



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.

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 Website: 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	██████████ ██████████ ██████████
	Telephone Number	██████████
3.	E-mail address	██████████
4.	Name of organisation (if replying on behalf of organisation, association or group etc.) Please supply details of the group you represent and a summary of the persons 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

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

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. 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. 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. I would also expect to see worked through examples that are easy for people to understand. Can I run a market stall on Barkers Pool selling wine? Yes, but only within a fenced area. No, it isn't permitted etc. 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. 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"> • Highlighting the cost-effectiveness and potential for increased business of meeting current accessible/inclusive design standards at fit out or during refurbishment • Referring to the current design standards. <p>The most relevant design standards are -</p> <ul style="list-style-type: none"> • 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 <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.

Lisa Sharkey	Popleston Allen Solicitors	Yes		Yes		Yes	<ul style="list-style-type: none"> • 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’. • 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 	
Razvan Marius Nica	Las Iguanas	Yes		Yes		No		

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>	
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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">-provide applicants with a clear, consistent basis for submitting applications and notices-provide a clear, consistent basis for determining applications-ensure the relevant views of those affected by licensed premises are taken into consideration-support wider strategies of the City Council and the approach to licensing in the city <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>
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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

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

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
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Howden House
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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

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