership Plan 2018-2020, which reinforces the positive development of Sheffield, making it a place where people want to be.

Through partnership working and fostering positive links with other strategies and neighbouring groups, it is expected that operators, customers and residents can be supported in a cohesive way to strike the right balance in developing the local economy appropriately through the licensed trade whilst safeguarding the needs of the communities of Sheffield making the licensing offer successful and fruitful for all people.

All communities should find the content of this policy reliable, constructive and a useful tool in assisting to build and positively facilitate well run community events, large scale festivals of different arts and genres and innovative use of new and existing premises, and open spaces. It is built with a strong emphasis on facilitating, educating and supporting communities to thrive, and relies on a collaborative approach by all operators, responsible authorities, stakeholders and residents of Sheffield.

## Cumulative Impact

### Proposal has a cumulative impact

Yes       No

|   |   |
|---|---|
| <input type="radio"/> Year on Year      | <input type="radio"/> Across a Community of Identity/Interest |
| <input type="radio"/> Geographical Area | <input type="radio"/> Other                                   |

*If yes, details of impact*

### Proposal has geographical impact across Sheffield

Yes       No

*If Yes, details of geographical impact across Sheffield*

### Local Partnership Area(s) impacted

All       Specific

*If Specific, name of Local Partnership Area(s) impacted*

## Action Plan and Supporting Evidence

### Action Plan

This policy aims to mitigate the impact from licensed premises and activities to all people living in and visiting Sheffield.

### Health

Public Safety is a core licensing objective, and it is expected that operators provide the necessary measures to ensure that premises and the overall operation of the business is in line with Health and Safety regulations to ensure safe and equal access to all users.

Alcohol is a risk to health both directly and indirectly. It is therefore expected that operators undertake and implement the necessary risk assessments in regards to the provision of SIA registered security, glass alternatives and the overall style/time of operation of the business to assist in mitigating the risk of alcohol related harms, and proactively promoting support services and stringent practices in regards to vulnerable customers. The use of alcohol cannot be prohibited, but safely controlled to ensure the impact on health and wellbeing is minimal and carefully supported.

### Age

There is a risk that the sale of alcohol will have a negative impact on children under the age of 18 if they are able to obtain alcohol from a licensed premises themselves or by proxy sale. In order to mitigate this risk, the policy expects licence holders to have an age verification policy in place and stringent child protection procedures, with records of refusals and any action taken.

There is a test purchase strategy which South Yorkshire Police and Sheffield Children's Safeguarding Partnership undertake to assist licensees to operate legally and ensure safe practices are being undertaken at all times. Within this strategy is the offer of safeguarding training and further support to any operators who need it to improve their level of compliance in this area of operation.

### Disability

There should be little or no impact on disability in Sheffield by the implementation of this policy, as it ensures that operators adhere to regulations for disability access, and works in partnership with the relevant authorities to care for and promote the wide ranging needs of the Sheffield community. A joined up approach in facilitating and supporting key strategies within Sheffield to help support and guide new and existing licensees to meet the needs of the community allows for a fair and inclusive licensing provision across Sheffield without prejudice.

### Cohesive

The structure and content of this policy enables a positive impact on the communities of Sheffield by assisting people who wish to operate in the licensed trade to do so successfully, fairly and in a manner which meets the various interests and needs of the Sheffield Community.

The policy gives the general public a method of voicing their opinion and assist in modelling the licensing provision in their local area to ensure successful communities can be created whilst safeguarding people who live, work and enjoy socialising in and around that community.

### **Supporting Evidence** (Please detail all your evidence used to support the EIA)

## Consultation

### Consultation required

- Yes  No

### If consultation is not required please state why

17/2/2020 – 11/05/2020

### Are Staff who may be affected by these proposals aware of them

- Yes  No

### Are Customers who may be affected by these proposals aware of them

- Yes  No

### If you have said no to either please say why

## Summary of overall impact

### Summary of overall impact

Overall, this policy is of universal positive benefit to everyone. It has a particular benefit to young people, and clearly supports positive cohesion of our varied communities. The policy has a positive impact on equalities by promoting awareness and reminding licensees of their responsibilities. It outlines expectations which the Council will adhere to and reinforce, whilst educating operators in due diligence and best practice.

It aims to protect the safety and wellbeing of the public, whilst encouraging business to grow and succeed in a manner that helps the economy of Sheffield to flourish.

It is a comprehensive guide to local residents to give them freedom of speech to enable them to positively contribute to developments in their local area or support them if they suffer issues or problems with existing problem premises or licensed activity.

There is a clear focus on balancing informed decision making for Responsible Authorities and Councillors, whilst meeting the changing needs of the people of Sheffield.

The policy provides licence applicants with a clear, consistent basis for submitting fair applications and notices in Sheffield whilst providing the Licensing Authority with a robust foundation for determining those applications in the most appropriate way.

There are no negative impacts identified from the introduction of this policy.

This EIA will be reviewed and updated following the 12 week consultation, which ends on 11th May 2020.

### Summary of evidence

### Changes made as a result of the EIA

## Escalation plan

**Is there a high impact in any area?**

Yes  No

**Overall risk rating after any mitigations have been put in place**

High  Medium  Low  None

**Review Date**

05/10/2020

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## Response to Sheffield City Council Review of Statement of Licensing Policy - 2021

### Introduction

Punch is one of the UK's largest leased pub companies, with around 1300 pubs across the country. From the spirit of our local community pubs, the energy of our lively city centre hot spots and sports bars, to the warmth and calm of our inviting country inns; our pubs are the heart of all we do.

We are a business of people that love pubs! With a mixed estate of high quality leased, tenanted and retail pubs, our years of experience have enabled us to develop a leading proposition for those wishing to work with us and run a pub business of their own. We provide industry leading, tailored business support to our Publicans and develop market-leading, flexible agreements and retail concepts to suit all aspirations.

Under the ownership of Patron and May Capital, we have exciting plans to grow our business: longer term through potential acquisition opportunities and – in the here and now – by substantially investing in our teams, our pubs and Publicans.

Corporate Social Responsibility (CSR) is embedded across many elements of our business, from corporate fundraising to responsible retailing. We have dedicated teams in place to assist in ensuring that our premises operate to the highest standards. We strive to ensure that our pubs are not operating irresponsible drinks promotions or serving underage drinkers or those who are intoxicated.

The Punch Buying Club, our online ordering and communications portal, also has a section dedicated to Risk Management providing our Publicans with a wide range of downloadable educational tools, advice and pub-friendly materials, which can be used by pub managers and team members.

As supporters of Drinkaware we do not condone irresponsible promotions and pricing of alcohol, and we have actively supported Drinkaware's campaigns to help tackle binge drinking amongst 18 to 25 year olds. Responsible retailing forms a key part of our Publican training and we provide clear guidance on current legislation and best practice.

We also support industry led initiatives to promote responsible retailing and, are pleased to see many of these highlighted in the proposed new policy. We are active members of industry trade bodies such as British Beer Pub Association (BBPA) and the British Institute of Innkeeping (BII).

We are pleased to be able to contribute to this consultation, we have always prided ourselves on the collaborative approach that we bring in working with Local Authorities and Responsible authorities.

Punch Taverns are the landlords of 13 licensed premises within Sheffield City Council and therefore is one of the larger premises licence holding companies in the council area. We would ask therefore that the opinions expressed in this consultation response are given due weight in these circumstances.

We have considered the existing policy, and the proposed changes to this highlighted in the draft policy, and base this response on best practice we have seen around the country in terms of not just policy documents, but also in relation to how best councils can seek to frame their licensing remit to ensure that the correct balance between operators being able to thrive and residents having proper protections within the remit of the four licensing objectives.

## **Response to consultation**

### **Supporting and Integrating Strategies**

Licensing policies works best when they reference, and indeed work with, other council strategic plans and policies. For instance, planning strategies and local cultural strategies often inform applicants for either new licences or variations to licences as to what the council are looking to do in terms of promoting culture, leisure use and night-time economy uses in a particular area.

Often it can be difficult to find these documents online and it is therefore pleasing to see specific reference to these within the proposed licensing policy statement, and indeed a general statement that the licensing feeds in to other strategies is both a pertinent and of benefit to applicants and responsible authorities alike.

Links to specific strategies, will also assist new potential businesses to understand and factor in the likely costs of entry into the city.

### **Relationship with Planning**

We note that you confirm in your policy that planning is not a pre requisite to applying for a premises licence, provisional statement or variation of a licence.

We would also urge you to clarify in your policy that where conditions are stipulated on a planning permission, such as restriction on hours or activities, these do not need to be repeated in the premises licence, unless there is good reason to do so. Often conditions relating to extract systems, closing times of external areas, etc. appear on both permissions and on occasion they do not even mirror the other.

This leads to additional and unnecessary expense for licence holders should such conditions need to be amended.

## Part 3

### The Licensing Objectives

#### Pre – Application Advice and Consultancy Service

It is Punch's' usual practice to consult with the licensing authority and relevant responsible authorities in advance of any significant application, be this a new application or a non-minor variation, for example, and we therefore welcome the introduction of a pre – application advice and consultancy service.

#### The Prevention of Crime and Disorder

The prevention of crime and disorder is one of the four licensing objectives and clearly a major pillar of licensing legislation. We have become increasingly concerned that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises.

When, for example, the Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. The Police may often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises.

Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included.

We feel it is important that the Council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the licensable activities being provided within the premises themselves.

#### Crime and Disorder Policy – CCTV

We note that whilst the Council licensing policy specifically references GDPR, the section relating to CCTV does not.

One of the most significant changes in recent times, and certainly since the last licensing policy was in place, has been the change to data protection legislation introduced via GDPR. Whilst the obvious effects of this regulatory change relate to protecting personal data held on behalf of individuals, such as social media, mailing lists, email data bases and various other forms of storage of someone else's data, there are other effects that need to be reflected in licensing policy.

For instance, the requirement for CCTV at a premises licence is not only expensive to install, but we question the value of such systems in terms of crime prevention and detection, especially in smaller community pubs. It is now commonplace for police to demand CCTV in almost all premises and to insist upon complicated and demanding CCTV conditions to be added to premises licences. In addition, operators of CCTV systems have to consider the GDPR implications. In particular, anyone who stores data, including CCTV footage of individuals, which is classed as data for the purposes of GDPR, must be responsible for its safe collection, storage, usage and disposal.

Handing over CCTV footage to Police officers in the active investigation of a criminal offence, such as a fight, would obviously be a legitimate reason for providing data. However, a condition with a general requirement to hand over CCTV at the behest of a licensing officer or police officer would arguably breach GDPR were it to be enforced. This means that there are numerous CCTV conditions on licences that would likely, were one to try and enforce them as they are written, cause an operator to breach GDPR.

Similarly, club scan conditions need to be thought about in terms of GDPR and the obligations of the data holder. For instance, the time for which any data is stored and the purpose for storing that data needs to be made clear to people handing over their data. Again conditions that require such data to be handed over at the behest of an officer other than in investigating a criminal offence would in all likelihood breach GDPR.

We feel therefore that this need to be addressed in the policy in order to ensure that conditions are updated to ensure compliance and that CCTV in particular is not being universally required where there is no real and pressing need for it.

### **Prevention of Public Nuisance**

The prevention of public nuisance licensing objective is to be widely interpreted, as set out in the Statutory Guidance. However, we often come across conditions imposed on licences, as well as the investigation of complaints that do not relate to public nuisance. For instance, conditions that refer to 'nuisance', rather than 'public nuisance', set a significantly higher barrier- one that was not intended by the Licensing Legislation. We also see this in terms of enforcement action where often enforcement officers will allege that a nuisance, often a private nuisance, has occurred and demand action under the terms of the premises licence.

Clearly this is beyond that which was intended by Parliament and therefore we suggest that your policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition.

In particular, we suggest that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.

## Tables and chairs on the highway

External areas, especially gardens and enclosed spaces laid out to tables and chairs, are often attractive in their own right, as well as promoting businesses. Where they are on council land, they can be useful sources of revenue for local authorities.

For ease of reference, we would ask that your policy refers specifically to the tables and chairs policy currently in place, with links where possible to that policy and where application forms/details of fees can be found on the council website etc.

## Minor Variations

The use of minor variations is a very useful tool and we feel that your policy should reflect this. Minor variations are there to ensure that cost and time is saved where appropriate for applicants seeking to make changes to their licence that would not undermine the objectives.

Whilst we note that the proposed policy sets out the four broad categories within which a minor variation falls, we feel it would assist if you set out in your policy more specifically those applications that would fall ordinarily within the minor variation class.

We would propose these are as follows:-

- Changes to layout that do not increase the customer area (beyond a de-minimis increase of, we would suggest, 10%).
- Amendment and removal of conditions in agreement with responsible authorities.
- Changes to opening times to allow for earlier opening for premises for non-licensable activities, ie. to permit premises to open to serve coffee and/or breakfast.
- Removal of conditions that are no longer relevant to the operation of the premises or are redundant following imposition of new law, such as the Regulatory Reform (Fire Safety) Order 2005.

## Cumulative Impact

We note that Sheffield City Council does not have any cumulative impact policies in place at the present time.

In the event that this position changes, Punch welcomes the opportunity of contributing to any consultation on this.

## Miscellaneous

### Imposition of conditions on licences

Reference is made throughout the policy, rightly, in relation to conditions on premises licences.

Whilst Punch Taverns recognise the importance of conditions on premises licences in certain circumstances, such as to prevent or to mitigate the potential risk of certain activities undermining the licensing objectives, and welcome the statement on page 6 of the proposed policy that the licensing authority “will take care to ensure necessary, proportionate and reasonable conditions are imposed on regulated activities”, we have a concern that more and more conditions are being placed on licences that are then enforced as breaches of the licence in their own right.

Licensing authorities are obliged to promote the 4 licensing objectives. Breaches of condition in and of themselves are an offence under Section 136 of the Licensing Act and on summary conviction can lead to an unlimited fine and/or up to 6 months in prison.

It is important that this distinction is recognised in your policy and that breaches of condition in and of themselves are a matter for the Courts; whereas an undermining of the licensing objectives, which can happen with or without conditions being on the licence in any event, are the province of the licensing authority to deal with.

We would suggest that this distinction is made in your policy as it will re-enforce the message both for responsible authorities and for operators who hold premises licences in your area.

Punch has always been happy to work with licensing authorities in relation to conditions being imposed on a licence where they are necessary and proportionate to achieve an identifiable aim. However, we are concerned with the prevalence of standard conditions being used across all licences within any particular class. This has taken over from a proper analysis of the need for such conditions in the first place.

In particular, we have seen a rise in conditions being imposed upon premises licences by responsible authorities, irrespective of the nature of the application being made. For instance, a variation to the plans attached to a licence to effect a simple alteration in layout and where there is no change in licensable activities, increase in customer area, or removal of internal lobbies, for instance, sometimes result in officers seeking to ride on the back of that application to impose conditions that are in no way relevant to it.

The case of Taylor v Manchester City Council makes it clear that any conditions imposed on a premises licence when it is varied must relate to that application itself and should not stray into other areas that are not part of the application. It is important again that this is referenced in policy in order to prevent unnecessary hearings and often additional expense to applicants seeking to make simple changes to their licence but are then held to ransom by responsible authorities who know that

operators are unlikely to challenge their right to impose such conditions where the cost would be send the matter to a hearing.

We submit that the imposition of large numbers of conditions on a premises licence is self-defeating. Premises licences form one part of a significant number of regulatory requirements that must be observed by publicans and this is often forgotten by regulators who often only think in terms of their one area of expertise. The City of London licensing authority, for instance, will only impose conditions if deemed absolutely necessary. It is not unusual to see licences with only a handful of conditions.

The reason for this is that they expect operators to promote the licensing objectives, not go through the motions of complying with conditions because they have to. Many licences "grandfathered" in 2005 would, likely have few or no conditions on them. We have seen no evidence to suggest such premises have undermined the licensing objectives more than "conditioned licences."

We would challenge any authority to suggest that this approach leads to more issues with licence holders undermining the objectives. If anything this clarity of approach means that operators are freed up to adapt their businesses as the demands of the market change, freeing up officers from having to undertake lengthy inspections of licences and then having to send out enforcement letters relating to conditions that are breached in the observation without any real evidence that the breaches themselves undermine the objectives. This in turn frees up resources for enforcement against poorly behaving premises and dealing with unlicensed operators.

### **On and Off-Sales**

We have recently become aware that the definition of on and off-sales has caused some confusion. In particular there appears to be confusion around whether an off-licence is required for customers to take drinks outside a premises, for instance onto the pavement, and consume their drinks there.

We contend that such a sale is an on-sale. If one considers the nature of the offence of selling alcohol without the appropriate licence, it is clear that the intention is that the person making the sale is the one who would be charged with the offence, rather than, say, the purchaser. Therefore, in selling a drink in an open container for immediate consumption, it cannot be argued that the publican has made anything other than an on-sale. It is inconceivable that the law intended that should this person step outside the premises, or indeed take that drink away with him, that this would somehow transform that on-sale to an off-sale. The terms 'on' and 'off' sales originate from the Licensing Act 1964. Analysis of the legislation (by reference to off-sales) demonstrates that all off-sales had to be intended to be sold for consumption away from not only the licensed premises but any land associated with that premises or land immediately adjoining it for them to be considered an off sale.

The intention was to ensure that in a situation where a seller makes an on-sale, that on-sale does not become an off-sale simply by means of it being consumed in the immediate environment of the premises, such as an unlicensed garden or on the pavement outside the pub.

As such, we feel that this would merit being clarified in the policy. We would propose a statement along the following lines:-

*"On and off-sales are defined by reference to the intention of the seller at the time of sale. A sale in an open container for immediate consumption at the premises is an on-sale. This extends to where the person who has purchased the drink at the bar and then consumes it either in a pub garden or on the pavement immediately outside the premises.*

*An off-sale is a sale designed for consumption away from the premises and its immediate environs. This will usually be in a sealed container such as a bottle or can and the seller when selling that drink had no intention for the purchaser to remain at the premises to consume it"*

## **Agent of Change**

Whilst we recognise that the principle is currently being debated in terms of planning, it is equally as important in so far as licensing is concerned.

We recommend that the licensing policy expressly recognises that developers of new residential developments need to protect their buyers from potential sources of noise disturbance, not expect existing licensed premises to have to adapt their offer to accommodate the new development.

In particular, small pubs often rely on live or recorded music, provision of social events and other community based promotions, such as beer festivals, in order to survive and thrive.

We have, unfortunately, seen a rise in complaints and reviews directed at existing premises that have often been at the heart of the community for over a century, from residents moving into new properties nearby.

Whilst it is incumbent upon licence holders to promote the licensing objectives, it is iniquitous and arguably a breach of their Article 1, Protocol 1 human right to peaceful enjoyment of property, which includes their premises licence, to have their livelihood threatened and sometimes taken away because of poorly designed and constructed residential property built next door.

Licensing Service,  
 Sheffield City Council,  
 Block C Staniforth Road Depot  
 Staniforth Road,  
 Sheffield, S9 3HD.  
 Tel: 0114 2734264  
 E-mail: [licensing@sheffield.gov.uk](mailto:licensing@sheffield.gov.uk)  
 Website: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing)

Our Ref: LIC/LAPolicy/JG

## Your comments on the draft Statement Policy

### Part 1 – Your Details

|    |   |  |
|----|---|--|
| 1. | Full Name   | DesO'Neill                             |
| 2. | Address   | ██████████<br>██████████<br>██████████ |
|    | Telephone Number  | ██████████                             |
| 3. | E-mail address  | ██████████                             |
| 4. | Name of organisation<br>(if replying on behalf of<br>organisation, association<br>or group etc.)<br><br>Please supply details of the<br>group you represent and a<br>summary of the persons<br>you represent. |  |
| 5. | Signature   | Desmond O'Neill                        |
| 6. | Date  | 15/05/2020                             |

**Please note you may reply on a separate piece of paper if you prefer (please make sure you write the paragraph number of the part of the policy you are commenting upon at the side of each comment)**

|                     |            |                    |            |
|---------------------|------------|--------------------|------------|
| For Office Use Only |            |                    |            |
| Response No:        | 2          | Reply No:          | 2          |
| Date Received:      | 15.05.2020 | Date Acknowledged: | 15.05.2020 |

**Part 2 Comments on sections**

| <b>Paragraph Number</b> | <b>Comments</b>   |
|-------------------------|---|
|                         | <b>I see no particular areas of concern with the Policy Statement as issued or with the proposed amendments.<br/>Thank you for the opportunity to be involved with the process.</b> |
|                         |   |
|                         |   |
|                         |   |
|                         |   |
|                         |   |
|                         |   |
|                         |   |
|                         |   |

| Name          | Organisation      | Is the Statement of Licensing policy document easy to understand? | If no, please explain why           | Does the Statement of Licensing policy document provide all the information you would expect? | If answered no, please indicate what other information you would like to see included | Does the Statement of Licensing policy document include any information that you disagree with or you think needs amending? | If you have answered yes, please explain which sections you disagree with or think need amending and why you think this.ng to, explaining your reasons.   | If you have any other information or comments, please complete the box below.  |
|---------------|-------------------|---|-------------------------------------|---|---|---|---|--|
| DAVID BUTCHER | GREENE KING       | Yes   |                                     | Yes   |   | No  |   |  |
| Page 37       | P J M Leisure Ltd | Yes   |                                     | Yes   |   | Yes   | Need more interaction with local business when events are taking place also local residents i.e not just a poster on a lamp post saying what is going on . Public meetings in the area events will take place. With plenty of time to sort out. | As a city with diverse activities licenced or unlicenced where people gather for what is termed as enjoyment. Called by many a Raves think we should have more control over them.<br><br>Also crowds in certain areas of the city outside licenced premises loitering about. |
| SHEENA WILD   | MRS               | Yes   |                                     | Yes   |   | No  |   |  |
| Samuel Hill   |                   | Yes   |                                     | Yes   |   | No  |   |  |
| M.Grey        | Private citizen   | No  | Too many clauses, needs simplifying | Yes   |   | Yes   | Certain clauses seem contradictory, allowing circumventing to be possible   |  |

|              |     |     |   |     |   |    |  |   |
|--------------|-----|-----|---|-----|---|----|--|---|
| MartinWhite  | N/A | Yes |   | Yes |   | No |  | I am 70+, categorized as vulnerable. Science degree, some medical experience, so I can follow the medical epidemiology. It is far too early to relax restrictions on public gatherings let alone licensed premises. |
| Mark Delmar  |     | Yes |   | Yes |   | No |  |   |
| Peter Davies |     | Yes |   | Yes |   | No |  |   |
| Andrew Tabor |     | Yes |   | Yes |   | No |  |   |
| Page 38      |     | No  | There isn't even clarity on what document you are referring to in this question. You need a link to the document in the question or in a prominent place on the survey.<br>The document itself, if I'm looking at the right one, doesn't have a single street name on the Plan 1 map of city centre zones. I would easily argue an establishment could make a defence that your boundaries are meaningless as they have no context, it doesn't even stipulate that this is Sheffield. | No  | See above.<br>I would also expect to see worked through examples that are easy for people to understand.<br>Can I run a market stall on Barkers Pool selling wine? Yes, but only within a fenced area. No, it isn't permitted etc.<br>Can I open a nightclub on the Moor, Yes. Can I open one on Fargate?- Possibly the map isn't very clear. | No |  |   |

|                  |                    |     |  |     |  |     |   |  |
|------------------|--------------------|-----|--|-----|--|-----|---|--|
| Emma Kirby       |                    | Yes |  | Yes |  | No  |   |  |
|                  |                    | Yes |  | Yes |  | No  |   |  |
| Antony Davenport | sheffield resident | Yes |  | Yes |  | Yes | <p>Licensing needs to be far tougher with licences withdrawn for a lengthy period for those who flout the law.</p> <p>The owner of the Pitsmoor Hotel / Staffordshire arms should be banned for many years.</p> <p>These people should understand that having a license is a privilege not a right and that responsible behaviour must be exhibited at ALL times.</p> |  |

|                 |             |     |  |     |   |     |  |  |
|-----------------|-------------|-----|--|-----|---|-----|--|--|
| Amanda Baxter   | None        | Yes |  | No  | <p>I would like to see how the Statement of Licensing policy takes account of the Council's environmental policies; those acknowledging climate crisis, levels of air pollution and an ambition towards creating safer and more desirable neighbourhoods.</p> <p>In my opinion, all licensing in the city should have regard to the environmental impacts of the activity being carried out, and that is possible under the 4 strands of the act.</p> <p>All licensed premises and operators should produce an environmental statement showing how they are minimising their environmental impact. Licensed premises and operators should be guided by officers on how to reduce their impact. Where premises are selling takeaway food, for example, this should be in compost able or returnable by deposit containers. Many takeaway operators use styrofoam shell containers when catering grade paper and card containers would do equally well. I have been to big events where all the catering vendors were required to</p> | Yes | <p>Only in that I feel it needs expanding to take account of environmental impact with a view to requiring operators to minimise their environmental impact. See comments above.</p> |  |
| Gurvinder singh | Off license | Yes |  | Yes |   | No  |  |  |

|              |  |     |  |     |                           |     |  |  |
|--------------|--|-----|--|-----|---------------------------|-----|--|--|
| A. M. Peat   | Citizen of Sheffield for 78 years and Ex Councillor for four years | Yes | Greater emphasis of the importance of accurate "evidence" being required by those making application or objecting to the grant of a licence.<br><br>Some guidance for applicants or objectors on what the Committee can accept as acceptable and reliable evidence.... | No  | See the box above... pls. | No  |  |  |
| Balraj Johal | Crowdpleaser.club Ltd  | Yes |  | Yes |                           | Yes |  |  |

|                |                |     |  |     |  |    |  |  |
|----------------|----------------|-----|--|-----|--|----|--|--|
| Brian Messider | Access Officer | Yes |  | No  | <p>The section on equality, diversion and inclusion is - as ever - very welcome.</p> <p>From recent experience, I believe it would be helpful to applicants to include short paragraphs -</p> <ul style="list-style-type: none"> <li>• Highlighting the cost-effectiveness and potential for increased business of meeting current accessible/inclusive design standards at fit out or during refurbishment</li> <li>• Referring to the current design standards.</li> </ul> <p>The most relevant design standards are -</p> <ul style="list-style-type: none"> <li>• Building Regulations Approved Document M: Access to and use of buildings - Volume 2: Building other than dwellings</li> <li>• BS 8300-1 2018: Design of an accessible and inclusive built environment - Part 1: External environment - Code of practice</li> <li>• BS 8300-2 2018: Design of an accessible and inclusive built environment - Part 2: Buildings - Code of practice</li> </ul> <p>(The BS is more thorough and provides a more inclusive</p> | No |  |  |
| Ruth Mitchell  | none           | Yes |  | Yes |  | No |  | I support the idea of developing the Cumulative Impact Areas |
| Tracey browes  | The office pub | Yes |  | Yes |  | No |  |  |

|               |                               |     |  |     |  |     |  |                               |
|---------------|-------------------------------|-----|--|-----|--|-----|--|-------------------------------|
| Paul fogg     | Innserve ltd                  | Yes |  | Yes |  | Yes | CCTV should not be optional in licensed premises , should be a legal requirement to support all services including the police. |                               |
| Marion Gerson | None                          | Yes |  | Yes |  | No  |  |                               |
| Xiangbin Cao  | Wharncliffe Side Takeaway LTD | Yes |  | Yes |  | No  |  | We are not open til 12:00 am. |

|                           |                                    |            |  |            |  |            |  |  |
|---------------------------|------------------------------------|------------|--|------------|--|------------|--|--|
| <p>Lisa Sharkey</p>       | <p>Poppleston Allen Solicitors</p> | <p>Yes</p> |  | <p>Yes</p> |  | <p>Yes</p> | <ul style="list-style-type: none"> <li>• Page 18 of the revised policy, under the heading of “Prevention of Crime and Disorder”, paragraph 2 references ‘all staff to access and operate the system at any time’. I believe the Information Commissioner requires access to be controlled and limited. It might be better to rephrase to say ‘nominated or authorised staff’.</li> <br/> <li>• Paragraph 2, page 22 under the heading “Outside Areas and Smoking / Vaping Shelters”. This states that vaping must be treated in exactly the same way as smoking under the smoke free legislation. This is misleading as it suggests that vaping is illegal inside premises. Many operate choose not to allow it inside premises but The Health Act 2006 does not currently ban it. The definition of ‘smoking’ in section 1 of the 2006 Act refers smoking tobacco or other substances. There is no tobacco in vape juice nor</li> </ul> |  |
| <p>Razvan Marius Nica</p> | <p>Las Iguanas</p>                 | <p>Yes</p> |  | <p>Yes</p> |  | <p>No</p>  |  |  |

|               |                             |     |  |     |  |     |   |  |
|---------------|-----------------------------|-----|--|-----|--|-----|---|--|
| Amanda Hughes | Sheffield Hallam University | Yes |  | Yes |  | Yes | <p>On page 33 there seems to be a contradiction regarding the number of TENS licences that can be applied for: "No more than 15 TENS can be given for the same premises in any calendar year."</p> <p>Is Sheffield Hallam University considered to be 1 premise, or are each of our buildings a premise?</p> <p>If the former, this would be a big issue for us as we apply for more than 15 TENS in a calendar year.</p> |  |
|---------------|-----------------------------|-----|--|-----|--|-----|---|--|

|             |                                      |    |                          |    |                          |    |                          |   |
|-------------|--------------------------------------|----|--------------------------|----|--------------------------|----|--------------------------|---|
| Eamonn Ward | Broomhill & Sharrow Vale Green Party | No | See comments in 7 below. | No | See comments in 7 below. | No | See comments in 7 below. | <p>My comments on this:</p> <ul style="list-style-type: none"> <li>-provide applicants with a clear, consistent basis for submitting applications and notices</li> <li>-provide a clear, consistent basis for determining applications</li> <li>-ensure the relevant views of those affected by licensed premises are taken into consideration</li> <li>-support wider strategies of the City Council and the approach to licensing in the city</li> </ul> <p>Residents have to find applications via a fascination for looking at lampposts in their area or the classifieds in the Telegraph.</p> <p>People on the mailing lists don't receive them every Monday like planning apps. They come as and when with differing gaps of up to 3 weeks. For a time critical process this is not frequent enough. All too often it's a struggle to get the information you need before the deadline for comments.</p> |
|-------------|--------------------------------------|----|--------------------------|----|--------------------------|----|--------------------------|---|

## Sheffield City Council – DRAFT Statement of Licensing Policy 2021 under the Licensing Act 2003

### Comments from Sheffield City Council Public Health and Sheffield Drug & Alcohol Co-ordination Team

This is a collaborative response from SCC PH and SCC Drug and Alcohol Co-ordination Team (DACT).

DACT are the commissioners of the substance misuse service in Sheffield, the council's strategic lead for drugs and alcohol in Sheffield, authors of the citywide alcohol and drug strategies and lead of the Best Bar None Scheme.

DACT welcome the opportunity for this joint response and support the points raised below.

#### Part 1 Foreword (p3)

SCC PH welcome the focus on reducing alcohol related harm, safeguarding and having Public Safety as a main focus.

#### Introduction (p4)

SCC PH note the statement: *"It is important to note that Sheffield City Council will not automatically punish licence holders who do not operate in line with this policy and underlying legislation by having their license revoked in the first instance"* and suggest this is caveated and reworded so it is clear that this relates to **minor infringements**. There may be occasions where the Licensing breach is so serious, for example involving Serious Organised Crime, Child Sexual Exploitation, that removal of a license is appropriate following summary review.

SCC PH welcome the statements regarding an inclusive night-time economy catering for different audiences.

SCC PH welcome the reiteration of the European Café Culture in the cultural hub of Sheffield City Centre and suggest this is more clearly defined through local guidance to aid understanding of this terminology. For example, seated including on pavement and terrace seating, food-led not wet-led, licensed to serve alcohol but with a focus on higher quality and price and continental brands, families welcome but not focussed on "casual dining". Where we may wish to differ from other European cities is in making our café culture smokefree. European Café Culture is not a well-defined term in the literature so a local consensus definition would be appropriate and could be elicited through examples from major European cities.

SCC PH welcome the emphasis on no/low-alcohol as part of the vibrant city offer. This is suitable not only for changing and reducing patterns of alcohol consumption amongst the young, but as reflection of the international nature of the city where many people do not consume alcohol for faith reasons. Indeed prevalence estimates indicate that one in five Sheffield residents abstain from alcohol. 18.8% (CI 95% +/- 14.8 to 23.6 % of Sheffield's population, which is higher than the national prevalence of 15.5% (CI 95% +/- 15.1 to 15.9 % (Public Health England, 2019). Further, a positive offer of no/low alcohol supports those who are driving and or who are having a "drink free" day in line with alcohol health guidelines. Sheffield has a positive recovery community and the promotion of no/low alcohol is supportive of those who wish to pursue sobriety or abstinence from alcohol whilst continuing to enjoy the night time economy.

SCC PH welcome the naming of partnership initiatives such as Pub Watch, Purple Flag, Best Bar None, Club Soda and teams such as DACT as this emphasises the partnership approach to a safer night-time economy.

## **Part Two – Overview (p5)**

### **Safer & Sustainable Communities Partnership (p9)**

SCC PH welcome the focus on knife crime reduction. As well as the focus in the text on education and awareness-raising, PH would like to see a focus on proportionate and practical measures to reduce knife injuries in the night-time economy such as through door searches and entry systems for the detection of metal blades. However, it is recognised that this does not address antecedents of knife crime which requires a wider systemic partnership approach.

### **Sheffield Alcohol Strategy (p10)**

SCC PH welcome the support from Licensing for the Sheffield Alcohol Strategy and for the joint working protocol. Effective partnerships between services for people with alcohol-related harms, Licensing and licensed premises are essential towards reducing such harms.

The strategy ends in 2020 and this needs to be acknowledged in the text; given that it will have ended in 2021 when this document becomes live. The community safety strategy also ends in 2020.

Therefore the wording around the summary could be reviewed to read as follows: -

The recent citywide alcohol strategy had five themes

- Alcohol and health
- Alcohol treatment and recovery
- Licensing and the night time economy
- Alcohol and crime
- Community responses and vulnerable groups.

During this strategic period key changes have being made to address alcohol related harm in the city whilst enabling people to enjoy the offer of licensed premises. This includes encouraging licensed premises to join the Best Bar None Scheme and being a key partner in Purple Flag.

Public Health are consulted on all licensing applications and public awareness campaigns to the health harms associated with alcohol consumption are undertaken. In 2020 DACT commissioned outreach to promote safe drinking at large scale events. Strategic links with licensing are established; with representation on Drugs and Alcohol Strategic Board. A joint working protocol is actioned in the strategy, and will be used long term to continue to address alcohol harm associated with the night time economy. **Sheffield Joint Health and Wellbeing Strategy (p10)**

SCC PH welcome the support from Licensing for the Health and Wellbeing Strategy. It would be useful to have more detail on the role of Licensing and the Statement of Licensing in supporting the implementation of the strategy. This could be linked to Starting Well, Living Well, Ageing Well. For

example Starting Well could include a focus on supporting people not to drink during pregnancy and to resume drinking at safe levels, protecting young people from underage drinking, working with family-oriented venues to safeguard children and young people. The Health & Wellbeing Board may be best placed to advise on how the Statement of Licensing Policy can support their goals.

### **Culture Plan and Culture Consortium (p10)**

SCC PH welcomes the focus on culture and cultural diversity including theatre, music, sports, arts. Consideration should be given to how closely such events are linked with alcohol and alcohol sponsorship. There is concern that alcohol is now being marketed as an adjunct to occasions where previously it would not have been considered suitable or appropriate to drink alcohol and we should be watchful in how Licensing facilitates this shift in social attitudes towards a “drink anywhere/everywhere” culture. Tobacco Control has successfully removed tobacco product advertising from culture and sports to positive effect but this space has in many cases been claimed by alcohol, fast food, high sugar products, and gambling which are also potentially problematic to public health. The linking of sport – seen as a healthy activity – and unhealthy products is of particular concern. There is concern amongst Sheffield recovery communities that the marketing of alcohol free products may be a means of marketing alcohol brands to new audiences and therefore there should be caution even where alcohol free products are linked to sporting events.

### **Accessible Sheffield (p11)**

SCC PH welcomes the focus on inclusive access to the night-time economy to people with disabilities and supporting use of the Access Guide and Access Cards. It would be useful to acknowledge hidden disabilities in this section. There are measures such as design, space, noise, crowding which would benefit those with and without disabilities to enjoy venues safely. SCC PH welcomes the focus on training of door staff to recognise that disabilities may impact on speech/co-ordination and to recognise that some patrons may need to carry essential medications.

### **Safety Advisory Group (p11)**

SCC PH supports the role of the multi-agency SAG to foster, encourage and promote a safety culture.

### **Government Modern Crime Prevention Strategy (p11)**

SCC PH welcome the emphasis on reducing alcohol related crime through joined up approaches.

### **Sheffield City Centre Plan (p12)**

SCC PH welcome the development of the City Centre Plan. The movement from “zones” to “building blocks” should be clearly defined and made understandable to city centre residents so that they have a voice on issues that impact on new residential areas which abut existing and new licensed premises. ChangingSheff (formerly SCCRAG) <https://www.changingsheff.org/> a residents group for city centre residents have had representation on a number of issues relating to city centre living and licensed premises such as noise, litter, street drinking, aggressive begging and other street behaviours. It is important that we create neighbourhoods that work for residents and licensing of an appropriate type/offer is part of this – a retirement village and a student village warrant different offers in terms of licensed premises.

### **Relationship with Planning (p13)**

The rapid growth and regeneration of Sheffield in terms of residential and licensed premises and the changes from commercial/light industrial to residential/licensed use can mean that it is difficult to keep a macro view on whether desirable and sustainable neighbourhoods are being created. The Local Plan is the most important document for this urban development but the day-to-day decisions of Licensing/Planning in implementing guidance are highly impactful.

This section very much emphasises the separateness of the Licensing and Planning processes, whereas a critique in research literature is that there is not “joined up government” between these processes. This leads to situations where councils appear to be in two-minds about development, permissive on the one hand and discouraging on the other. It may be useful to revisit this section with Planning/Licensing and consider whether there are stages within each separate process which could help achieve a joined-up approach. Please note, this is not a critique of Sheffield per se and relates to wider literature and issues identified at a national level.

Guideline (2c) is welcomed where the share of the pavement for pedestrians is given consideration when considering outdoor seating areas and signage. This is particularly an issue in areas with busy roads, narrow pavements with street trees, and a higher number of pavement seating such as Ecclesall Rd from City Centre – Hunters’ Bar.

The discussion of areas (pp 13-14) where development of the licensed offer is encouraged/discouraged should have more prominence and explanation. The previous style of listing “areas nearing stress” presented this very clearly with neighbourhoods noted and the reasons/types of issues was helpful as it provided clearer practical and operational guidance as the types of offer that would be welcomed and where at a neighbourhood level. These guidelines with accompanying map are helpful but are more broad brush in terms of zoning but this becomes confusing. Zoning is helpful if it is sufficiently clear and a number of maps of smaller geographical scale for specific areas may make intentions clearer.

There has been lengthy discussion at Licensing Committee, in the local media, at ChangingSheff regarding Cumulative Impact Policy and its suitability for the West St/Devonshire Green area of the city. This issue is described in a single sentence: “The more vibrant West Street is close to saturation and we would discourage applications in this area..”. I would be concerned that this doesn’t give sufficient guidance to those applying for this area, for example the public consultation showed an appetite for more smaller, independent, boutique, food-led premises in this area and less off-license, vertical drinking, wet-led establishments. If appropriate, it could be stated that those premises applying for this area should give consideration to engaging in BBN accreditation, Pub Watch and Help us Help as these schemes address some of the issues of concern to local business and residents in this particular area. These schemes are a proxy for good management practices and partnership approaches. This is not to suggest a blanket approach to Licensing.

### **Part 3**

SCC Public Health welcomes the use of evidence and data and expert advice (p16) to develop suitable applications.

## **Prevention of Crime and Disorder (pp18-19)**

SCC Public Health welcomes the use of CCTV and CRAC radio to provide real-time intelligence to reduce alcohol-related harms and help determine future mitigation when incidents occur.

Drugs – SCC Public Health welcomes a focus on drug use in premises and the partnership working with the DACT and SYP. There is a delicate balance between deterring serious organised crime and drug dealing in premises and management practices which put patrons at risk of harm which should be avoided. Serious consideration should be given to “Harm-reduction” drug policies as opposed to “zero-tolerance” and SCC Public Health would recommend harm-reduction should be adopted; in accordance with the Drug strategy 2018-2022

DACT support the encouragement towards staff being trained in drugs and alcohol awareness via the commissioned services so they are in a more informed position when responding to emergency situations. Training for staff in overdose prevention/safer dancing should be strongly encouraged, particularly for venues catering for a younger demographic or for particular music cultures which are associated with drug use. This should not be about stereotyping or penalising but about using local intelligence to reduce harm to patrons. There should be an open acknowledgement that despite best management practices in the venue, patrons may enter premises having already taken intoxicants elsewhere, and may need harm reduction interventions. Those venues with well-trained staff who are able to notice and intervene to reduce harm should not fear that they will be penalised. Those venues where staff detect serious risk of harm for patrons from illicit drug use should not fear or delay alerting emergency services. This is where zero-tolerance approaches could present risks.

SCC Public Health strongly welcome the use of approved and trained door staff with SIA requirement. It would be best practice if door staff are also trained in recognising signs of illicit drug use but also are able to recognise or refer to materials which help them recognise prescribed medications which patrons may need to carry with them. Protocols such as carrying a GP letter help in situations where there is doubt about whether drugs are illicit prescribed drugs of misuse.

SCC Public Health strongly support the stance on illicit and counterfeit alcohol and tobacco which is injurious to health, either because it has not passed safety standards and tests, or because it enables people to perpetuate activities such as smoking which are harmful at any dose. An action in the Alcohol strategy monitors test purchase results, with the aim to reduce annually.

SCC Public Health supports good management practices in dispersal and winding down periods to avoid alcohol-related harms from egress of large number of patrons from adjacent establishments simultaneously which could potentially lead to pinch points and conflict/violence.

SCC Public Health welcome the evidence based approach to the use of glassware to avoid glass-related injury, again an action from the citywide alcohol strategy. SCC Public Health support a proportionate but precautionary approach on this issue as studies have shown that there is no serious disadvantages to patrons from using good quality polycarbonates whereas the consequences of glass-related injury are severe and long-lasting.

## **Public Safety (pp 20-21)**

SCC Public Health welcomes the focus and safe departure from premises through safe taxi firms and well lit exits.

In terms of venue safety the outside of the venue is stated as of *lesser* importance. However, where clubs, bars, pubs operate pavement seating or outdoor smoking/vaping areas this should be considered as equally important to public safety. Outdoor seated areas can be vulnerable to aggressive begging for example and on street smoking/vaping areas outside premises have the potential to cause conflict particularly where there is crowding or congestion. Premises should be encouraged to consider that their duty of care is to their premise and the curtilage and reduce hazards accordingly.

SCC Public Health welcomes the harm reduction focus on drugs. This harm reduction approach takes measures to deter and minimise drug use and/or supply on the premises whilst at the same time taking a welfare approach to patrons who may experience harm and need support because of drug use. The provision of trained staff to recognise signs of drug use and distress, the provision of cool/calm areas for customers experiencing harm, and the provision of emergency medical attention immediately when needed is important for avoiding serious harms from illicit drug use. Equally, the support for customers who need to carry essential medications without fear of inappropriate challenge or discrimination is important. Disability Access/Equalities groups would be well placed to train and advise venues on this issue in conjunction with SCC Safeguarding Partnership.

SCC Public Health welcomes the focus on reducing alcohol related harms. This section particularly deals with *intoxication*: training to recognise intoxication, stopping serving, allowing clients to sober up and leave safely, are all important. However, there are some individuals who have high tolerance of alcohol and therefore can consume harmful levels of alcohol without showing signs of intoxication. This is a more difficult area for premises as there are no outwardly visible signs to initiate interventions. However, some premises may be aware of the number of transactions in a timed period of a particular customer or group of customers and may be able to put in place some harm reduction measures such as offering complimentary soft-drinks, water, or food to slow/absorb consumption. Where staff have a relationship with a regular customer and have observed regular heavy drinking above health guidelines they may be better able to offer support to consider levels of drinking.

DACT would like to promote awareness to the Ask For Angela scheme. In 2019 the Ask for Angela scheme was launched – licensed venues are offered training on how to protecting members of the public from sexual harassment, providing a confidential and safe way of exiting the building safely to member of the public who are concerned for their own safety.

SCC Public Health welcome their role as a source of advice on public safety.

## **Prevention of Public Nuisance (p22)**

SCC Public Health welcomes the focus on light, noise and closing times which can be particular issues where licensed premises abut residential areas.

Smoking/Vaping - SCC Public Health would request that comments regarding smokefree legislation and vaping are fact checked with the SCC Tobacco Control Lead, Sarah Hepworth. It may be desirable to request patrons do not vape indoors due to nuisance and/or potential allergies of other patrons. However, it may be useful to distinguish and preference vaping over smoking to encourage switching to less harmful products but this will be dependent on setting: This is described as balancing the risks and opportunities in guidance from PHE from 2016:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/768952/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768952/PHE-advice-on-use-of-e-cigarettes-in-public-places-and-workplaces.PDF)

Tables/Chairs – SCC Public Health welcomes the focus on ensuring pedestrians are not impeded by pavement tables & chairs and venue signage. SCC Public Health welcome the caution regarding the use of alternatives to glassware in external areas due to potential risk of glass-related injury.

This section deals with litter from flyers and flyposting but does not deal with wider littering in the form of bottles, cans, and glasses. In the public consultation regarding Cumulative Impact Policy for West St/Devonshire Green concerns were raised regarding dangerous litter e.g. glasses left outside from licensed premises and glassware in the form of bottles from off-licenses. This may relate more to public safety than public nuisance but there is a nuisance aspect of cans and bottles purchased from off-licenses and left on local greenspaces and urban areas. In Newcastle-upon-Tyne a litter pick was used to identify the number/source of discarded bottles and cans and used as evidence to object to a license application from a major supermarket chain. This would be a useful periodic measure to encourage responsibility and compliance regarding dangerous and nuisance litter from off-license premises.

#### **Protecting Children from Harm (pp24-27)**

SCC Public Health support the statements from SCC Safeguarding Partnership as regards protecting children from harm as the experts in this area.

#### **Applications for large scale events (p36)**

SCC Public Health welcome the role of the Safety Advisory Group to advise on large scale events. SCC Public Health would recommend that Illicit drug use management/harm reduction is added to the checklist for events such as outdoor festivals where it is difficult to control access to or use of illicit drugs.

Substance misuse services have been involved in welfare at large scale events such as Tramlines; with some success – therefore DACT would recommend that in the list of discussions at SAG meeting it is more explicit on welfare provisions includes wording to the following effect – *‘welfare; including substance misuse’*

#### **Cumulative Impact (p42)**

The Institute of Alcohol Studies (2017) “Anytime, Anyplace, Anywhere” report considered a range of different policy measures for reducing availability of alcohol and therefore addressing alcohol related harms <http://www.ias.org.uk/uploads/pdf/IAS%20reports/rp25052017.pdf> Cumulative

Impact Policy scored highly in terms of impact/effectiveness as one of the top 3 policies out of 14 considered.

In a consideration of pros and cons of CIP by IAS (2017) the pros were:

- Can be used as a 'place shaping' device to direct the development of the licensed trade in ways likely to be less problematic.
- Can be applied consistently across an area for an extended period.

**CONS:**

- Can be resource intensive and time-consuming.
- Not necessarily effective at limiting the number of licensed premises.
- Often applied retrospectively following the emergence of problems in a region

Evaluation of CIP in the UK has supported the role as a place-shaping device noting that this allows areas to encourage more food-led than wet-led and seated/on-sales rather than vertical drinking/off sales. This creates areas where the risks of alcohol related harm are minimised and a positive night-time economy is enabled. CIP does not usually result in any fewer licenses being granted in evaluations of these schemes but encourages the industry to improve and shape their offer to the Licensing Authority specification and requirements.

SCC Public Health and the Drugs and Alcohol Strategic Board, as per the Alcohol Strategy (2016-2020) have supported the evidence gathering for CIP in one area of the city West St/Devonshire Green area and have supported the use of CIP to limit off-sales and take-aways in this area. This is yet to be determined. It is hoped that before January 2021 - when this Statement of Licensing policy is due to come into force - that sufficient time and attention will have been given to the evidence concerning West St/Devonshire Green and a decision made on whether CIP is appropriate by Licensing Committee.

SCC Public Health would encourage proactive monitoring of other areas such as regeneration areas of the city where residential and hospitality growth is rapid, such as Neepsend and Little Kelham. There is a delicate balance in creating vibrant neighbourhoods and a close partnership between neighbourhood groups, residents associations, the Licensing Authority, and licensed premises could help achieve this balance. The feedback of residents through neighbourhood and residents groups is a good barometer as to saturation levels and whether a vibrant night-time economy has tipped over into a cause for concern. This early warning system of resident feedback can then be tested further through evidence gathering and data analysis.

**Early Morning Restriction Orders EMRO (pp42-3)**

Temporal policies (reducing off-sales to 10-10pm and reducing on-sales after midnight and in the early morning) are included in the ten recommendation of IAS (2017) report. On p28 of the report IAS (2017) state:

*“There are clear lessons for the UK policymakers from the positive impact that restrictions on very late closing hours can have on rates of alcohol-related harm. **In theory, EMROs may be used to this end under the Licensing Act (2003), but this is yet to be implemented anywhere.** If introduced in particular metropolitan areas, their efficacy is also likely to be undermined by the proximity of alternative precincts, with individuals likely to move from one area to another.”*

Anecdotally, many licensed premises in UK towns and cities are shifting their hours of operation due to observed patterns of customers pre-drinking at home and choosing to access the night-time economy later. It would be useful to review the data on Sheffield licensed premises for particular areas of the city to explore how many have sales in the midnight-6am period and whether this raises any concerns. This would be proactive rather than reactive data analysis to provide assurance at a macro level about the city’s night-time economy. As individual licenses are approved on their own merit it is useful to widen the lens and understand the broader impacts of a number of premises in a geographical area operating in this time period. A further useful aspect of this analysis would be to present data to public transport commissioners to provide evidence for night-time services, for example night buses, trains and trams operating after 2am.

It is stated that at the time of writing there is no intention to use EMRO and it would be useful if this could be supported by the type of proactive data analysis suggested e.g.

- Heat maps of specific areas of the city where midnight – 6am licenses have been granted so concentrations can be seen ‘at a glance’
- Further exploration based on heat maps of areas of high/low concentration of midnight – 6am licenses against any crime, disorder or ASB data. Is there any cause for concern?

## **Conclusion**

Overall, SCC Public Health welcome this Statement of Licensing Policy (draft) and feel it addresses some of the issues that have been raised to and by Public Health as a responsible authority.

There is one area where we feel there is a significant mismatch between public opinion and local evidence and the Statement of Licensing Policy (draft) and that is in the area of **Cumulative Impact** and we would strongly recommend this is revisited and a decision made on West St/Devonshire Green before this Statement is approved.

**From:** [Ashton Louise](#)  
**To:** [licensing@sheffield.gov.uk](#)  
**Cc:** [Maher John](#); [Masini Bill](#); [Gough Jayne \(CEX\)](#)  
**Subject:** FW: Sheffield statement of Licensing policy -consultation  
**Date:** 13 July 2020 12:04:23  
**Importance:** High

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Good morning,

I understand that SCC Statement of Licensing Policy is currently being reviewed and renewed.

We would like to put forward the following points for consideration in the drafting of the licensing policy as part of the consultation process.

We are immensely appreciative of the support we receive from licensing and look forward to supporting a safe and lawful licencing regime in the future.

If you have any questions, please contact me. I am currently working from home. The easiest way is by email, or you can telephone on [REDACTED].

Kind regards

Louise Ashton  
Principal Officer  
Sheffield City Council  
Trading Standards Commercial Section  
5<sup>th</sup> Floor  
Howden House  
1 Union Street  
Sheffield  
S1 1SH  
Tel: 0114 273 6291

I am currently working mornings Monday-Friday in a job share arrangement. If I can't be contacted, please email my job share - [John.maher@sheffield.gov.uk](mailto:John.maher@sheffield.gov.uk)

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**From:** Masini Bill  
**Sent:** 13 July 2020 10:10  
**To:** Maher John; Ashton Louise  
**Cc:** Ward Greg  
**Subject:** Sheffield statement of Licensing policy -consultation  
**Importance:** High

Good morning John & Louise

Sorry this is a bit later than intended. This will need to be submitted **today** if you agree with any of the content

The proposed new Statement of Licensing Policy (to be effective from 2021) doesn't have many amendments and of those most are of a minor nature. The current statement came into being in 2016.

There is a clear statement about Trading Standards and the Council's view about Licence Holders involved in the supply of illegal goods particularly tobacco and alcohol. This is very helpful to us .

Under the heading of Crime and Disorder Policy it states,

**“Sale of Illicit goods”**

**The Licensing authority is extremely concerned about the rise in the availability of illicit alcohol and tobacco in the city.**

**Whether non-duty paid (where the product is genuine but the appropriate tax has not been paid), or counterfeit (where a fake product is made to look genuine), it is the opinion of the licensing authority that the selling of any illicit goods is a deliberate, criminal act and shows evidence of poor management and disregard for the licensing objectives.**

**The Trading Standards Service is responsible for tackling the illegal sale of illicit goods in the city and regularly inspects licensed premises.**

**Where illicit goods are found, the product will be seized and the offender may be prosecuted.**

**Trading Standards are also very likely to submit a review of the premises licence where illicit goods are discovered (see Review Application Policy at page 37)” NB – this needs to be changed to page 38 of the new 2021 document.**

This statement is one I have referred to on most occasions as does Licensing when it supports Trading Standards reviews, something it has done repeatedly and much more than most Licensing teams in my experience. That doesn't need any amendments (other than the page change) and gives a clear message to Councillors when having to decide a course of action.

There are only a few other matters SCC might wish to consider since these have been issues that have repeatedly arisen elsewhere and are likely to arise during the currency of the new statement of licensing policy. I have identified 3.

**1. Applications for transfer of a premises licence following applications for a review.**

The abuse of transferring the premises licence when illegal activity is discovered and a review instigated. I have recently (elsewhere) dealt with a situation where the Premises licence was revoked and an appeal lodged. Since the licence is deemed in law to carry on during this period licences can be transferred. In that case there were five attempts to transfer the premises licence from husband to wife. Each application was refused but it meant a Committee report had to be made each time, the LSC had to seat each time and the Police ( the only RA who could object to the transfer) had to make representations even though they were not the applicant for the review). Every time, on the same day as the transfer was refused, an identical application to transfer was made and an appeal to the Magistrates Court lodged. This could easily happen and without a statement about this in the policy makes it more difficult for transfers to be refused.

The following wording may assist:

**Applications for Transfer of a premises licence following applications for a review**

**This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.**

**Where such applications are made , this authority will require documented proof of transfer of business / lawful occupancy of the premises (such as a lease), to a new proposed licence holder to support the contention that the business is now under new management control.**

2. **Deliveries of alcohol** – This is an expanding market though this is not referred to in the policy and may wish to be considered. Suggested wording in the policy may

be:

## **Delivery Services**

**The Licensing Service receive a number of queries each year in relation to applications for licences relating to delivery services. These tend to fall into three groups:**

- Premium specialist product mail order-type services;**
- Food delivery services (both meal and grocery) that include delivery but are primarily food lead and**
- Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.**

**Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises, they do provide their own unique circumstances that will need to be addressed. In particular, the Authority has concerns with the potential for the following:**

- Age verification at both purchase point and delivery point**
- The safety of delivery drivers at the point of delivery**
- The safety of the premises from which orders are taken and sent out for delivery and**
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises.**

**The Authority is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:**

- A standard age verification check shall be undertake on entering the website**
- A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature**
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place**
- Every third party courier delivery box shall be labelled with the words “Age Restricted Product”**
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated**
- A refusals log will be maintained for deliveries and available for inspection on request**
- Appropriate security will be in place at the premises as agreed with the Police**
- Measures for minimising noise and disturbance cause by the dispatch of deliveries to be identified in the operating schedule**

- **Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol**
- **The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded**

### **3. The sale of super strength beers and ciders**

Alcohol Harm is covered on page 21 under Public Safety and in The Sheffield Alcohol Strategy 2016-2020 on page 10 though this statement of licensing policy does not specifically address the following in relation to the supply side and possible enforcement under The Licensing Act. The Government has sought to control the consumption of very high strength beers and ciders by the use of higher duties. Such drinks which can have an alcohol by volume of 9% ( 4.5 units of alcohol in one 500ml can) [e.g. Karpackie] (or even 10% - “Crest”), are particularly attractive to alcoholics, especially those who form part of the rough sleeping community. The consumption of these drinks that are also very cheap in terms of their price per unit of alcohol makes it considerably more difficult for such people to overcome their addiction and works against those services helping them to this end. In addition to the health implications, anti-social behaviour such as begging and urination in public places, is common place. Evidence from elsewhere in the country indicates these drinks are very often sold below the permitted “Minimum Price” (in breach of a mandatory condition on the licence) or fractionally above, indicating them to be smuggled and this has fuelled this complex problem. – The duty makes them much less attractive if sold at a “legal” price. In such cases retailers are unlikely to have purchase documentation to show traceability (in breach of Food legislation) and failed to have purchased alcohol from a business licensed by Her Majesty’s Revenue and Customs under their Alcohol Wholesalers Registration Scheme (AWRS) – a legal requirement. Purchasers in these circumstances will often only have enough money to purchase one can at a time. As other towns and cities increasingly realise the need to address the supply side, itinerant traders are more likely to target retailers where this problem has not been identified and tackled. In my experience, Sheffield does not want to get “caught out” in this way.

Sheffield City Council may wish to make reference to this and state something along the lines of, “Sheffield City Council seeks to help these people and prevent this problem in the City. Premises selling such drinks below “The permitted price” are likely to have their licence reviewed as are businesses where the goods are smuggled and purchased illegally. It may be considered necessary for some premises licences to contain conditions whereby the maximum strength for beers, lagers and ciders will be stipulated together with a maximum size of container. It may also stipulate a minimum quantity of containers that can be sold in any one transaction to reduce the incidence of begging. Like the sale of illicit goods identified elsewhere in this policy, the licensing authority will view this as a deliberate criminal act, indicating evidence of poor management and disregard for the licensing objectives”

I appreciate this particular issue may need further input.

Hope this assists.

Bill

## Consultation Comments Summary

| No | Name   | Organisation / Service / Premises | Overview of Comments   | Has the Policy been updated following the comments?   |
|----|--|-----------------------------------|--|---|
| 1  | Donna Gracey, Corporate Governance and Estates Manager | Punch Pubs & Co                   | Various comments were made regarding the entire document   | <b>Yes</b> – some comments were accepted<br><br>Full details will be available at the meeting   |
| 2  | Des O'Neill  | MoP                               | Happy with existing and proposed policy – no amendments requested.   | N/A   |
| 3  | David Butcher  | Greene King                       | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 4  | Mr P Maloney   | PJM Leisure Ltd                   | Policy is easy to understand, and provides information as expected, but needs more interaction with local businesses when events are taking place – lamp post signs are not enough. More control needed around loitering and groups of people and 'illegal raves'. | <b>No</b> – not for addressing in Policy specifically as legislation stipulates process. Possibility of Licensing Service addressing this on a separate basis, locally. |
| 5  | Sheena Wild  | MoP                               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 6  | Samuel Hill  | MoP                               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 7  | M. Grey  | MoP                               | Clauses need simplifying, with some feeling contradictory allowing for possible circumventing.   | <b>No</b> – Not specific enough to consider   |
| 8  | Martin White   | MoP                               | Policy is easy to understand, and provides information as expected. Wants relaxing of public gatherings and licensed premises to be delayed as he is in vulnerable category.   | <b>No</b> – referring more to covid specific situation, which is a temporary occurrence and not for change in a long term policy.                                       |
| 9  | Mark Delmar  | MoP                               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 10 | Peter Davies   | MoP                               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 11 | Andrew Tabor   | MoP                               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 12 | Anonymous  |                                   | Not enough clarity on what document is being referred to. No street names on City Centre map allowing for argument of boundaries being meaningless with no context – not   | <b>Yes</b> - 'Sheffield' label added to map to specify as suggested.  |

|    |                   |                        |  |   |
|----|-------------------|------------------------|--|---|
|    |                   |                        | even a Sheffield label. Would expect to see worked through examples of when a licence is required in different circumstances.  |   |
| 13 | Emma Kirkby       | MoP                    | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 14 | Anonymous         |                        | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 15 | Anthony Davenport | MoP                    | How does policy take account of environmental policies like acknowledging climate crisis, levels of air pollution and an ambition towards creating safer and more desirable neighbourhoods? All licensed premises and operators should produce an environmental statement showing how they are minimising their environmental impact – links to all four objectives. Details referring to safe biodegradable takeaway containers and reusable polycarbs which have been successfully used at large festivals.  | <b>No</b> – We can only encourage operators; we are unable to enforce anything formally within the policy.  |
| 16 | Gurvinder Singh   | Off Licensee           | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 17 | A.M.Peat          | MoP and Ex-Councillor  | Greater emphasis of the importance of accurate "evidence" being required by those making application or objecting to the grant of a licence. Some guidance for applicants or objectors on what the Committee can accept as acceptable and reliable evidence.   | <b>Yes</b> – reinforced information in 'Grant' and 'Representation' sections of policy to outline importance of factual evidence and the requirement to be able to be considered by committee.                        |
| 18 | Balraj Johal      | Crowdpleaser. club Ltd | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 19 | Brien Messider    | Access Officer SCC     | <p>Applicants to include short paragraphs -</p> <ul style="list-style-type: none"> <li>• highlighting the cost-effectiveness and potential for increased business of meeting current accessible/inclusive design standards at fit out or during refurbishment.</li> <li>• referring to the current design standards.</li> </ul> <p>The most relevant design standards are -</p> <ul style="list-style-type: none"> <li>• Building Regulations Approved Document M: Access to and use of buildings - Volume 2: Building other than dwellings</li> <li>• BS 8300-1 2018: Design of an accessible and inclusive built environment - Part 1: External</li> </ul> | <b>Yes</b> – HPS officer supported this being included, to assist in new applications, or existing ones undergoing substantial changes, in line with Equality Act 2010 – Confirmed wording provided from HPS officer. |

|    |               |                              |  |   |
|----|---------------|------------------------------|--|---|
|    |               |                              | <p>environment - Code of practice</p> <ul style="list-style-type: none"> <li>• BS 8300-2 2018: Design of an accessible and inclusive built environment - Part 2: Buildings - Code of practice</li> </ul> <p>(The BS is more thorough and provides a more inclusive environment but the approved document is more readily available at <a href="https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2">https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2</a>)</p>   |   |
| 20 | Ruth Mitchell | MoP                          | Policy is easy to understand, and provides information as expected. Supports the idea of developing the Cumulative Impact Areas  | <b>No</b> – Not enough evidence for a CIA in Sheffield currently  |
| 21 | Tracey Browes | The Office Pub               | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 22 | Paul Fogg     | Innserve Ltd                 | CCTV should not be optional in licensed premises, should be a legal requirement to support all services including the police.  | <b>No</b> – Not our remit – SYP apply to most, if not all applications anyway.  |
| 23 | Marion Gerson | MoP                          | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 24 | Xiangbin Cao  | Wharcliffe Side Takeaway Ltd | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 25 | Lisa Sharkey  | Poppleston Allen Solicitors  | <p>Policy is easy to understand, and provides information as expected.</p> <ul style="list-style-type: none"> <li>• Page 18 of the revised policy, under the heading of “Prevention of Crime and Disorder”, paragraph 2 references ‘all staff to access and operate the system at any time’. I believe the Information Commissioner requires access to be controlled and limited. It might be better to rephrase to say ‘nominated or authorised staff’.</li> <li>• Paragraph 2, page 22 under the heading “Outside Areas and Smoking / Vaping Shelters”. This states that vaping must be treated in exactly the same way as smoking under the smoke free legislation. This is misleading as it suggests that vaping is illegal inside premises. Many operators choose not to allow it inside premises but The Health Act 2006 does not currently ban it. The definition of ‘smoking’ in section 1 of the 2006 Act refers smoking tobacco or other substances. There is no tobacco in vape juice nor smoke. If the intention is to recommend that vaping be treated the same as</li> </ul> | <p><b>Comment 2 – Yes</b></p> <p><b>Comment 3 – Yes – wording amended to reflect that vaping isn’t ‘unlawful’, just treated in the same way as smoking.</b></p> <p><b>Comment 4 - Yes</b></p> |

|    |                    |                                      |  |   |
|----|--------------------|--------------------------------------|--|---|
|    |                    |                                      | <p>smoking as it did not exist when the legislation was enacted then you might wish to consider rewording the current paragraph to make this clearer.</p> <p>• Page 37 under “Minor Variations” states that a minor variation cannot be used to amend alcohol hours. This is not correct. The alcohol hours cannot be extended between 11:00 and 07:00 the following morning, but between 07:00 and 23:00, a minor variation can be used to amend hours.</p>                           |   |
| 26 | Razvan Marius Nica | Las Iguanas                          | Policy is easy to understand, and provides information as expected, no amendments requested.   | N/A   |
| 27 | Amanda Hughes      | Sheffield Hallam University          | <p>Policy is easy to understand, and provides information as expected. On page 33 there seems to be a contradiction regarding the number of TENS licences that can be applied for: "No more than 15 TENS can be given for the same premises in any calendar year."</p> <p>Is Sheffield Hallam University considered to be 1 premise, or are each of our buildings a premise? If the former, this would be a big issue for us as we apply for more than 15 TENS in a calendar year.</p> | <b>No</b> – Not a specific policy change – more of an enquiry about specific premises in Sheffield.   |
| 28 | Eamonn Ward        | Broomhill & Sharrow Vale Green Party | Various comments were made regarding the entire document   | <p><b>Comment 1 – N/A</b></p> <p><b>Comment 2 – No</b> – this is the legislation</p> <p><b>Comment 3 &amp; 4 – No</b> – feedback about service provision only</p> <p><b>Comment 5 &amp; 6 – No</b> – Separate piece of work to assist residents with possible guidance.</p> <p><b>Comment 7 &amp; 8 – No</b> – separate piece of work not specific to policy content.</p> <p><b>Full details will be available at the meeting</b></p>   |
| 29 | Magda Boo          | Public Health SCC and DACT           | Various comments were made regarding the entire document   | <p><b>Comment 1 – No</b></p> <p><b>Comment 2 – Yes</b> – addition of ‘minor infringement’ wording as suggested</p> <p><b>Comment 3 – Yes</b> – minor change of wording referring to education and awareness, but explanation that door searches are not always applicable to all premises as sometimes not proportionate/relevant at some types of premises.</p> <p><b>Comment 4 – Yes</b> – amend wording to reflect past tense as policy ends in 2020, and LA03 new policy will be published after this date.</p> <p><b>Comment 5 – No</b> – nothing to amend</p> <p><b>Comment 6 – Yes</b> – Amended to acknowledge unseen disabilities</p> <p><b>Comments 7-9 – No</b> – nothing to</p> |

|    |               |                                     |  |   |
|----|---------------|-------------------------------------|--|---|
|    |               |                                     |  | <p>amend</p> <p><b>Comment 10 – No</b> – Not enough evidence for this to still be relevant.</p> <p><b>Comments 11- No</b> – Nothing to amend</p> <p><b>Comment 12 – No</b> – Already addressed in policy and number of drinks monitoring would not be feasible.</p> <p>Comment 13 –</p> <p><b>Comment 14 – No</b> – No change to be made</p> <p><b>Comment 15 – No</b> – Already in SAG process as confirmed by SCC SAG lead.</p> <p><b>Comment 16 – No</b> - Not enough evidence for a CIA currently in Sheffield.</p> <p><b>Comment 17 – No</b> – Not enough evidence at present.</p> <p><b>Comment 18 – No</b> - Not enough evidence for a CIA currently in Sheffield.</p> <p><b>Full details will be available at the meeting</b></p> |
| 30 | Louise Ashton | Principle Trading Standards Officer | Various comments were made regarding the entire document   | <p><b>Comment 1 – Yes</b></p> <p><b>Comment 2 – Yes</b></p> <p><b>Comment 3 - Yes</b></p>   |
| 31 | SMT           |                                     | <p>Take out linked strategies that end n 2020 as policy will be published after and therefore out of date.</p> <p>Take out detail of strategies and list them/links.</p> <p>Include information in Planning section regarding council ambition to work together to a single point of access, but reflect clearly that Planning and Licensing are still separate entities.</p> <p>Add back into policy description of an 'area nearing stress' and link to future development plans of the city moulding what areas accept which applications to avoid these occurring.</p> <p>Mick Crofts found document difficult to read – can it be restructured?</p> | <p><b>Comment 1 – Yes</b></p> <p><b>Comment 2 – Yes</b></p> <p><b>Comment 3 – Yes</b></p> <p><b>Comment 4 – Yes</b></p> <p><b>Comment 5 - Yes</b></p>   |

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**SHEFFIELD CITY COUNCIL'S**

**STATEMENT OF LICENSING POLICY**

**Under the Licensing Act 2003**

**2021**

| <b>Author</b> | <b>Reason for amendment</b>  | <b>Date</b> | <b>Version</b>   |
|---------------|--|-------------|------------------|
| J Gough       | 12 week consultation comments amendments                             | 28.07.2020  | Final Draft v0.1 |
| J Gough       | CB amendments  | 28.07.2020  | Final Draft v0.2 |
| J Gough       | Pages renumbered, formatted document added watermark                 | 31.07.2020  | Final Draft v0.3 |
| J Gough       | Amendments after SMT - APPROVED                                      | 07.09.2020  | Final Draft v0.4 |
| C Bower       | Amendments re: vaping for Licensing Committee Approval on 26/10/2020 | 13.10.2020  | Final Draft v0.5 |
|               |  |             |                  |
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# CONTENTS

|  | Page No.  |
|--|-----------|
| <b>PART 1 - FOREWORD</b>   | <b>3</b>  |
| Introduction   | 4         |
| Ambition of the City and other linked Strategies                                       | 5         |
| <b>PART 2 – OVERVIEW</b>   | <b>6</b>  |
| Legislative Background   | 6         |
| Key Definitions  | 7         |
| Scope of Licensing Policy  | 7         |
| Process of applying for a licence  | 8         |
| Quick Reference Licensing Application Flow Chart                                       | 9         |
| Relationship with Planning   | 10        |
| <br>   |           |
| <b>PART 3 – WHAT IS SHEFFIELD CITY COUNCIL’S STATEMENT OF LICENSING POLICY?</b>        | <b>12</b> |
| <b>Policy paragraphs are highlighted throughout the document by shaded text boxes.</b> |           |
| The Licensing Objectives   | 13        |
| Pre-Application Advice Service   | 14        |
| <b>THE PREVENTION OF CRIME AND DISORDER</b>  | 15        |
| <b>PUBLIC SAFETY</b>   | 18        |
| <b>THE PREVENTION OF PUBLIC NUISANCE</b>   | 20        |
| <b>THE PROTECTION OF CHILDREN FROM HARM</b>  | 22        |
| Representations made by other persons  | 26        |
| Applications for: Premises Licences/Club Premises Certificates/Provisional Statements  | 28        |
| - Premises Licences for Alcohol Delivery Services                                      | 29        |
| Applications for: Personal Licences  | 30        |
| Designated Premises Supervisors  | 31        |
| Temporary Event Notices  | 32        |
| Events to be held on Council Land  | 34        |
| Large Scale Events   | 35        |
| Applications for: Minor Variations   | 36        |
| Applications for: Reviews  | 37        |
| Applications for: Summary Reviews  | 39        |
| Annual Fees and Suspensions  | 40        |
| Cumulative Impact and Areas Nearing Stress   | 41        |
| Other methods for controlling Cumulative Impact  | 41        |
| Early Morning Restriction Orders (EMROs)   | 42        |
| <br>   |           |
| <b>PART 4 - LICENSING COMMITTEE</b>  | <b>43</b> |
| Hearings   | 43        |
| Delegation of Functions  | 43        |
| Appeals  | 43        |
| <br>   |           |
| <b>PART 5 - EQUALITY, DIVERSITY AND INCLUSION</b>                                      | <b>44</b> |
| The Equality Act 2010  | 44        |
| Equality Impact Assessment (EIA)   | 44        |
| <br>   |           |
| <b>PART 6 - RELATED LEGISLATION &amp; GUIDANCE</b>                                     | <b>45</b> |
| <br>   |           |
| <b>PART 7 - CONTACT DETAILS</b>  | <b>46</b> |
| <br>   |           |
| <b>PART 8 - GDPR</b>   | <b>50</b> |
| <br>   |           |
| <b>APPENDIX ‘A’ – GLOSSERY OF TERMS</b>  | <b>51</b> |
| <br>   |           |
| <b>APPENDIX ‘B’ – CONSULTATION/CONSULTEES</b>  | <b>56</b> |

## PART 1 - FOREWORD

Sheffield has built a strong reputation as being a safe and vibrant city with a wide range of different cultural and entertainment venues which are valued by residents, visitors and businesses. It is important that these operate lawfully and sensitively, taking account of the needs of customers but also the wellbeing of nearby residents, and people enjoying other activities.

In Sheffield, we use our Licensing Policy to guide the licensed business sector when making applications under the Licensing Act, to assist councillors in reaching decisions on those applications that they consider, and to help residents voice their views and concerns in appropriate ways. It also allows Responsible Authorities to provide a proportionate, preventative and evidence based approach to assisting new and existing applicants to run and maintain safe, varied and successful licensable activities which actively support the reduction in alcohol related harms and safeguard all who could come in to contact with or be affected by such licensable activities.

It is imperative that we maintain a balance between welcoming and supporting those delivering licensable activities that are important to parts of our city, whilst ensuring a high quality of life for all those who live, work in, study or visit Sheffield. This policy is robust in its nature, and meets this requirement in a fair and proportionate way.

As an Authority we will encourage well run premises and will support these activities being provided in a positive manner wherever we can to keep Sheffield a leader in the licensed business sector. However, we will not tolerate any businesses or activities that place risk of damaging our communities or overall wellbeing as Sheffield residents, workers or visitors. Public Safety is our main focus, and this policy is provided to ensure this is maintained to the highest standard.

## Introduction

The policy assists in addressing issues that impact on the safety and well-being of our residents, visitors to the city and those working in the leisure and entertainment industry.

We seek to assist and promote excellent operation and winning practice within the remit of the Licensing Act 2003, and hope that responsible licensees will find comfort in this policy.

The Licensing Authority will continue to tackle those who fail to uphold the licensing objectives, breach their conditions or operate outside their licence. The Council see licensing as a key means of controlling nuisance and anti-social behaviour from licensed premises. The service plays an active part in the holistic approach to the management of the evening and night time economy by assisting in reducing alcohol related harms and linking in with support initiatives and helping to promote positive and safe practice across the City.

This policy explains how the licensing regime will be implemented within Sheffield, giving clear guidance to new and current licence holders, as well as Councillors and partners. It is important to note that Sheffield City Council will not automatically punish licence holders who commit minor infringements and do not operate in line with this policy and underlying legislation by having their license revoked in the first instance. We seek to provide assistance to resolve issues, become compliant and encourage to actively uphold the licensing objectives. If licensees or operators persist in non-compliance and choose to not co-operate after this help and guidance has been provided, the Council will take firm steps which could result in the license revocation and possible further legal action where the situation would deem necessary.

We want to continue to promote Sheffield as a city of cultural and sporting excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and respect and provide for the needs of all users of our City. We encourage a varied range of different types and styles of premises, particularly in the city centre, to attract a wide range of users from families with children through to older people as well as people with additional needs. We want Sheffield to be a leading city where people are able to enjoy the night time economy and the leisure opportunities in a safe, social and sensible way and reduce alcohol-related harms.

We are particularly keen to ensure the cultural hub of the city centre remains an attractive destination for every visitor to our city and to this end we would encourage premises that serve the needs of all visitors to this area, with an emphasis on the European café culture, rather than a late night drinking destination, which is already well catered for in other areas of the city centre.

Many people choose not to drink alcohol on some days or all days for a variety of reasons, yet still wish to enjoy the night time economy, cultural and leisure opportunities. We therefore support the move to offer a wider range of no and low alcohol drinks aimed at this emerging market as part of a vibrant city offer.

The world of regulation has changed significantly in recent years, with a clear acknowledgement that the best results are achieved when regulators and businesses work together because ultimately both parties aim for the same outcome - safe and well managed premises, places and environments.

It is now common practice for national statutory guidance to focus on the message of positive partnership in regulation. This is no more so than in the Licensing Act s.182 guidance to local authorities where numerous references to "*working in partnership*" can clearly be seen.

Examples of this practice in Sheffield within licensing regulation which we are proud to state we play an active and positive role in include:

- **Sheffield Pub Watch** – where local businesses, council officers and police officers come together to promote a safer drinking environment in licensed premises.
- **Purple Flag Scheme** - the accreditation process for town & city centres that meet or surpass the standards of excellence in managing the evening and night time economy (ENTE). Sheffield has received this prestigious status for 8 consecutive years and continues to be recognised nationally as a vibrant, welcoming and safe place for people of all ages to enjoy a night out between 5pm and 5am.
- **Best Bar None Scheme** - supported by the Home Office, local councils and the drinks industry and is aimed primarily at promoting responsible management and operation of alcohol licensed premises.
- **Local Drug and Alcohol Co-ordination Team (DACT)** – Close partnership working to combat the risks and difficulties faced by the use of drugs and alcohol in Sheffield, and we work together to deliver closely linked supporting strategies to keep Sheffield lower or as near to national standards as possible.
- **Club Soda** – an initiative supported by the Best Bar None Scheme and DACT to encourage premises to offer a wider range of no and low alcohol beverages to support those who choose not to drink alcohol on some days or all days to enjoy the night time economy.

## Ambition of the City and other linked strategies.

It is vital to ensure that this Statement of Licensing Policy links positively and effectively into the current priorities of Sheffield City Council. There is a clear focus of strong partnership working and the benefits this creates for the City. It is linked to other city wide strategies to ensure that the overall ambitions of Sheffield City Council are effectively delivered, whilst providing solutions to continual challenges faced within the city, and providing succinct support and advice in the most appropriate and streamlined manner.

These linked strategies deal in part with the leisure economy, cultural plan, future planning and development of the city and effective maintenance of equality and inclusion, which helps to promote a safe and successful City for everyone to live, work, visit and study. The licensing authority has considered these relevant strategies when developing this policy.

Plans, policies and strategies which are linked include (but are not limited to):

- Sheffield City Partnership
- The Government's Alcohol and Modern Crime Prevention Strategy
- Sheffield Joint Health & Wellbeing Strategy 2019-2024
- A Culture Plan for the Sheffield Culture Consortium 2017-2022
- Accessible Sheffield
- Safety Certification / Safety Advisory Group Policy Document
- Government Modern Crime Prevention Strategy 2016
- Sheffield City Centre Plan 2018-2028 (being consulted on at the time of writing this policy)

Changes to the priorities of Sheffield City Council moving forward are likely to have some bearing on this Statement of Licensing Policy. Therefore, this policy document will be kept under constant review to ensure that all strategies, plans and policies which it links into remain live, current and relevant.

## PART 2 - OVERVIEW

The licensing process is about regulating licensable activities on licensed premises, by qualified clubs and at temporary events within the terms of the Licensing Act 2003 with a view to promoting the four licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

Sheffield City Council wants Sheffield to be a city with the attributes it needs to prosper and where the quality of life makes it somewhere people choose to live, work, study and do business.

The licensing authority strives to achieve the right balance between developing and enabling businesses whilst regulating and applying sanctions to them.

### Legislative Background (The Act)

The Licensing Act 2003 provides a unified system of regulation for the activities of the sale and supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. In the Act, these activities are referred to collectively as “the licensable activities”.

The purpose of the system of licensing for licensable activities is to promote four core objectives (“the licensing objectives”). Those objectives are –

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance;**  
And
- **The protection of children from harm.**

The system of licensing is achieved through the provision of authorisations through:

**Personal licences:** - authorising individuals to sell or supply alcohol, or authorising the sale or supply of alcohol, for consumption on or off premises for which a premises licence is in force for the carrying on of that activity;

**Premises licences:** - authorising the holder of the licence to use the premises to which the licence relates (“the licensed premises”) for licensable activities;

**Club premises certificates:** - authorising qualifying clubs to use club premises for qualifying club activities;  
and

**Temporary event notices:** - authorising short term, ad-hoc events with an overall capacity of less than 500 people at any one time.

The Act provides procedures for regulating the discharge by the licensing authority of its functions. Authorities are required to publish a policy framework document. In producing the document, a licensing authority is required to take account of the views of those representing the holders of licences and certificates, local residents and businesses, and the Responsible Authorities specified under The Act.. Licensing authorities are also required to take into account the Guidance to the Act.

The Act provides licensing authorities with the power, on review of a premises licence, to suspend or revoke the licence, to exclude specific licensable activities from the licence, or to modify operating conditions attached to the licence. These powers must be exercised with a view to promoting the licensing objectives. These same powers attach to club premises certificates.

In addition, the Act confers powers on the police to close licensed premises to deal expeditiously with disorderly behaviour and excessive noise; these powers are both anticipatory and reactive.

## Key Definitions

The following terms are used frequently throughout this Statement of Licensing Policy document:

|                               |  |
|-------------------------------|--|
| 'the Licensing Authority'     | refers to Sheffield City Council which carries out its function as Licensing Authority under the Licensing Act 2003 within the Sheffield city boundary.  |
| 'the Council'                 | refers to Sheffield City Council.  |
| 'the Act'                     | refers to the Licensing Act 2003.  |
| 'the Licensing Committee'     | refers to the committee of Sheffield City Council established under s7(1) of the Act.  |
| 'the Licensing Sub-Committee' | refers to three members of the Licensing Committee with sub-delegation of functions.   |
| 'the Guidance to the Act'     | refers to the most current Guidance issued by the Secretary of State under Section 182 of the Act.   |
| 'Licensing Policy'            | refers to this document, Sheffield City Councils Statement of Licensing Policy.  |
| 'authorisation'               | refers to all licences, certificates, temporary event notices and any other permission which can be given under the Act.   |
| 'Responsible Authorities'     | refers to public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence. See contact details at page 46. |

Please refer to the glossary at page 50 for further definitions.

## Scope of Licensing Policy

All licensing authorities must publish a statement of licensing policy with the purpose to:

- provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield;
- provide a clear, consistent basis for determining licence applications in Sheffield;
- ensure the relevant views of those affected by licensed premises are taken into consideration; and
- support and link in with the wider strategies of the City Council.

The licensing policy covers all applications and notices for the following licensable activities:

- **the sale by retail of alcohol;**
- **the supply of alcohol by or on behalf of a club to, or to the order of a member of that club;**
- **the provision of regulated entertainment; and**
- **the provision of late night refreshment.**

It is an offence under section 136 of the Act to carry on any of the licensable activities above other than in accordance with a licence or other authorisation under the Act.

Current definitions of the above activities can be found in the glossary at page 50. Note: changes to legislation may amend these definitions at any time.

**Any application received under the Licensing Act 2003 will be dealt with on its own individual merits and by reference to the four licensing objectives.**

**We will take care to ensure necessary, proportionate and reasonable conditions are imposed on regulated activities.**

## Process of applying for a licence

Applying for a licence or permission under the Act generally involves three stages:

- 1. Applying** Completion of an application form by an applicant/applicants representative
- 2. Processing** Receipt and handling of application by licensing officers
- 3. Determining** Deciding on the outcome of the application by Members of the Licensing Sub-Committee

### Applying

All applications made under the Act must contain as much detail as possible.

Applications for new premises licences, club premises certificates and variations of such need to be supported by an operating schedule.

The applicant must specify on the operating schedule (among other things) the steps which he/she proposes to promote each of the licensing objectives.

Full details of how to apply for each permission can be found on the relevant application form or on our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).



### Processing

The licensing authority (officers) will process the application on receipt and ensure the application is compliant with this policy.



### Determining

If there are no representations to the application within the relevant period of consultation, the steps in the operating schedule will become licence conditions and the licence will be granted.

(Where a representation has been submitted to a minor variation application, there is no right to a hearing. The licensing authority (officers) will take any relevant representations into account in arriving at a decision.)

If there are relevant representations to an application at the end of the consultation process, a hearing before the licensing authority sub-committee will be held.

The sub-committee must, having regard to the representations, take steps as it considers appropriate to promote the licensing objectives. These may include refusing the application, accepting the application in its current form without any changes being imposed, or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion, the licensing sub-committee will have regard (amongst other things) to this licensing policy and the Guidance to the Act. Therefore, in making an application and drawing up an operating schedule, applicants are advised to read this policy and the Guidance to the Act carefully.

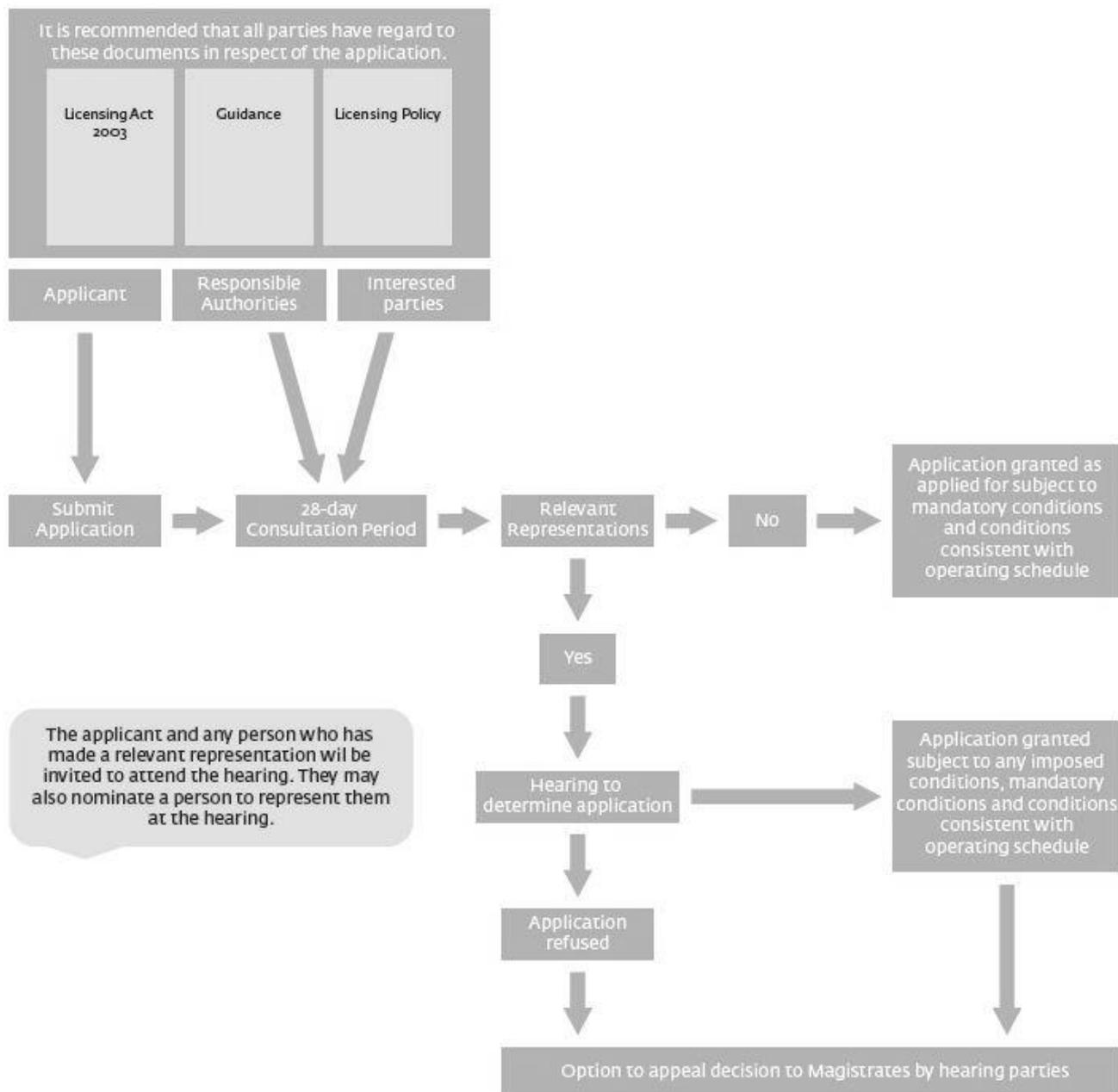
Where an application complies with this policy, it is generally less likely that a responsible authority or other person will object to it, or that any objection will succeed. Therefore, compliance with this policy is likely to assist an applicant to avoid the delay and expense of a contested licence application hearing, and the risk of a refusal or the addition of any unwanted licence conditions.

An opposed application which complies with this policy will not necessarily be granted and an opposed application which does not comply with it will not necessarily be refused. Where there have been relevant representations, the licensing authority will always consider the merits of the case, and interfere with the operating schedule, only when, and to the extent, appropriate to promote the licensing objectives.

While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this policy, the licensing sub-committee hearing of an opposed application will normally expect to give good reason for the departure from this policy if it is asked to make an exception to it.

## Quick Reference Licensing Application Flow Chart

This flow chart outlines the application process as simply as possible to assist applicants, interested parties and the licensing sub-committee to be clear and confident in what is expected of them for this process in line with this Policy.



## Relationship with Planning

Planning and Licensing are governed by different legislation and guidance, but are clearly linked to ensure that premises operate safely and appropriately. Although Licensing legislation does not stipulate that the relevant planning permissions must be in place prior to a Licence being granted, it is strongly recommended that these permissions have been obtained so that proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents.

Applications for licences may be made prior to any planning permission being in place and the lack of planning permission is not a relevant representation under the Licensing Objectives, however, applicants should note that where planning permission is not in place, relevant representations are more likely to be made by the Planning Service.

The Planning, Building Regulation and Licensing regimes will be properly separated as they involve consideration of different (albeit related) matters. For example, licensing committees are not bound by decisions made by a planning committee, and vice versa.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants are encouraged to indicate, when applying for a licence under the Act, whether they have also applied for planning permission or that they intend to do so. This gives licensing and planning officers the opportunity to discuss applications prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

Whilst varying permissions and licences are required for a business to operate successfully and safely, they are all granted under separate statutory legislation and must be dealt with separately. It is often a confusing and complicated process to gain the right permissions due to the input that is required from these separate services. It is therefore an ambition of Sheffield City Council to create a streamlined application process which enables customers to use a single entry system to the Council, and obtain the necessary guidance to operate successfully and compliantly.

The following Planning policies and guidance documents are relevant to premises that carry out licensable activities (note planning guidance may be subject to change and applicants should always check the latest version):

### **The Development Plan**

The Sheffield Development Framework Core Strategy (2009) and the saved policies within the Sheffield Unitary Development Plan (1998) constitute the Development Plan for Sheffield. Please follow this link to access these documents <https://www.sheffield.gov.uk/home/planning-development/sheffield-plan>.

### **Night Time Uses – Interim Planning Guidance**

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#### **Guideline 1: Controlled Areas**

Within the areas shown on Plan 1 (below), conditions will be applied to planning approvals which allow the times of opening of drinking establishments and nightclubs to no later than 12.30am. This will also apply to hot food takeaways.

Food establishments - cafes/restaurants will not be time limited unless through applying Guideline 2, they would be considered to have an adverse impact on nearby residents, workers or users of the area.

#### **Guideline 2: City Centre and Neighbourhoods**

Leisure, and Food and Drink uses will be allowed if:

- (a) conditions for nearby residents and people working in the area will not be harmed by noise breakout, traffic, parking on nearby streets, odours, street noise, or general disturbance; and
- (b) they are unlikely to lead to anti-social behaviour that would disturb residents, workers or users of the area; and
- (c) neither the parking of cars nor the provision of signs, tables, and chairs outside the premises would impair the safety or ease of movement of pedestrians and road users.

In considering the criteria, the Council's Planning Service will take into account the cumulative harmful effect of existing leisure and entertainment uses.

The Council's Planning Service may attach conditions to permissions to ensure that these criteria are met.

## City Centre Living Strategy – Supplementary Planning Guidance

### Guideline 11

Nightclub or late-night pub developments will normally be accepted in those parts of Heart of the City (around Barkers Pool and the New Retail Quarter), St Vincent's (north of Scotland Street), Hallam Central, Castlegate (north of river and Wicker), The Moor and the CIQ (west of Leadmill Road/Paternoster Row), provided that they would have no serious effects on the amenity of existing residents.

Note: Night-Time Uses Guideline 1 removes the small area bounded by Pinstone Street, Cross Burgess Street and the rear of properties on Burgess Street from an "area where night-time leisure will be normally accepted" identified in City Centre Living SPG Guideline 11. This small area is included in the "12.30am closing zone" shown on Plan 1.

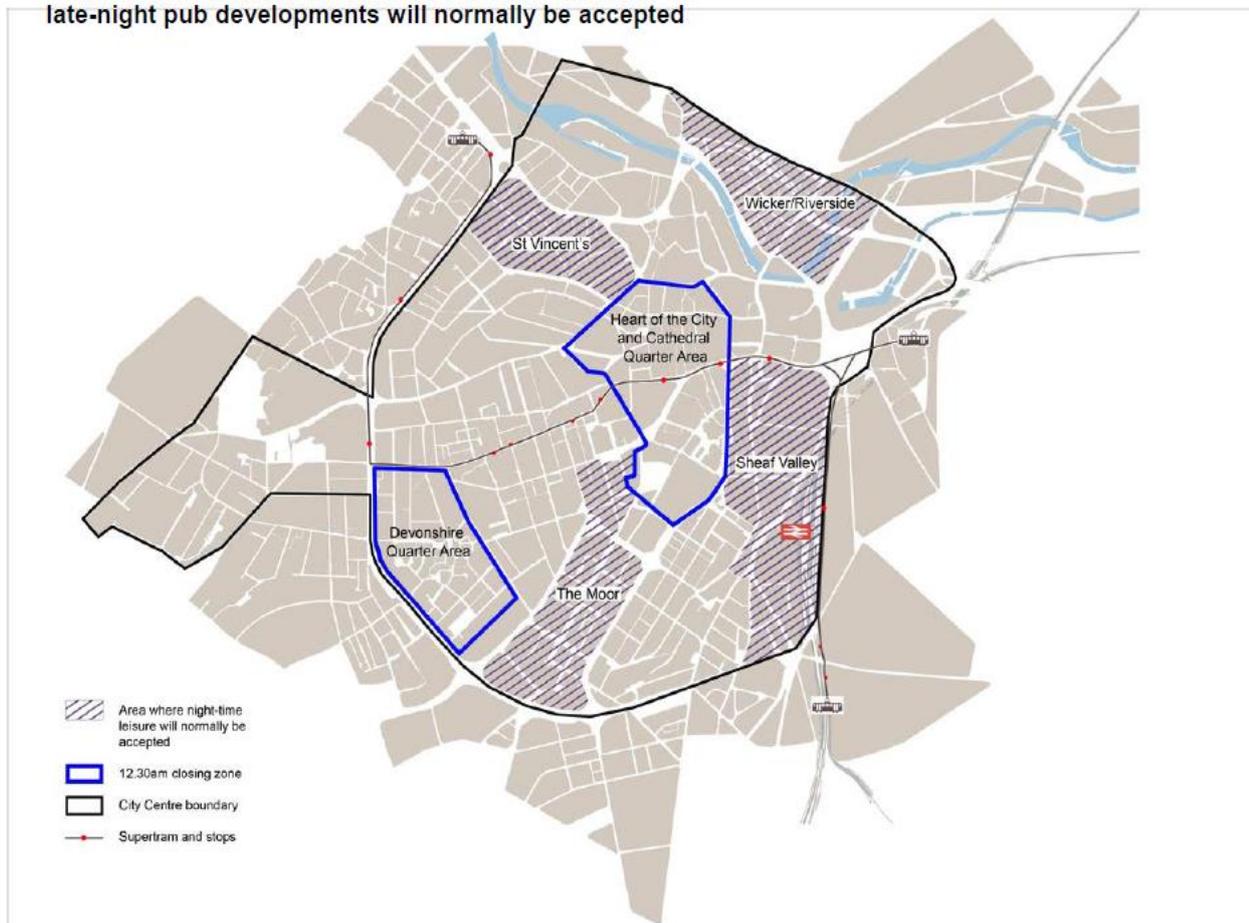
We want the city to be attractive to a wide range of activities, visitors and residents. This includes a vibrant, healthy and safe night time economy. We recognise that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate. We want to work with potential applicants at an early stage to understand how we can enable their ideas to happen.

Applications will be encouraged for night time economy uses that complement the established and developing communities in areas of the city where the night time economy already thrives and benefits from this type of offering, but with careful consideration to late night opening. The Heart of the City and the Cathedral Quarter would suit applications such as those for seated eating and drinking that complement the "cultural" offer of the area, but again with limited late night opening.

## Sheffield City Centre

### PLAN 1

Controlled opening areas and areas where nightclub or late-night pub developments will normally be accepted



## **PART 3 – WHAT IS SHEFFIELD CITY COUNCIL’S STATEMENT OF LICENSING POLICY?**

**The Statement of Licensing Policy sets out how Sheffield will exercise its licensing functions under the Licensing Act 2003.**

**Licensing functions are the duties and powers of the Council in its capacity as “the licensing authority”.**

**The licensing authority will grant licences / certificates at the end of the relevant period for representation if no adverse representations are received.**

**If adverse representations are received, the licensing authority’s discretion will be engaged.**

**In exercising its discretion, the licensing authority will apply the standards set out in the shaded boxes of this section.**

**The licensing authority may deviate from the policy in exceptional circumstances where one or more of the licensing objectives can be achieved through other means.**

**This licensing policy will provide an applicant with an awareness of the expectations of the licensing authority and responsible authorities as to best practice, giving a collaborative view of the best means of promoting the licensable objectives.**

**Applicants are able to make applications without complying with this policy; however, failure to comply could lead to representations being made, delays, extra costs and the application of the policy at a hearing of the licensing sub-committee.**

## The Licensing Objectives

The Act provides a clear focus on the promotion of four statutory licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm.**

All four objectives must be addressed when licensing functions are undertaken, and they provide the foundation for all the decisions made by the licensing authority.

The Act does not provide a definition of each objective and this section aims to set out how the licensing authority will consider each objective at each stage of application.

**Each objective is of equal importance and of paramount consideration at all times.**

### General steps for applicants to promote the licensing objectives

In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

Applicants are, in particular, required to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the proposed licensable activities; and
- Any local initiatives (for example, local crime reduction initiatives or voluntary schemes) which may help to mitigate potential risks.

Applicants are required to include positive proposals in their application on how they will manage any potential risks.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider how this impacts upon their smoking/vaping, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

Publicly available sources which may be of use to applicants include:

- The Crime Mapping website ([www.police.uk](http://www.police.uk));
- Neighbourhood Statistics websites ([www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk));
- Websites or publications by local responsible authorities (see contact details at page 46);
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. The licensing authority encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses *before* applications are submitted in order to minimise the scope for disputes to arise. There may be resident or business groups which may also be consulted.

Applicants are required to make it clear in their applications, why the steps they are proposing are appropriate for the premises rather than providing a set of standard conditions to promote the licensing objectives.

All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively; the legislation actively encourages a partnership approach.

Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences.

For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

### **Pre-Application Advice and Consultancy Service**

The Licensing Service offers a Pre-Application Advice and Consultancy Service which gives applicants the opportunity to book time with an experienced technical officer and gain guidance and advice, and/or administrative assistance with the application process before submitting a formal application to the service or any responsible authorities.

PLEASE NOTE: this does not quantify as legal advice as our technical officers are not legally qualified.

DRAFT

# THE PREVENTION OF CRIME AND DISORDER

Well-run and responsible licensed premises form an important element of the social fabric of our communities, and diligent supervision of drinking can assist with the prevention of crime and disorder.

The prevention of crime and disorder should be given due consideration by all managers, licence holders and clubs.

## **Crime and Disorder Policy**

### **Applications**

#### **CCTV**

Applicants are required to consider the use of CCTV as part of their crime and disorder reduction measures and evidence of such consideration should be detailed in the application form. Applications must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case.

South Yorkshire Police (SYP) Licensing Officers are able to visit your premises to discuss CCTV requirements, with a standard specification being that the system fitted has a minimum of 28 days recording facility, and the ability for nominated or authorised staff members to be able to operate the system at any time in the event of immediate access being required to images by South Yorkshire Police or Local Authority Officers in line with GDPR guidance.

#### **City Retailers Against Crime**

The Sheffield Crime Reduction Partnership tackles business crime across the city. Partners include City Centre Management, retailers, South Yorkshire Police, pubs and clubs and the Salvation Army.

- **City centre retailers/business** – links retail premises, businesses, South Yorkshire Police, City Centre Ambassadors and Sheffield City Council's CCTV to each other via personal radios. The aim of this scheme is the prevention and detection of crime within city centre retail premises and businesses as well as anti-social behaviour in the city centre.
- **City centre evening economy** - links licensed premises to South Yorkshire Police and Sheffield City Council's CCTV and is aimed at assisting all those involved in managing the behaviour of individuals linked to the evening economy in the city centre.

These schemes allow businesses to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering staff and customers on the premises. To take part in the City Retailers Against Crime Schemes, you will need to gain the necessary membership and obtain the relevant chipped radio equipment from the Partnership. This also entitles you to free training for you and your staff, and access to intelligence meetings to assist in information sharing from the relevant parties.

#### **Management Practices**

Applicants are required to include information in the operating schedule of effective and responsible management, best practice and procedures. On-going risk assessments are encouraged to minimise risks to staff and customers

#### **Drugs**

The use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crime are treated with particular seriousness by the licensing authority.

Applicants are required to give consideration to the creation and enforcement of a zero tolerance drugs policy and should detail any staff awareness training procedures in place in the operating schedule.

It is also strongly encouraged to consider accessing training on drugs for staff from Drugs and Alcohol Co-ordination Team (DACT) commissioned services. Premises should also consider displaying information in their toilets on the zero tolerance policy, treatment services for both drugs and alcohol, and domestic abuse.

Well managed premises where staff take an active interest in drug prevention are less likely to attract drug use.

More information on intervention and referral can be sought from DACT – see contact details at page 48.

## **Door Supervisors**

Applicants are required to consider the use of Security Industry Authority (SIA) registered door supervisors and evidence such consideration in the application form. Unregistered staff must not be used. Should registered door staff be utilised, a written record must be kept of each staff member including name, badge number, time on and off duty and location whilst on the premises.

It is also a requirement that anyone acting in this capacity must clearly display their SIA ID badge on their person at all times.

## **Sale of Illicit Goods**

The licensing authority is extremely concerned about the rise in the availability of illicit alcohol and tobacco in the city.

Whether non-duty paid (where the product is genuine but the appropriate tax has not been paid), or counterfeit (where a fake product is made to look genuine), it is the opinion of the licensing authority that the selling of any illicit goods is a deliberate, criminal act and shows evidence of poor management and disregard for the licensing objectives.

The Trading Standards Service is responsible for tackling the illegal sale of illicit goods in the city and regularly inspects licensed premises.

Where illicit goods are found, the product will be seized and the offender may be prosecuted.

Trading Standards are also very likely to submit a review of the premises licence where illicit goods are discovered (see Review Application Policy at page 40).

## **Sale of high strength beers and ciders**

Clear links are made by Trading Standards to the selling of high strength alcohol at less than minimum pricing or just above, and the encouragement of duty not being paid on these products, resulting in smuggling items becoming an issue.

Sheffield City Council seeks to help these people and prevent this problem in the City. Premises selling such drinks below "The permitted price" are likely to have their licence reviewed as are businesses where the goods are smuggled and purchased illegally. It may be considered necessary for some premises licences to contain conditions whereby the maximum strength for beers, lagers and ciders will be stipulated together with a maximum size of container. It may also stipulate a minimum quantity of containers that can be sold in any one transaction to reduce the incidence of begging. Like the sale of illicit goods identified above, the licensing authority will view this as a deliberate criminal act, indicating evidence of poor management and disregard for the licensing objectives.

## **Dispersal / End of Evening Policy**

Premises that are close to residential properties are expected to consider dispersal or end of evening policies to minimise the potential for disorder and disturbance as customers leave the premises (see NOCTIS <http://noctis.net-genie.co.uk/Policy/> for an example of good practice) and evidence of such consideration should be detailed in the application form.

## **Winding Down Time**

Premises serving alcohol after 11pm should consider giving customers the opportunity to remain on the premises after last orders to encourage a 'wind down' period.

The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises.

Applicants should consider a strategy of how they will implement a 'winding down' period and detail this in the application form. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements and serving hot food, coffee and other soft drinks.

### **Use of Glassware**

As a measure to reduce alcohol-related injuries, where it is appropriate to the venue or event, consideration should be given to the use of safer alternatives to traditional glassware.

Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or plastic drinking vessels subject to Weights and Measures marking requirements.

Recent evidence has shown that glass related assaults occur more commonly in pubs, clubs, crowded venues with “pinch points”, vertical drinking establishments as well as public spaces, on Friday and Saturday nights in the late night/early hours of the morning between the hours of 22:00 - 03:00.

Taking this into account, it is an expectation that anyone wishing to operate this type of premises would have to supply a comprehensive risk assessment including proactive methods of safeguarding customers in this area. It is more likely that you may be asked to consider the use of polycarbonate or plastic drinking vessels as part of your standard operation.

### **Determining an Opposed Application**

The licensing authority (sub-committee) considers South Yorkshire Police to be the main source of advice on crime and disorder and Trading Standards on issues specifically in relation to illicit goods.

Attention will be given to the consideration provided in the application on the above subjects.

Where an applicant has omitted information regarding the subjects outlined in this section, the committee will ask questions of the applicant on such matters and will consider attaching appropriate conditions to the licence.

# PUBLIC SAFETY

Licence holders have a responsibility to ensure the safety of those using their premises.

This objective concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation.

## **Public Safety Policy**

### **Applications**

#### **Risk Assessments**

The licensing authority encourages applicants to undertake risk assessments in relation to the safety of customers and staff on the premises.

Where such risk assessments are undertaken, a copy should be maintained on the premises for inspection by authorised officers.

Example risk assessments for specific kinds of premises (pub, nightclub, off licence, convenience store, village hall, food preparation, etc.) are available on the HSE website [www.hse.gov.uk/risk](http://www.hse.gov.uk/risk).

#### **Specified Uses of the Building**

The operating schedule must clearly detail the intended use for the building.

#### **Plans**

All plans must comply with the regulations that accompany the Act, be legible and show all internal and external areas.

Applications where plans do not comply with the regulations will not be accepted as a complete application.

#### **Ensuring Safe Departure of those using the premises**

Applicants should make provision to ensure that premises users safely leave their premises.

Consideration should be given to:

- Providing information on local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks (this should be balanced to avoid light pollution to neighbouring properties).

#### **Venue Safety**

The licensing authority considers that the safety of the public (including but not limited to customers, employees and visitors) within the venue is of paramount importance. To a lesser extent, applicants should also demonstrate that consideration has been given to the area immediately outside or adjacent to the venue with regard to public safety.

Applicants will be expected to consult fully with the responsible authorities before and / or during the process to ensure that all matters concerning public have been suitably addressed.

The city council encourages the provision of disabled access and facilities to licensed premises within Sheffield and when a new application is being made or when substantial alterations are taking place, reasonable provision must be made under the Equality Act 2010 for people to access and use the building and its facilities.

The most relevant design standards are –

- Building Regulations Approved Document M: Access to and use of buildings - Volume 2: Building other than dwellings
- BS 8300-1 2018: Design of an accessible and inclusive built environment - Part 1: External environment - Code of practice
- BS 8300-2 2018: Design of an accessible and inclusive built environment - Part 2: Buildings - Code of practice

(The BS is more thorough and provides a more inclusive environment but the approved document is more readily available at [https://www.planningportal.co.uk/info/200135/approved\\_documents/80/part\\_m\\_-\\_access\\_to\\_and\\_use\\_of\\_buildings/2](https://www.planningportal.co.uk/info/200135/approved_documents/80/part_m_-_access_to_and_use_of_buildings/2) .)

## **Drugs**

A harm reduction approach towards the use of drugs, including New Psychoactive Substances such as Spice, is expected, with staff being fully trained to detect signs of drug intoxication and what to do in the event this was to occur. It is recommended for venues to display referral information for help with drug use, and for these venues to have secure bins for the safe disposal of illicit/illegal drugs. It is vital that all staff are able to recognise that some people need to carry essential medications and subsequently support these customers appropriately and in a sensitive manner.

This harm reduction approach to drugs is supported by our safer dancing/safer clubbing information detailed within this policy. Some events will find it harder to exclude drugs and secure their event and in these circumstances (such as outdoor festivals) a harm reduction approach is preferred to minimise health harms. All venues – indoor or out - should aim to have a cool/calm safe welfare space for patrons.

The Licensing Authority will have due regard to imposing relevant conditions preventing the sale of legal highs / new psychoactive substances (NPS) such as Spice where it considers to be applicable.

In the case of new venues or changes to existing premises, design considerations to reduce the use of illegal substances should be considered, for example:

- Access control – consider employing security staff; refuse service to anyone suspected of participating in the sale or use of drugs.
- Lines of sight – avoid recessed areas; allow a clear view across the premises so staff can quickly assess issues.
- Lighting – avoid dark corners or areas throughout the premises, parking areas and outside areas, ensuring they are well lit and managed appropriately.
- Toilet areas - cisterns should be concealed, hidden behind panelling or impenetrable, avoiding flat smooth areas that can be used as surfaces to be used to divide drugs or as a platform for consuming.

## **Alcohol Harm**

Alcohol misuse is a significant public health challenge; it affects thousands of individuals, families and communities across the country and is a significant drain on resources for a number of partner agencies.

Although public health is not one of the licensing objectives in the Act, applicants are required to demonstrate what steps they intend to take with regard to patrons who may be in a state of incapability.

Consideration should be given to sign posting individuals to intervention or referral policies, including the option of licence holders displaying paraphernalia in premises toilets promoting support services which can be clearly seen by all patrons.

It is expected that all staff are trained appropriately to recognise the signs of intoxication and support patrons to leave venues safely.

More information on intervention and referral can be sought from the Drugs and Alcohol Co-ordination Team (DACT) – see contact details at page 48.

## **Determining an Opposed Application**

The licensing authority (sub-committee) considers South Yorkshire Fire and Rescue, Sheffield City Council's Health Protection Service and the Department for Public Health as the main sources of advice on public safety.

Attention will be given to the details of the risk assessment provided with the application on the above subjects. Where an applicant has omitted a risk assessment, the committee will ask questions of the applicant on such matters.

## **PREVENTION OF PUBLIC NUISANCE**

The Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance.

We want to support a thriving night-time evening economy but not at the expense of causing public nuisance to nearby residents. To this end we will have regard to the conflict that can arise between late night uses and residential uses and would encourage operators that wish to operate venues which are liable to emit higher levels of noise or very late night uses to seek premises that are sited well away from residential uses.

Issues with noise, smells, light pollution and litter (from both inside and outside the immediate vicinity of the premises) that result from the operation of a licensed premises that unreasonably affect people living or working nearby, must be reported to the licensing authority and/or relevant responsible authority. It is expected that every effort should be made by operators to minimise any nuisance that may be caused, with a clear expectation that if this is not undertaken to a satisfactory degree, further action may be implemented from the necessary responsible authorities.

### **Public Nuisance Policy**

#### **Applications**

##### **Noise Breakout from Regulated Entertainment**

The licensing authority expects the applicant to evidence their consideration of the following:

- Noise control measures;
- Noise sensitive premises likely to be affected by actual or potential noise breakout from the premises;
- An assessment of the noise climate in the area. Advice should be sought from Sheffield City Council's Environmental Protection Service;
- An outline of the proposed measures to control noise generated, to prevent the adverse effect of noise on sensitive premises or the ambient noise climate in the area.

Where residential properties are in close proximity to a proposed licensed premise, operators will be expected to clearly demonstrate how their proposals will not cause nuisance to nearby residents.

Where amplified sound is proposed, physical measures such as improved acoustic glazing and acoustic lobbies to entrances should be considered as should the fitting of a noise limiter to help control amplified sound. Speakers in outside areas close to residential properties are not advised.

##### **Closing Times**

Applicants will be expected to demonstrate that they have fully researched and considered the anticipated impact of their proposed closing times in relation to noise breakout and anti-social behaviour that would disturb nearby residents or workers in the area. The nature of the locality will obviously be a critical factor in deciding closing times.

The implementation of policies to manage customer dispersal at closing times should be considered, especially in areas with residential premises, and clearly outlined in your application and any appropriate risk assessments.

##### **Light Pollution**

Bright lighting outside premises may give rise to light pollution for neighbours. However, lighting may be appropriate for safety of customers and / or for crime and disorder prevention. Applicants are encouraged to consider balancing these issues where appropriate.

##### **Outside Areas and Smoking/Vaping Shelters**

Outside areas for customers may be a source of noise nuisance to neighbouring properties. Applicants are responsible for ensuring that the use of outside areas and smoking shelters are effectively managed and that they are not permitted to become a source of nuisance. Management practices to mitigate such nuisance should be detailed in your application.

## **Tables and Chairs**

Applicants are expected to consider the impact of the use of signs, tables and chairs outside premises that would impair the safety or ease of movement for pedestrians and road users.

Operators that provide tables and chairs for customers outside their premises on the highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

It is also preferred that they carry out the appropriate risk assessment for the potential requirement of glassware alternatives for use in any such outside areas to reduce the potential of glass-related injury.

Applicants can find the application pack and guidance [here](#).

## **Fly posting, flyering and other nuisance advertising**

The Council expects licensees will ensure that the licensing objectives are promoted by ensuring entertainment at their premises is not advertised inappropriately.

To this end, a responsible licensee is required to take all reasonable steps, and exercise due diligence, to ensure that any advertising of licensable activities does not cause nuisance annoyance or result in a criminal offence being committed. These measures should be clearly outlined within their operating schedules.

## **Determining an Opposed Application**

The licensing authority (sub-committee) considers the Environmental Protection Service as the main source of advice on public nuisance.

Conditions relating to public nuisance will usually concern steps appropriate to control the levels of noise emanating from premises, both from amplified sound breaking out of the premises and from people in external areas. Conditions could also be imposed to control the noise from people accessing and leaving the premises.

# **PROTECTION OF CHILDREN FROM HARM**

The licensing authority considers the Sheffield Children's Safeguarding Partnership to be the recognised body to be competent to give advice on the protection of children from harm. For the purpose of this policy a child is anyone under the age of 18 years.

The Sheffield Children's Safeguarding Partnership takes a positive view of this role and where possible, is committed to working in partnership with licensed operators, statutory agencies and other organisations to ensure licensed locations are places where children and young people can learn to integrate and socialise within a safe and responsible environment. To assist operators with their child protection responsibilities, the Sheffield Children's Safeguarding Partnership provides free training. The licensing authority expects operators to attend this training.

The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language or sexual expletives.

Sheffield Children's Safeguarding Partnership is increasingly incorporating issues relating to adult safeguarding and promotes a holistic approach to safeguarding; we therefore encourage operators to include vulnerable adults in their risk assessments.

## **Protection of Children from Harm Policy**

### **Applications**

#### **Children and Young People's Risk Assessment**

The licensing authority encourages all operators to undertake a children and young people's risk assessment. This should be undertaken by the designated premises supervisor, premises licence holder or other such responsible person, and maintained as part of your due diligence records. The purpose of the assessment is to identify ways to prevent risk of physical, psychological or moral harm, to persons under the age of 18. The assessment should include consideration of children being exposed or subject to:

- Underage drinking
- Irresponsible adult drinking
- The use of strong or offensive language
- Anti-social, dangerous or criminal behaviour
- Substance misuse
- Sexual entertainment
- Supervision arrangements for children
- Child exploitation
- Gambling related harm

A risk assessment template is available to download at <https://safeguardingsheffieldchildren.org/sscb>

#### **Access for Children to Licensed Premises**

It is required that applications that are proposing to allow children on the premises make it clear what activities will be undertaken, which areas children would be able to access and at what times in order to help determine when it is not appropriate for children to be present.

Risk management systems must be operated with regard to children who live, work, perform or socialise at licensed premises.

A code of practice for children living at licensed premises is available to download at <https://safeguardingsheffieldchildren.org/sscb>

#### **Proof of Age / Age Verification Scheme**

It is a mandatory requirement for a proof of age scheme to operate to prevent underage sales of alcohol. In order to be recognised by the Sheffield Children's Safeguarding Partnership, the scheme must comply with the following criteria:

- Proof of age must be requested if any staff suspects that the customer is under the age of 18 years. To assist staff, rules such as 'Challenge 21', 'Challenge 25' or similar should be applied.

- A refusals register must be maintained and made available for inspection at reasonable request. Records should include the date and time of the refusal, the product the young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments;
- Signage must be displayed throughout the premises to promote the chosen scheme;
- Staff training records must be maintained and made available for inspection at reasonable request.

In circumstances where the delivery of alcohol is being carried out to a residential address, steps must be in place to ensure that all staff involved with this sale and provision of such alcohol are fully aware of their responsibilities to ensure no alcohol is sold to persons underage. Delivery staff must be trained to comply with the Code of Good Safeguarding Conduct which is available download at <https://safeguardingsheffieldchildren.org/sscb>

Further information and a refusals register template is available to download at <https://safeguardingsheffieldchildren.org/sscb>

## Underage Sales

The Sheffield Children's Safeguarding Partnership, South Yorkshire Police and Trading Standards work in partnership to prevent and respond to underage alcohol sales.

The group has an agreed strategy for dealing with, and educating premises that fail test purchase operations carried out by South Yorkshire Police and Sheffield Trading Standards.

The strategy provides a clear framework to both enforcement agencies and premises of how persistent failures of test purchases are dealt with in Sheffield:

### **Test Purchase Strategy Process**

#### **1<sup>st</sup> Failure**

Option of:

- Fixed Penalty Notice ; **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course ; **Plus**
  - **Expected** to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership

#### **2<sup>nd</sup> Failure (within 3 months of first failure – considered persistent)**

- Consider prosecution/discuss voluntary closure/review licence
- **MUST** attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership

#### **2<sup>nd</sup> Failure (after 3 months of first failure within 12 months of first failure)**

Option of:

- Fixed Penalty Notice; **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course ; **Plus**
- **MUST** attend multi-agency training "Safeguarding Children at Licensed Premises" workshop delivered by Sheffield Children's Safeguarding Partnership
- Consider voluntary closure dependent on premises history

#### **3<sup>rd</sup> Failure (within 12 months of first failure)**

- **Automatic review application**

#### **3<sup>rd</sup> Failure (after 12 months of first failure)**

- A review application may be submitted after considering the past history of the premises and the management.

## **Gambling and Gaming:**

At premises where gambling or gaming facilities are provided, all staff are expected to be trained to enforce the law and implement an appropriate age verification scheme in addition to maintaining refusals records and displaying signage. Operators are encouraged to train their staff in relation to recognising and responding to harmful gambling or gaming.

## **Child Exploitation**

The risk of child exploitation can be present at all types of premises, and it is expected that risk management systems are in place to identify and report suspicious activity. Premises that fail to do so may put children at risk of harm and in such cases action will be taken, which could result in the suspension or revocation of the premises licence. It is important that the risk of child exploitation is managed at your premises to protect children and young people from harm and to protect your business.

The following safeguarding measures, or similar, should be included in your safeguarding policy to help evidence due diligence and keep children safe:

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Train staff to recognise and respond to safeguarding risk, and to operate an age verification scheme;
- Maintain staff training records;
- Monitor activity at the premises using CCTV or regular patrols;
- Report suspicious activity to the police and keep the necessary records of such activity.

Further information and templates can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

## **Events**

The licensing authority recommends that event organisers plan their events with reference to the good practice guidance published by the Sheffield Children's Safeguarding Partnership which can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

It is recommended that harm reduction measures are in place at events attended by children and vulnerable people (Annex 8 to the SSCB event guidance refers)

It is expected that security measures will include checks of children and young people who access events and that the guidance issued by the Sheffield Children's Safeguarding Partnership and South Yorkshire Police is adhered to.

## **Proxy Sales**

'Proxy sales' is a term used to describe the purchase of alcohol on behalf of children. ... It is also an offence for a person to buy or attempt to buy alcohol for someone under 18 to drink on licensed premises.

Licensed operators selling alcohol must also take steps to prevent proxy purchase, such as monitoring activity in and around the premises using CCTV or by regular and recorded patrols.

Staff must be trained and reminded of their responsibilities in relation to the issue.

## **Safeguarding Coordinator**

At premises where children are allowed, the Licensing Authority suggests at least one member of management to be designated to take a lead on issues relating to safeguarding children. This person should act as the safeguarding coordinator.

This role should be delegated to a suitable member of staff when the lead person is on holiday, or otherwise absent from the premises. This safeguarding measure should be included in the operating schedule to evidence a commitment to vigilant safeguarding, however the name of the Children's Safeguarding Co-ordinator should not be included in the operating schedule.

The designation of a lead safeguarding staff member is a demonstration of due diligence and can be an advantage at premises where there is a high turnover of staff, to ensure continuity and provide an induction to child safety policy.

The assignment of a Children's Safeguarding Co-ordinator would also benefit the business during busy times, ensuring that the premises management is able to prioritise child safety and therefore meet the Core Objective to protect children from harm, under the Licensing Act 2003 legislation.

The Sheffield Children's Safeguarding Partnership provides advice and training to support staff designated to this role. Further information on the role of the Children's Safeguarding Co-ordinator can be downloaded at <https://safeguardingsheffieldchildren.org/sscb>

### **Determining an Opposed Application**

The licensing authority (sub-committee) will give considerable weight to representations about child protection matters in licensed premises.

It considers the Sheffield Children's Safeguarding Partnership as the main source of advice on child protection.

Conditions restricting access will be considered in the following circumstances:

- where adult entertainment is provided;
- where member(s) of the management have been convicted for serving alcohol to minors;
- where it is known that unaccompanied children have been allowed access;
- where there is a known association with drug taking or dealing; or
- where in some cases, the premises are used exclusively or primarily for the sale of alcohol.

The licensing authority (sub-committee) will take care to ensure the Guidance to the Act is applied in all cases.

## Representations made by 'other persons'

As well as responsible authorities, the Act allows any other person to play a role in a number of licensing processes.

This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications, regardless of their geographic proximity to the premises.

### Representations made by 'other persons' policy

#### Making a representation

Representations must be submitted in writing (which includes via email) to the licensing service within the relevant period for comments.

The representation must be relevant to the likely effect of the grant of the licence or variation on the promotion of one or more of the licensing objectives.

The issues on which the representation is based must not be frivolous i.e. the issues concerned in the representation are minor and no remedial steps would be warranted or proportionate.

The issues on which the representation is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

#### Responsible Authorities

It is recommended to contact the relevant responsible authority/s if you are planning on submitting a representation as they may have addressed your concerns by way of mutually agreed conditions. It will also highlight your concerns to that authority if they are not already aware.

Contact details for the responsible authorities are available at page 46.

#### Petitions

Petitions submitted in relation to an application must contain a clear statement relevant to the likely effect of the grant of the application on the promotion of one or more of the licensing objectives.

The petition must specify the contact details, including an address for the petition organiser and must clearly log the full name, address and signature of those supporting the petition.

The issues on which the petition is based must not be vexatious i.e. it appears the representation is intended to cause aggravation or annoyance without reasonable cause or justification.

#### Processing a representation

When considering representations to an application made by other persons, the licensing authority (officers) will take into account the following:

- a) Whether the representation is relevant to one or more of the licensing objectives;
- b) Whether the representation is frivolous; and / or
- c) Whether the representation is vexatious.

Where the licensing authority (officers) determines that a representation is not relevant or is 'frivolous' or 'vexatious', it will notify the person of the reasons for its determination in writing and the representation will not be considered.

The licensing authority (officers) will redact personal information of those making representations from licensing committee reports and associated documents, however, objectors must provide the licensing authority with their full address details.

#### Petitions

The licensing authority (officers) will communicate with the petition organiser regarding any licensing committee hearing. Individual petition supporters will not be contacted.

## **Determining an Opposed Application**

### **Attendance at Licensing Committee Hearings**

The licensing authority expects those making representations to an application to make every effort to attend the licensing committee hearing.

The licensing authority (committee) will consider all written comments in the absence of those making representations and apply appropriate weight; however, non-attendance at the licensing hearing will not allow clarification on points.

A third party may attend on behalf of anyone making a representation, but the licensing authority must be satisfied that such a person has been given authority to act on their behalf.

Where groups attend a licensing hearing, it is preferable for a spokesperson to be nominated to speak on behalf of the group.

The licensing authority (committee) will give appropriate weight and consideration to all representations which are based on reliable, accurate and appropriate evidence.

### **Petitions**

Petitions will be considered by the licensing authority (committee) but will generally be given less evidential weight than if the petition supporters had written in individually detailing their personal concerns.

## Applications for: Premises Licences/Club Premises Certificates/Provisional Statements

New and full variation applications for premises licences, club premises certificates and provisional statements will be considered in line with the policy below.

The relevant application form invites applicants to demonstrate that the premises or event will be managed in a manner that safeguards the licensing objectives. Applicants are advised to provide as much information as possible in the application form.

Following a review of the Licensing Act Guidance in April 2018, it is now necessary for all individuals wishing to hold a premises licence for the sale of alcohol or late night refreshment to provide the necessary evidence that they are entitled to work in the UK. This can be in the form of a valid passport or other accepted right to work documentation. A full list of these documents can be found within the necessary application forms.

### Premises Licences/Club Premises Certificates/Provisional Statements Application Policy

#### Applications

##### Considering the Local Community

Applicants are expected to consider the needs and benefits of the community that their business will operate in. Consideration to the local community when setting out an operating schedule must be evidenced in the application.

We would expect to see that an applicant has obtained sufficient information to enable them to demonstrate that they understand:

- The layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Any risk posed to the local area by the applicants' proposed licensable activities; and
- Any local initiatives which could help to mitigate potential risks.

##### Processing

The licensing authority (officers) will check the application has been made in accordance with the Act in particular, whether it has been properly advertised (details of how applications should be advertised is provided in the application form guidance).

Where no representations are made, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the Act.

##### Determining an Opposed Application

When determining an application for a, premises licence, club premises certificate or provisional statement the licensing authority (sub-committee) will take into account the following:

- a) The intended use of the premises;
- b) The times applied for;
- c) The licensable activities applied for;
- d) The character of the area in which the premises is situated and the applicants knowledge of such;
- e) Whether the operating schedule and any agreed conditions adequately address the licensing objectives;
- f) The volume of customers;
- g) The intended demography of customers and the applicants knowledge of such;
- h) The nature and frequency of any proposed entertainment;
- i) Evidence of responsible management of the premises, e.g. safety management plans, training and supervision of staff, opening and closing records, use of best industry practice, etc.;
- j) Any relevant representations.

The licensing authority will give appropriate weight to:

- The steps that are appropriate to promote the licensing objectives;
- The representations (including any supporting information) presented by all the parties, paying particular regard to relevant and appropriate evidence;
- The Guidance to the Act;
- This statement of Policy.

## Premises Licences for Alcohol Delivery Services

The Licensing Service regularly receives enquiries in relation to applications for licences relating to alcohol delivery services.

These tend to fall into three main groups:

- Premium specialist product mail order-type services
- Food delivery services (both meal and grocery) that include delivery but are primarily food lead, and
- Convenience-type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 in any way differently from other licensed premises, they do provide their own unique set of circumstances that need to be addressed.

In particular, the Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point
- The safety of delivery drivers at the point of delivery
- The safety of the premises from which orders are taken and sent out for delivery, and
- Possible public nuisance caused by delivery drivers collecting deliveries from the licensed premises and delivering to customers.

It should be expected that the following conditions would be requested by the Authority to be placed on a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery must be obtained from a person above the age of 18 with appropriate age verification identification. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Every third party courier delivery box shall be labelled with the words "Age Restricted Product".
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- A refusals log will be maintained for deliveries and available for inspection on request.
- Appropriate security will be in place at the premises as agreed with the Police.
- Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule.
- Website and all promotional material should be designed and set out in a way which is consistent with the responsible retail of alcohol.
- The Authority would expect operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk and, in such instances, alcohol should be refused and that refusal recorded.

## Applications for: Personal Licences

Where an applicant for a personal licence has unspent convictions for a relevant offence defined in the Act or a foreign offence, the licensing authority is required to notify South Yorkshire Police.

The police may submit a representation to the application if they are satisfied the granting of the licence would undermine the **crime prevention objective**.

All individuals wishing to hold a personal licence must provide the necessary evidence on application that they are entitled to work in the UK. This can be in the form of a valid passport or other accepted right to work documentation. A full list of these documents can be found within the necessary application form.

As a result of the Deregulation Act 2015 the Government has removed the requirement to renew personal licences with effect from 1 April 2015. Personal licences are therefore now valid indefinitely unless surrendered or revoked.

### Personal Licence Application Policy

#### Applications

In order to apply for a personal licence you must:

- a) Be aged 18 or over;
- b) Possess a licensing qualification or be a person of a prescribed description;
- c) Have the right to work within the UK;
- d) Not have forfeited a personal licence within 5 years of your application; and
- e) Not have an unspent conviction for a relevant offence or foreign offence.

#### Processing

If a), b), c) or d) do not apply, the authority must reject the application.

In the case of d) above, the licensing authority (officers) is required to notify South Yorkshire Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act or for a foreign offence.

The police have no involvement in a personal licence application until notified by the licensing authority.

#### Determining an Opposed Application

Should a representation be received, the applicant is entitled to a hearing before the licensing sub-committee.

When determining an application for the grant of a personal licence where a representation has been submitted by South Yorkshire Police, the licensing authority (sub-committee) will take into account the following:

- a) The seriousness of the offence(s);
- b) The period that has elapsed since the offence(s) were committed; and
- c) Any mitigating circumstances.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

## Designated Premises Supervisors (DPS)

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The DPS must hold a personal licence to be able to be specified as DPS on a premises licence.

The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.

Where there is no DPS in respect of a premises licence, no alcohol may be sold under that licence.

Only one DPS may be specified on a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.

### Designated Premises Supervisor (DPS) Application Policy

#### Applications

When specifying a DPS, the licensing authority expects a premises licence holder to ensure the individual has adequate experience for the size and character of the premises and with the proposed licensable activities.

#### Processing

The police may make a representation to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.

#### Determining an Opposed Application

Should a representation be received, a hearing before the licensing sub-committee will be held.

The application will be rejected if the licensing authority (sub-committee) considers it necessary for the promotion of the crime prevention objective.

## Temporary Event Notices (TENs)

A temporary event notice allows a premises/property to be used for short-term licensable activities, e.g. the sale of alcohol or regulated entertainment, subject to certain conditions. It can also be used to temporarily extend permissions on existing premises licences or club premises certificates.

The licensing authority **does not** have discretion over the limits stated in the Act; notice submitters are therefore encouraged to provide notice to the licensing authority as early as possible.

### Restrictions on TEN's

TEN's can be used to authorise small-scale ad hoc events for no more than 499 people at any one time, but they have a number of restrictions associated with their use:

- Each event covered by a TEN can last no longer than 168 hours (i.e. 7 days).
- No more than 15 TENs can be given for the same premises in any calendar year.
- A maximum aggregate duration of the periods covered by TENs at any individual premises of 21 days in any year.
- If the event taking place begins before midnight and continues into the following day this will count as 2 days against the maximum aggregate of 21 days.
- There must be a minimum of 24 hours between events notified by a premises user or associates of that premises user in respect of the same premises

You must give sufficient notice to all parties under the Act for your event to be able to go ahead. The amount of notice you give stipulates which type of TEN you are using, both of which come with their own limitations of use:

- **'Standard Notices'** - these are notices submitted **10 clear working days** before the day of the event (do not count the day of the event or the day of submission).
- **'Late Notices'** - these are notices submitted not later than 5 clear working days, but no earlier than 9 clear working days before the day of the event (do not count the day of the event or the day of submission).

The legislation allows for a personal licence holder to submit **50 TEN's** in any calendar year and non-personal licence holders to submit **5 TEN's** in any calendar year.

**Within these limits, 10 of these TEN's can be 'late notices' if you are a personal licence holder and 2 of these TEN's can be 'late notices' for a non-personal licence holder.**

## Temporary Event Notice (TEN) Policy

### Applications

The Guidance to the Act encourages licensing authorities to publicise preferences in terms of advance notice of events planned, however, TENs can cover a huge variety of events, some requiring more consultation than others. Event organisers are advised to informally contact the licensing authority at the earliest opportunity when planning events. Officers will be able to sign post organisers to relevant services that can provide specialist advice.

### Processing

Only the following responsible authorities are able to comment on a TEN:

- |  |   |
|--|---|
| <b>Police:</b>                           | South Yorkshire Police will submit representations based on evidence gathered from Police systems, in particular incidents reported.                              |
| <b>Environmental Protection Service:</b> | EPS will consider previous complaint history and the potential of the proposed event to cause a nuisance.   |
| <b>Health Protection Service:</b>        | The Health and Safety Team may visit any premises where TEN's have been submitted with respect to assessing the suitability of the building for its intended use. |

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice. See contacts at page 46.

The licensing authority (officers) will check that the limitations of the Act have been observed.

If the notice does not exceed the basic limits of the TENs scheme, the licensing authority (officers) will acknowledge the notice.

If an objection is received in relation to a **standard TEN** by a relevant person, the licensing authority will hold a hearing to consider it, unless the authority, premises user and relevant person agree that a hearing is unnecessary.

If an objection is received in relation to a **late TEN** by a relevant person, the licensing authority (officers) must issue a counter notice meaning the event cannot go ahead. No hearing will be held.

Where a TEN exceeds the limits imposed by the Act, the licensing authority will provide the notice giver with a counter notice and the event will not be permitted to go ahead.

Proposed licensable activities that exceed the limits will require a premises licence or a club premises certificate to be in place.

### **Determining an Opposed Application**

When determining a standard temporary event notice where a representation has been submitted by South Yorkshire Police, Environmental Protection or Health and Safety, the licensing authority (sub-committee) will take into account the following:

- a) Evidence provided by the Police, EPS and HPS on the basis of any of the licensing objectives;
- b) Evidence that modification with the notice giver has been attempted or is not appropriate;
- c) Evidence from the applicant to demonstrate that the licensing objectives will not be undermined.

## Applications for: events to be held of Council land

The promotion of events in Sheffield can provide opportunities for community involvement and can attract visitors to the city, contributing to the local economy and to that end, Sheffield City Council wishes to encourage cultural and community events being held in the city.

Sheffield City Council holds a number of premises licences for areas in the city centre (which is defined as anything in the inner ring road) and several parks throughout the city therefore, persons or organisations may not be required to obtain a premises licence or submit a temporary event notice themselves but would need the permission of the licence holder - Sheffield City Council.

If you wish to hold an event on Council land in Sheffield, we would strongly advise you to contact the licensing service first to see if the area is already covered by a premises licence and enable you to be put in contact with the appropriate person for permission.

The primary responsibility for safety of attendees at events rests with the event organisers.

### **Event to be held of Council land Policy**

#### **Applications**

Requests must be made in writing to the relevant service that holds the premises licence.

All events within the city centre boundary must go through the city centre licensees detailed events application procedure before use of the site is granted.

If alcohol is to be served at the event, due diligence tests may be applied.

#### **Processing**

Event planning meetings will be held between the licence holder, the applicant and the responsible authorities to discuss risk assessments, stewarding, policing proposals and other event specific information where appropriate.

Larger events will engage the Safety Advisory Group (SAG) (see Large Scale Events Policy at page 35).

#### **Determining an Application**

The licence holder and /or the SAG will work with the event organisers to address any safety issues before the Council allows the use of any of its licences.

To make use of a licence held by Sheffield City Council, the applicant must agree to comply with the advice and conditions set out by the licence holder and/or the SAG.

Failure to agree will lead to the application being referred to the Licensing Committee for determination.

## Applications for: Large Scale Events

If you wish to hold an event in Sheffield, we would strongly advise you contact the licensing service first to see if the area is already covered by a premises licence with the necessary permissions already in place to meet the needs of your event.

Where there is no premises licence in place, it is recommended that a premises licence application should be submitted to the Licensing Service *ideally* 6 months before the event, but not less than 3 months as in almost all cases, large events will engage the Safety Advisory Group (SAG).

The SAG is a group established to provide specialist advice and guidance in relation to safety at designated stadiums, regulated stands, concerts, festivals and other events.

The primary responsibility for safety of attendees at events rests with the event organisers.

### Large Scale Events Policy

#### Applications

Applicants are expected to have reference to The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.

Details relating to the following are necessary with any large-scale event application:

- Site plan including site management, exits, entrances and the structural integrity of all temporary structures
- Crowd management, stewarding and security plan

Further details on the following are to be provided for discussion at SAG meetings (this list is not exhaustive and will vary by event type):

- Entertainment
- Capacities
- Alcohol management plan
- Production details
- Medical and first aid provision
- Fire safety and control
- Noise Management Plan
- Car-parking arrangements
- Sanitary provisions
- Concessionary activities
- Counter terrorism measures
- Welfare provisions

Consideration should also be given to issues caused by the event outside the licensable area, e.g. noise, traffic and transport plan, cleansing strategy, etc.

#### Processing

The SAG will generally meet three / four times prior to a large concert, festival or other large scale event, however, this may change depending on the size and nature of the event.

The number of meetings will be determined by the Chair of the Safety Advisory Group.

#### Determining an Application

The SAG will work with the event organisers to address any safety issues before the Council allows the issuing of a premises licence.

The applicant must agree to comply with the advice and conditions set out by the SAG. Failure to agree will lead to the application being referred to the Licensing Committee for determination.

PLEASE NOTE: The licensing authority, acting in its role as a Responsible Authority, may seek to implement safety related conditions onto the licence which are appropriate to the proposed event.

## Applications for: Minor Variations

A minor variation is defined as a small change to a licence that could not impact adversely on any of the four licensing objectives.

Please note that advice will not be provided by the licensing authority as to whether a proposal would fall under the full variation or minor variation process prior to submitting an application.

If you are unsure, we would recommend you seek your own legal advice.

Failure to provide sufficient information may lead to the refusal of your application.

### Minor Variation Application Policy

#### Applications

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and
- The addition of certain licensable activities (not alcohol).

Please refer to the application form for examples of what would and would not constitute a 'minor variation'.

#### Processing

The licensing authority (officers) will consider the following when determining a minor variation application:

- a) Whether a full detailed description of all the proposed variation has been provided in the application;
- b) Whether the variation could impact adversely on the licensing objectives;
- c) If more than one variation is sought, whether any of them considered separately or together could impact adversely on the licensing objectives;
- d) The history of the premises, e.g. have previous applications attracted representations from the local community that have been difficult to resolve?
- e) Whether there have been any complaints received relevant to the proposed application.

All minor variations will be circulated to the relevant responsible authorities with an interest in the proposed variation.

If the licensing authority fails to respond to an applicant within 15 working days, the application will be treated as refused and the authority will return the fee. In some circumstances, it may be agreed that the undetermined application should be treated as a new application and the fee originally submitted may be applied to the new application.

#### Determining an Opposed Application

Where a representation has been submitted there is no right to a hearing under this process, but licensing authorities (officers) must take any relevant representations into account in arriving at a decision.

Where an application is refused and then resubmitted through the full variation process, the full 28 day consultation period will apply from the date the new application is received.

## Application for: Review

The Act permits responsible authorities or other persons to apply for the review of a premises licence certificate where problems associated with the licensing objectives are occurring.

The licensing authority has considered reviews of many premises licences that have failed to promote the licensing objectives and licences have been revoked, suspended, designated premises supervisors have been removed and tighter conditions imposed. These reviews were not taken lightly.

### Review Application Policy

#### Applications by Responsible Authorities

It is expected that applications for reviews will be instigated by responsible authorities as a last resort after attempting alternative means for achieving compliance.

The licensing authority considers the action planning approach (where one or more responsible authorities works with a licence holder/DPS to agree clear objectives within a timetable for improvements) an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

Reviews submitted in connection with crime and disorder but not directly connected to licensable activities will be considered in order to promote the crime prevention objective, for example, problems with drugs at the premises, the sale of stolen goods at the premises, etc.

#### Applications by 'Other Persons'

Persons other than responsible authorities can request that the licensing authority review a premises licence where activities at licensed premises are undermining one or more of the licensing objectives.

Before a review of a licence is requested however, the licensing authority would expect to see evidence that the following points have been addressed:

- The management of the premises have been approached to let them know about the problem and give them the opportunity to address the issues;
- The licensing service have been asked to talk to those who manage the premises on your behalf; or
- The relevant "responsible authority" has been approached about the problem.

Review applications will only be considered where a licence has been granted for a premises and that premises has had the opportunity to trade in accordance with that licence.

#### Applications – General

The licensing authority expects the review application to be accompanied by up to date, appropriate and accurate evidence which will be able to withstand the scrutiny to which it will be subject at the hearing.

#### Processing

The licensing authority (officers) may reject the application on any individual ground for review if it is satisfied that it is not relevant.

In the case of an application made by other persons (other than a responsible authority), the licensing authority (officers) may reject the application on any individual ground if it considers it to be 'repetitious', 'frivolous' or 'vexatious'.

'Repetitious' in this case, would be viewed as identical or substantially similar to a review made previously within a 12 month period save in compelling circumstances or where it arises following a closure order.

## Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence;
- f) Reject the application for review; or
- g) Take no steps.

Where persistent sales of alcohol to children have occurred, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

*“Where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. .... In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.”*

Where illicit goods have been discovered, the licensing authority (committee) will seriously consider the Guidance to the Act which states:

*“Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”*

There may be other circumstances where the licensing authority (committee) will seriously consider revoking the licence.

This authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged.

Where such applications are made, this authority will require documented proof of transfer of business / lawful occupancy of the premises (such as a lease), to a new proposed licence holder to support the contention that the business is now under new management control.

Where a senior member of the police force considers that a licensed premise (that is authorised to sell alcohol) is associated with *serious* crime, *serious* disorder or both, they may apply to the licensing authority for a summary review of the licence.

### Summary Review Application Policy

#### Processing

Within 48 hours (non-working days are disregarded) of receipt of the application the licensing authority (officers) will give a copy of the application to the premises licence holder and to each responsible authority.

#### Determining Interim Steps

Within the same 48 hour period, a hearing will be co-ordinated for the licensing authority (sub-committee) to consider whether it is necessary to take interim steps pending the determination of the review of the premises licence.

These considerations may take place without the holder of the premises licence being given the opportunity to make representations to the sub-committee.

The steps available to the sub-committee are:

- To modify the conditions of the licence;
- To exclude the sale of alcohol by retail from the scope of the licence;
- To remove the designated premises supervisor from the licence; and
- To suspend the licence.

In determining the interim steps, the licensing authority (sub-committee) will take care to ensure the Home Office Section 53A Licensing Act 2003: summary review guidance is applied in all cases.

The licensing authority will give immediate notice of its decision and its reasons for such.

#### Making Representations against the Interim Steps

The premises licence holder may make representations against the interim steps taken by the licensing authority.

On receipt of such representations, the licensing authority must hold a hearing within 48 hours of their receipt. Advance notice of the hearing will be given to the police and to the premises licence holder.

At the hearing, the licensing authority (sub-committee) must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

#### Determination of a Review Application

The licensing authority (committee) will consider the full range of powers when determining the review of a premises licence:

- a) Modify the conditions of the licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for a period not exceeding three months;
- e) Revoke the licence; or
- g) Take no action.

Any summary review application received will be seriously considered on its own individual merits and by reference to the four licensing objectives.

## Annual Fees and Suspensions

Once granted, holders of premises licences and club premises certificates must pay an annual fee to the Licensing Authority each year on the anniversary of the date that the licence was first granted, which is directly linked to the non-domestic rateable value of the premises.

It is the sole responsibility of the licence holder to ensure the annual licence fee is paid on time, with no obligation on the Licensing Service to ensure they are reminded to do so.

In Sheffield, the Licensing Service tries to assist licence holders by issuing two reminder letters in the month leading up to the annual fee renewal date in an attempt to help licence holders and club premises certificate holders to pay their fees on time, but this is not something that is a statutory requirement so it is required that all licence holders know when their annual fee is due. The Act requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

If the annual fee has not been paid by the renewal date, the licensing authority will write to the licence holder or club premises certificate holder and advise of the exact date that the suspension will come into effect.

A suspension ceases to have effect on the day on which the licensing authority receives payment of the outstanding fee from the licence or certificate holder.

### Exemptions from Fees under the 2003 Act

Certain premises are exempt from fees and these are set out Licensing Act 2003 (Fees) Regulations 2005 and the Licensing Act 2003 (Transitional conversion fees) Order 2005.

These provide that where an application relates to the provision of regulated entertainment only and that application is by or on behalf of: -

- a) an Educational Institution (a school or college) for and on behalf of the purposes of the educational institution or,
- b) a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building,

no fee is payable on application or annually.

## Cumulative impact and Areas Nearing Stress

The term '*Cumulative Impact*' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

The "need" for premises is a commercial matter and cannot be considered by a licensing authority.

In some areas, where the number or type of premises is high or exceptional, serious problems of crime, nuisance and disorder may arise outside or some distance from those premises.

Where in such circumstances the licensing authority receive representations from a responsible authority or other person that an area has become saturated with licensed premises, they may, if not satisfied that the imposition of conditions would address the issue, consider the adoption of a "Cumulative Impact Policy" whereby applications for new licences may be refused because the granting of any further licences would undermine one or more of the licensing objectives.

In some areas of Sheffield, a concentration of licensed premises or activities exist which have led to problems of public nuisance and disorder, causing 'stress' but it has not yet been determined, in the opinion of the licensing authority, at the level where a formal cumulative impact policy has been required. These are referred to as '*areas nearing stress*'.

At the time of writing this policy, Sheffield does not have any cumulative impact policy in place however; the need for the designation of Cumulative Impact Areas will be kept under review.

The absence of a cumulative impact policy does not prevent any responsible authority or any other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

Moving forward, the future design and development of Sheffield will positively contribute to the review of areas nearing stress in order to influence the acceptance and decision making for different types of businesses being licensed to operate in the most relevant areas of the city. It is a goal of the Licensing Service to encourage the most appropriate level of licensing provision in order to strike a fair balance between the promotion of the economy in Sheffield, and the maintenance of the quality of life to all who live, work, study and visit the city.

## Other methods of controlling Cumulative Impact

Once away from the licensed premises, a minority of consumers will behave badly or unlawfully.

Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:

- planning controls;
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas;
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- the power of the police, other responsible authorities or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs).

## Early Morning Restriction Orders (EMROs)

The power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.

Before a licensing authority makes a determination to recommend to the full council that it makes a proposed EMRO, it should be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The requirement to take an evidence-based decision to promote the licensing objectives should enable licensing authorities to draw on their experience from other licensing decisions they make under the 2003 Act, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including from responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

At the time of writing this policy, Sheffield City Council has no plan to implement an EMRO.

## PART 4 - LICENSING COMMITTEE

Sheffield City Council, as the licensing authority, has established a licensing committee in accordance with the Act, consisting of fifteen Councillors.

Sub-committees consisting of three members of the licensing committee have been established to carry out many of the functions, however, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

### Hearings

If representations are received in respect of an application, a hearing is scheduled before a Committee of elected Councillors to consider the application and the representations.

Each case will be considered on its own individual merits, with strong encouragement for both applicants and interested parties to submit accurate, up to date and relevant evidence to support their case.

A person may request a third party, such as a friend or a local ward councillor, on their behalf to make a written representation, and attend to present their concerns at a sub-committee hearing.

A hearing will not be held if ALL persons who made representations have had these concerns addressed, after discussion with the applicant, and therefore agree that a hearing is no longer necessary.

### Delegations of Functions

The table sets out the agreed delegation of decisions and functions to the licensing sub-committee and officers.

| Application / matter to be dealt with   | Decision delegated to:          |                 |
|---|---------------------------------|-----------------|
|   | Licensing Sub-Committee         | Officers        |
| Personal licence  | If police representation made   | All other cases |
| Personal licence with relevant unspent convictions  | All cases                       |                 |
| premises licence/club premises certificate  | If relevant representation made | All other cases |
| Provisional statement   | If relevant representation made | All other cases |
| Premises licence / club premises certificate variation  | If relevant representation made | All other cases |
| Vary designated premises supervisor (DPS)   | If police representation made   | All other cases |
| Request to be removed as DPS  |                                 | All cases       |
| Transfer of premises licence  | If police representation made   | All other cases |
| Interim authority   | If police representation made   | All other cases |
| Review of premises licence / club premises certificate  | All cases                       |                 |
| Decision on whether a complaint is irrelevant, frivolous or vexatious etc.  |                                 | All cases       |
| Decision to object when Local Authority is a consultee and not the relevant authority considering the application | All cases                       |                 |
| Representation to a standard temporary event notice   | All cases                       |                 |
| Minor variation application   |                                 | All cases       |

### Appeals

With the exception of appeals in relation to closure orders, there is a right of appeal to the Magistrates Court against licensing authority decisions.

Appeals may, depending on the nature of the application, be instigated by an applicant, a responsible authority or any other person who made representations against the application.

Appeal applications must be commenced within a period of 21 days of receipt of the decision notice.

On determining an appeal the court may:

- Dismiss the appeal;
- Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court and make such order as to costs as it thinks fit.

## PART 5 - EQUALITY, DIVERSITY AND INCLUSION

Sheffield is a diverse city, both ethnically and culturally. We value and celebrate the diversity that exists amongst both the citizens of Sheffield and our workforce. As a Council we want to ensure that everyone can fully participate in the social, cultural, political and economic life of the city.

### The Equality Act 2010

The Equality Act 2010 and Section 149, the Public Sector Equality Duty, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with the following protected characteristics: - age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex, sexual orientation and Marriage & Civil Partnership.

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2017.

For further information, please see details on the following link:

<http://www.equalityhumanrights.com/private-and-public-sector-guidance/organisations-and-businesses/businesses>

### Equality Impact Assessment (EIA)

An EIA is how Sheffield City Council systematically assesses the potential effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the Licensing Service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy (EIA number 546). If you are interested in viewing this document, please contact the Licensing Service.

## **PART 6 - RELATED LEGISLATION & GUIDANCE**

### **Planning**

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority".

It is preferred that applicants for premises licences and variations should have already obtained any necessary planning consent before making their application under the Licensing Act 2003 however a licence application can and will be considered in the absence of planning.

There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Those operating in breach of their planning permission would be liable to prosecution under planning law.

Applicants for premises licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

### **Smoking & Vaping**

Smoking remains the leading cause of illness and early death in Sheffield and is a significant cause of inequalities in health outcomes. National legislation is in place to ensure premises that are open to the public, or are used as a place of work by more than one person or where members of the public might attend to receive or provide goods or services are smokefree in areas that are enclosed or substantially enclosed.

The latest evidence published by Public Health England (PHE) (2015/18) and Royal College of Physicians Nicotine Without Smoke report (2015) found that vaping is significantly safer for users than smoking and that there is no evidence of harm to bystanders from exposure to e-cigarette vapour and the risks to their health are likely to be extremely low.

Although vaping is not covered by smokefree legislation and electronic-cigarettes (e-cigarettes) present a real opportunity to contribute to a reduction in smoking prevalence in Sheffield and reduce harm from combustible tobacco, e-cigarette vapour can be a nuisance and unpleasant for some people and those with asthma and other respiratory conditions can be sensitive to a range of environmental irritants, which could include e-cigarette vapour.

Licence holders are strongly advised to implement their own policy that takes into account professional etiquette and consideration to others who do not vape when determining where vaping will be allowed.

### **Weights and Measures**

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities.

### **Gambling**

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the licensing authority of their intention to make gaming machines available for use.

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to their local licensing authority for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

### **Sexual Entertainment Venues**

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Please contact the licensing service if you intend to have adult performances at your premises or seek your own legal advice.

Premises that provide tables and chairs for customers outside of their premises on the public highway are required to obtain planning consent followed by a pavement café licence from the licensing service.

If the area of land which the tables and chairs are to be sited is within the curtilage of the premises, there is no requirement to gain a Pavement Café Licence in this manner.

Applicants can find guidance and an application pack [here](#).

## **Door Staff**

Section 21 of the Act states that if a premises licence is granted with a condition that there must be door/security staff present, the staff must be licensed by the Security Industry Authority (SIA).

See page 48 for details of how to contact the SIA.

## **Duplication**

The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives, and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.

## PART 7 - CONTACT DETAILS

### Responsible Authorities

| Licensing Service   |                  |   |
|---|------------------|---|
| Block C, Staniforth Road Depot<br>Staniforth Road<br>Sheffield<br>S9 3HD  | <b>Telephone</b> | 0114 2734264  |
|   | <b>Email</b>     | licensing@sheffield.gov.uk                          |
|   | <b>Website</b>   | www.sheffield.gov.uk/licensing                      |
| South Yorkshire Police – Licensing Team   |                  |   |
| South Yorkshire Police Licensing Dpt<br>Moss Way Police Station<br>Moss Way<br>Sheffield<br>S20 7XX.                        | <b>Telephone</b> | 0114 2523617  |
|   | <b>Email</b>     | sheffield.liquor-licensing@southyorks.pnn.police.uk |
|   | <b>Website</b>   | www.southyorks.police.uk                            |
| South Yorkshire Fire and Rescue – Licensing   |                  |   |
| Sheffield Technical Fire Safety<br>Fire Safety Office (Licensing)<br>197 Eyre Street<br>Sheffield<br>S1 3FG                 | <b>Telephone</b> | 0114 2736753  |
|   | <b>Website</b>   | www.syfire.gov.uk                                   |
| Sheffield Children’s Safeguarding Partnership   |                  |   |
| Floor 3, Howden House<br>Union Street<br>Sheffield<br>S1 2JQ  | <b>Telephone</b> | 0114 2734450  |
|   | <b>Email</b>     | sscb@sheffield.gov.uk                               |
|   | <b>Website</b>   | www.safeguardingsheffieldchildren.org/sscb          |
| Environmental Protection Service (Noise Nuisance)   |                  |   |
| Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH                                | <b>Telephone</b> | 0114 2734609  |
|   | <b>Email</b>     | epsadmin@sheffield.gov.uk                           |
|   | <b>Website</b>   | www.sheffield.gov.uk/environment                    |
| Health Protection Service (Health and Safety)   |                  |   |
| Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH                                | <b>Telephone</b> | 0114 2734415  |
|   | <b>Email</b>     | healthprotection@sheffield.gov.uk                   |
|   | <b>Website</b>   | www.sheffield.gov.uk/environment                    |
| Planning  |                  |   |
| Licensing Applications<br>Howden House<br>1 Union Street<br>Sheffield<br>S1 2SH   | <b>Telephone</b> | 0114 2039183  |
|   | <b>Email</b>     | planningdc@sheffield.gov.uk                         |
|   | <b>Website</b>   | www.sheffield.gov.uk/planning                       |
| Weights and Measures Authority  |                  |   |
| Sheffield Trading Standards<br>Sheffield City Council<br>Floor 5 (North), Howden House<br>Union Street, Sheffield<br>S1 2SH | <b>Telephone</b> | 0114 2736286  |
|   | <b>Email</b>     | tradingstandards@sheffield.gov.uk                   |
|   | <b>Website</b>   | www.tradingstandards.gov.uk/sheffield               |

| <b>Home Office</b>  |                  |                               |
|---|------------------|-------------------------------|
| Alcohol and Licensing Team<br>Home Office<br>Lunar House<br>40 Wellesley Road<br>Croydon<br>CR9 2BY | <b>Telephone</b> | 0114 2071414                  |
|   | <b>Email</b>     | alcohol@homeoffice.gsi.gov.uk |
|   |                  |                               |

| <b>Public Health</b>   |                  |                            |
|--|------------------|----------------------------|
| The Public Health Officer<br>Office of the Director of Public Health<br>Sheffield City Council<br>Town Hall<br>Pinstone Street<br>Sheffield,<br>S1 2HH | <b>Telephone</b> | 0114 2734152               |
|  | <b>Email</b>     | DPHoffice@sheffield.gov.uk |
|  |                  |                            |

### **In relation to a vessel:**

| <b>The Navigation Authority</b>   |                  |              |
|---|------------------|--------------|
| Association of Inland Navigation<br>Authorities (AINA)<br>Fearn's Wharf, Neptune Street<br>Leeds<br>LS9 8PB | <b>Telephone</b> | 0113 2433125 |
|   |                  |              |
|   |                  |              |

| <b>The British Waterways Board</b>   |                  |              |
|--|------------------|--------------|
| British Waterways<br>Yorkshire Office<br>Fearn's Wharf, Neptune Street<br>Leeds<br>LS9 8PB | <b>Telephone</b> | 0113 2816800 |
|  |                  |              |
|  |                  |              |

## Other useful contacts

### Ward Councillors

Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

For contact details of your Ward Councillor, please refer to

[www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors)

Or by telephoning 0114 2734096.

### Sheffield Drugs and Alcohol Coordination Team (DACT)

A strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.

|                  |  |
|------------------|--|
| <b>Telephone</b> | Drugs: 0114 2721481<br>Alcohol: 0845 3451549   |
| <b>Website</b>   | <a href="http://www.sheffielddact.org.uk/drugs-alcohol/">www.sheffielddact.org.uk/drugs-alcohol/</a> |

### Sheffield Licence Watch

An association of Sheffield licensees with a constituted committee - encouraged by Sheffield City Council and backed by South Yorkshire Police, Sheffield Drug & Alcohol Co-ordination Team and Sheffield's Pub Watch.

|                  |  |
|------------------|--|
| <b>Telephone</b> |  |
| <b>Email</b>     | <a href="mailto:sheffieldlicencewatch@outlook.com">sheffieldlicencewatch@outlook.com</a> |
| <b>Website</b>   |  |

### Best Bar None

A recognised scheme that accredits premises for carrying out responsible licensing practice in line with the four core licensing objectives, which is led by DACT.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0114 273 6851.   |
| <b>Email</b>     | <a href="mailto:BBN@sheffield.gov.uk">BBN@sheffield.gov.uk</a>                 |
| <b>Website</b>   | <a href="http://www.sheffieldbestbarnone.com">www.sheffieldbestbarnone.com</a> |

### Business Sheffield

Business Sheffield is the business facing arm of Sheffield City Council, who offer a comprehensive service designed to help all kinds of businesses thrive and grow, whether they are new or established.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0114 224 5000  |
| <b>Email</b>     | <a href="mailto:businesssheffield@sheffield.gov.uk">businesssheffield@sheffield.gov.uk</a>       |
| <b>Website</b>   | <a href="http://www.welcometosheffield.co.uk/business">www.welcometosheffield.co.uk/business</a> |

### Security Industry Authority

The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK.

|                  |  |
|------------------|--|
| <b>Telephone</b> | 0844 8921025   |
| <b>Website</b>   | <a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a> |

### Club Soda

An initiative to encourage premises to offer a wider range of no and low alcohol beverages to support those who choose not to drink alcohol on some days or all days to enjoy the night time economy.

|  |                |  |
|--|----------------|--|
| 61 Philpot Street<br>Whitechapel<br>London<br>E1 2JH | <b>Website</b> | <a href="http://www.joinclubsoda.com">www.joinclubsoda.com</a> |
|--|----------------|--|

**Sheffield Treatment and Recovery Team (S.T.A.R.T)**  
Free NHS alcohol support service for anyone over the age of 18 who lives in Sheffield

|  |                  |  |
|--|------------------|--|
| Alcohol Service<br>44 Sidney Street<br>Sheffield<br>S1 4RH | <b>Telephone</b> | 0114 3050500   |
|  | <b>Email</b>     | sct-ctr.fitzwilliamcentrereferrals@nhs.net   |
|  | <b>Website</b>   | <a href="http://www.shsc.nhs.uk/services/alcohol-service-sheffield-treatment-and-recovery-team">www.shsc.nhs.uk/services/alcohol-service-sheffield-treatment-and-recovery-team</a> |

DRAFT

# PART 8 – GENERAL DATA PROTECTION REGULATIONS (GDPR) AND THE UK DATA PROTECTION ACT 2018

## How we will use your information?

Any information provided to the Licensing Service will be used to help us process your application.

Your personal data is processed under a contract to which you are party to through your application for a licence (as per Article 6(1)(b) of the General Data Protection Regulation). In terms of special category data including criminal records, your information is processed as it is necessary for the performance of a task carried out in the public interest (as per Article 9(2)(g) of the General Data Protection Regulation).

## Who will we share your information with?

We may share your information with the following third parties in order to inform decision making:

- Responsible Authorities
- South Yorkshire Police
- South Yorkshire Fire and Rescue
- Public Health
- Sheffield Children's Safeguarding Partnership
- Environmental Protection
- Health Protection
- British Waterways Board / Navigation Authority
- Home Office
- Trading Standards
- Other Licensing Authorities relevant to your application
- Other Council Services
- Bodies Responsible for auditing or administering public funds

## How long will we keep your information for?

The information you provide will be kept for the duration of your licence, plus six years, after which time it will be deleted.

The information will be stored either in paper form and/or electronically on a secure council database.

## What are your rights?

You have rights under Data Protection law. For further details about your rights, the contact details of our Data Protection Officer and your rights to make a complaint please see our Privacy Notice web page:

<https://www.sheffield.gov.uk/privacy>

If you do not have access to the internet, please contact us and we will be able to provide paper versions of the information you require.

## APPENDIX 'A' - GLOSSARY OF TERMS

This section explains the key terms used in the Licensing Policy. These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### Adult entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

### Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

In Section 20, for the purposes of the exhibition of film, 'children' means any person under 18 years of age.

### Combined use premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

### Cumulative Impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

### Designated Premises Supervisor (DPS)

If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.

He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.

### Other Persons

People who live or are involved in a business in the relevant licensing authority's area.

### Late night refreshment premises

A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises (Schedule 2, Licensing Act 2003)

## Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

## Licensing Authority

For the purposes of this statement, Sheffield City Council is the body responsible for licensing under this Act.

## Licensing objectives

The objectives are the basis of all licensing decisions. They are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

## Operating schedule

The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.

## Personal licence

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a personal licence (Part 6, Section 120). Any individual is only permitted to hold one personal licence (Part 6, Section 118, Licensing Act 2003).

## Provisional Statement

Where premises are being or are about to be constructed, extended or otherwise altered, investors may be unwilling to commit funds unless they have some assurance that a premises licence would be granted when the work is completed.

A provisional statement can ensure some degree of certainty that a premises licence would be granted once the premises is completed to the satisfaction of all responsible authorities.

## Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed"; they have registered with the Magistrates' Courts having established that they qualify to be treated exceptionally. The Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

## Regulated entertainment

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 are:

- a performance of a play;
- an exhibition of a film\*\*;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

As a result of amendments to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between **08:00 and 23:00 on any day**:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
  - a performance of unamplified live music;
  - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
  - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

\*\* A mandatory condition attached to all premises licences and club premises certificates authorising the exhibition of films requires that all films should have been classified by a body designated under Section 4 of the Video Recordings Act 1984 (the British Board of Film Classification (BBFC) is the only body designated as such) or by the Licensing Authority itself. Where the Licensing Authority itself is to classify a film, the Authority expects that:

- A synopsis of the exhibition shall be sent to the Licensing Authority 21 days in advance, where possible, of any exhibition, detailing any potentially controversial issues which could affect the classification given to the film such as theme, swearing, violence, imitable techniques, horror, drugs, nudity, and in particular anything considered over 18 – R18 for example. The Licensing Authority will then follow guidelines stipulated in the BBFC Guidance in applying the relevant classification of the exhibition.
- Applicants will provide the Licensing Authority with comprehensive details of the measures which will be implemented throughout the exhibition of film to ensure that the correct audience is able to view the film, including any child safeguarding and age verification measures which will be applied.

## Representation

A comment submitted on the likely effect of the grant of an application or the operation of an existing licence.

Representations can include positive / supportive comments as well as adverse / negative.

Representations must be ‘relevant’ i.e. they must refer to one or more of the licensing objectives.

## Restaurant

Restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine at those premises.

## Safer Clubbing

‘Safer Clubbing’ is guidance published by the Home Office. The key issues identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water
- further measures to combat overheating
- overall safety
- Proactive offer of advice from DACT

## Safety Advisory Group (SAG)

The Safety Advisory Group is made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.

SAG's do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place.

They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event

## Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Sexual Entertainment Venue Licences

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

## Sex establishment licences

These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003.

## Designated Public Place Order (DPPO)

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer's requirements.

## Temporary event

An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:

- a maximum of 499 people can attend;
- The event can have a maximum duration of 168 hours (7 days);
- The premises user (usually the organiser) must be aged 18 or over.

## Temporary event notice (TEN)

The notice submitted to the Licensing Authority, Police, Environmental Protection Service and Health Protection Service, before the event, which informs them about:

- The date/s the event will be held;
- The licensable activities that will be carried out.
- How the licensing objectives will be achieved.

## Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

## Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a "premises" situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire

safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

## Vicinity

The vicinity test was removed from the Act in 2012, however Sheffield City Council had previously chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach is to consider each matter individually, taking into account whether any individual's residence or business is being, or likely to be, directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

## APPENDIX 'B' - CONSULTATION/CONSULTEES

In developing this Licensing Policy, Sheffield City Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

The Council also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.

The City Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy or any amendments in accordance with the Licensing Act 2003.

The Licensing Authority must in any case consult with the following:-

- (e) the Chief Officer of Police in the area;
- (f) the Fire Authority;
- (g) persons / bodies responsible for local holders of premises licences;
- (h) persons / bodies responsible for local holders of club premises certificates;
- (i) persons / bodies responsible for personal licensees; and
- (j) persons / bodies responsible for businesses and residents in its area.

The Act requires the Council to consult representatives of those persons who have a special interest in the Licensing Policy. In this Licensing Policy those with a special interest are called "stakeholders".

The Council is, however, able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Licensing Policy by way of writing to / emailing all consultees, providing relevant information on its website and publishing a statement in the local press,..

The views of all our consultees will be considered and given proper weight when writing and / or reviewing the Licensing Policy.

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**Summary of Changes made to the Statement of Licensing Policy during  
Consultation 2020**

**Part 1**

▪ **Foreword**

Minor changes to wording/vocabulary.

Para.5 – Removal of paragraph as deemed not necessary.

▪ **Introduction**

Para.2 – Removed as not deemed required.

Para.5 - Additional wording regarding support of responsible licensees and actions against persistent offending.

Para.6 – Removal of ‘young adult population’ to remain more fluid.

Para.7 – Removal of specific areas in city centre to allow entire area to remain focussed on cultural hub.

Para.8 to 10 – Additional information regarding best practice and positive partnership working and details of existing links to schemes.

▪ **Ambition of the City and other linked strategies**

Section moved here from later in the document

Removal of out of date Strategies

Rewording of SAG information.

Listed current strategies and detail removed following consultation with SMT

**Part 2**

▪ **Overview**

Para.4 – wording amended

▪ **Legislative Background (The Act)**

Inclusion of ‘The Act’ in title and wording/reference to The Act amended throughout entire policy to reflect same reference of ‘The Act’.

Additional wording outlining TEN capacity limits.

▪ **Scope of Licensing Policy**

Removal of first paragraph as repetitious.

Additional wording outlining linking in to other strategies.

▪ **Process for Applying for a Licence – Determining**

Para.4 – additional wording defining end of consultation period.

Para.5 – additional wording adding detail to options of the Licensing Sub-Committee.

▪ **Quick Reference Licensing Application Flow Chart**

New addition to Policy – basic diagram and flow chart of licence application process.

▪ **Relationship with Planning**

Removal of ‘The Sheffield Local Plan’, replaced with up to date ‘The Development Plan’.

Addition of information regarding Night time Use Guidelines

## **PART 3 - POLICY**

- **Pre-Application Advice and Consultancy Service**

New section detailing the service offered by the Licensing Service

### **Prevention of Crime and Disorder Policy**

- **CCTV**

Para.2 – Addition of wording outlining South Yorkshire Police CCTV condition wording.

- Addition of wording specifying “nominated or authorised staff” (public consultation comment 25)

- **City Retailers Against Crime**

Para.3 – Amendment from Crime Reduction radio Scheme to City retailers Against Crime, with additional details of how premises can sign up to scheme.

Para.4 – Removal of Hillsborough.

- **Drugs**

Additional information recommending premises to display information on drug and alcohol treatment services.

- **Door Supervisors**

Addition of requirement for SIA registered door staff to clearly display ID badge when on duty.

- **“Sale of high strength beers and ciders” section inserted**

Paragraph added to reflect comments from Trading Standards (Public consultation comment no. 30)

- **Use of Glassware**

Para.3 & 4 added outlining details regarding having risk assessments in place for glass alternative drinking vessels and accompanying evidence to explain its requirement.

### **Public Safety Policy**

- **Venue safety**

Inclusion of relevant design standards in (public consultation comment no. 19 with support from HPS colleagues)

- **Drugs**

Inclusion of ‘spice’ under psychoactive substances.

- **Alcohol Harm**

Inclusion of information requesting operators to display paraphernalia promoting support services in toilets.

- **Determining an Application**

Inclusion of Department for Public Health as main advisor on public safety, alongside Health Protection Service.

### **Prevention of Public Nuisance Policy**

- **Outside Areas and Smoking Shelters**

Final sentence re: vaping removed and new section added in part 6 to address smoking & vaping policy

## **Protection of Children from Harm Policy**

- **Introduction**

Name and contact details of this Responsible Authority changed from 'Sheffield Safeguarding Children's Board' to 'Sheffield Children's Safeguarding Partnership' throughout entire policy.

- **Children and Young People's Risk Assessment**

Inclusion of Gambling Related Harm on risk assessments.

- **Underage Sales**

Para.1 reworded outlining departments who work in partnership in this area.

Test Purchase Strategy – Fine amounts removed

Wording changed to show 'must' instead of 'expected' after first failure.

Responsible Retailer Scheme section removed as out of date.

- **Gambling and Gaming**

New section included outlining age verification requirement for gambling activities within licensed premises.

- **Child Exploitation**

The word 'sexual' has been removed through this section to widen scope to include all types of exploitation of children.

Inclusion of training requirement of staff to recognise and respond to risks.

- **Events**

Inclusion of information advising of harm reduction measures at events and increased security measures for checks of children and young people.

- **Safeguarding Coordinator**

Change of title from Children's Safeguarder, outlining requirement of a person on site to act as a safeguarding coordinator.

Addition of information outlining that Sheffield Children's Safeguarding Partnership also incorporate issues relating to vulnerable adults as well as children, requiring risk assessment to have this considered and included.

## **Representations made by 'other persons' Policy**

- **Attendance at Licensing Committee Hearings**

Removal of Ward Councillor

## **Applications for Premises Licences, Club Premises Certificates and Provisional Statements**

- **Introduction**

Addition of information outlining requirement to provide proof of being able to live and work in the UK with applications.

- **Determining an Opposed Application**

Addition of sentence regarding evidence (public consultation comment no. 17)

- **Insertion of section entitled "Premises Licences for Alcohol Delivery Services"**

Comments from Trading Standards (public consultation comment no. 30)

## **Applications for Personal Licences**

- **Introduction**

Addition of information outlining requirement to provide proof of being able to live and work in the UK with applications.

## **Designated Premises Supervisors (DPS)**

- **Introduction**

Addition of information outlining requirement to provide proof of being able to live and work in the UK with applications.

## **Applications for Large Scale Events**

- **Introduction**

Rewording of section to outline requirement to check if area/premises is already licensed before applying for new licence, and expected timescales of required notice of application submission prior to date of large event.

## **Large Scale Events Policy**

- **Applications**

Addition of Counter Terrorism Measures and Welfare Provisions added to list of items to be outlined in event plan for discussion at SAG meetings.  
Additional information outlining that the Licensing Service may seek to implement relevant safety related conditions

## **Review application Policy**

- **Applications – general**

Addition of sentence regarding evidence (public consultation comment no. 17)

- **Determination of a Review Application**

Insertion of para 5 in line with consultation comments from Trading Standards (public consultation comment no. 30)

## **Annual Fees and Suspensions**

- New sections outlining Licensing Service processes regarding requirement of annual fee reminder letters and requirement to pay on time, including detail of licence suspensions.

- **Exemptions**

Information outlining premises who qualify for an exemption of paying an annual fee under The Act.

## **Cumulative Impact & Areas Nearing Stress**

- Wording amended to reflect current position

## **Part 6 – Retitled “Related Legislation & Guidance”**

- **Smoking & Vaping**

New section added to outline SCC stance on smoking and vaping and to encourage licence holders to implement own, informed policy

## **Part 7 – Contact Details**

- Several Responsible Authorities contact details updated.

## **Part 8 – GDPR**

- New section outlining GDPR requirements/expectations of the Licensing Service, and how we will use data.

## Appendix A – Glossary of Terms

- **Personal Licences**

Removal of information outlining expiry date as this no longer applies – Personal Licences now have no expiry.

- **Regulated Entertainment**

Para.4 – New information outlining requirement of any films which are shown under a licence must be classified by the BBFC or Licensing Authority, and what our processes are if applicants wish for us to undertake this task.

- **Safer Clubbing**

Additional key issue of proactive offer of advice from DACT.

- **Temporary Event Notice**

Change of name of Responsible Authority

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