

Licensing Committee

Tuesday 4 June 2013 at 10.00 am

**To be held at at the Town Hall,
Pinstone Street, Sheffield, S1 2HH**

The Press and Public are Welcome to Attend

Membership

Councillors John Robson (Chair), Jenny Armstrong, David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Neale Gibson, Adam Hurst, George Lindars-Hammond, Nikki Sharpe, Clive Skelton (Deputy Chair), Stuart Wattam, Philip Wood and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

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

As a lot of the work of this Committee deals with individual cases, some meetings may not be open to members of the public.

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday, or you can ring on telephone no. 2734552.

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

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 Harry Clarke on 0114 273 6183 or email harry.clarke@sheffield.gov.uk.

FACILITIES

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

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

**LICENSING COMMITTEE AGENDA
4 JUNE 2013**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest**
Members to declare any interests they have in the business to be considered at the meeting.
- 5. Minutes of Previous Meetings**
To approve the minutes of the meetings held on:-
 - 11 February 2013
 - 12 February 2013
 - 14 February 2013
 - 18 February 2013
 - 21 February 2013
 - 25 February 2013
 - 4 March 2013
 - 11 March 2013
 - 18 March 2013
 - 19 March 2013
 - 21 March 2013
 - 26 March 2013
 - 4 April 2013
 - 8 April 2013
 - 9 April 2013
 - 11 April 2013
- 6. Safety of Sports Grounds Act 1975 (As Amended) - Annual Review of Safety Certification/Safety Advisory Group Policy Document**
Report of the Chief Licensing Officer
- 7. Safety of Sports Grounds Act 1975 (As Amended) - Enforcement Policy**
Report of the Chief Licensing Officer

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

New standards arrangements were introduced by the Localism Act 2011. The new regime made changes to the way that members' interests are registered and declared.

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.

Under the Council's Code of Conduct, members must act in accordance with the Seven Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership), including the principle of honesty, which says that 'holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest'.

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.

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 DPs 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, and has been published on the Council's website as a downloadable document at [-http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests](http://councillors.sheffield.gov.uk/councillors/register-of-councillors-interests)

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 Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Lynne Bird, Director of Legal Services on 0114 2734018 or email lynne.bird@sheffield.gov.uk

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Licensing Sub-Committee

Meeting held 11 February 2013

PRESENT: Councillors John Robson (Chair), Clive Skelton and Geoff Smith

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The licence holder in Case No.05/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.12/13 attended the hearing with a representative and they both addressed the Sub-Committee.

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

4.5 The applicant in Case No.14/13 and addressed the Sub-Committee.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
05/13	Review of a Hackney Carriage and Private Hire Driver's Licence	No action be taken in terms of the revocation or suspension of the licence, but the licence holder be given a final warning as to his future conduct.

12/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.
13/13	Renewal application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence (a) in the light of the number of and nature of the offences now reported and (b) on the grounds that (i) the applicant did not take sufficient, reasonable steps to respond to communications sent and enquiries made by South Yorkshire Police and the Licensing Authority and (ii) the applicant had failed to comply with the conditions of his licence.
14/13	Renewal application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 February 2013

PRESENT: Councillors John Robson (Chair), Ian Saunders and Stuart Wattam

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - ONE STOP, 30 TILFORD ROAD, SHEFFIELD, S13 7QP

4.1 The Chief Licensing Officer submitted a report to consider an application made by South Yorkshire Police, under Section 51 of the Licensing Act 2003, for a review of the Premises Licence in respect of the premises known as One Stop, 30 Tilford Road, Sheffield, S13 7QP.

4.2 Present at the meeting were Inspector Jason Booth and Lizzie Payne (South Yorkshire Police, Applicants), Nicola Smith (Solicitor, representing One Stop), Sarah Marklew (Trading Law Manager, One Stop), Andrew Hopkin (Head of Trading Law, One Stop), Nigel Barker (Area Manager, One Stop), David Nash (Regional Manager, One Stop), Andy Ruston (Senior Licensing Officer), Matt Proctor (Senior Licensing Officer, observing), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Sheffield Safeguarding Children Board and were attached at Appendix 'B' to the report. There was no representative from the Board at the meeting.

4.5 Inspector Jason Booth reported that the Police's grounds for the review were based on two objectives under the Licensing Act 2003, namely the prevention of public nuisance and the protection of children from harm. He stated that the premises had been the subject of recent test purchase operations and that since 30th May 2012, of the six test purchase operations undertaken, three had been failed and

three had been passed. The test purchase operations were conducted to provide a positive response and action following complaints from the public and observations from Police staff that many incidences of anti-social behaviour involved young people under the age of 18, who have acquired alcohol and/or were under the influence of alcohol. Many instances of concern by local residents related to shopping precincts, park areas and other similar hotspots, which suffered from graffiti, criminal damage and threatening behaviour by these young people towards other law abiding members of the public. In terms of the issue of child safety, alcohol acquired by young people illegally was often passed to even younger children and overindulged by all, thereby causing serious concern for health and safety. Inspector Booth referred to the failed test purchase operations, which had occurred on 30th May, 23rd June and 22nd November 2012, and had all included alcohol being sold by members of staff of One Stop to Police volunteers, who were all aged under 18. He also made reference to visits by staff of the Police Licensing Section to the premises and a meeting held with the Designated Premises Supervisor (DPS) following the failed test purchase operations. Reference was also made to the fact that the DPS and three staff members had attended the Multi-Agency Safeguarding Children Training Course on 11th July 2012, and to the test purchase operations which had been passed on 25th August, 5th October and 2nd November 2012. Inspector Booth reported on the continued successful operation of the Designated Public Place Order (DPPO) in the Woodhouse area and reported that the Police had serious concerns with regard to the management of One Stop, and had requested that it takes reasonable steps to ensure that there was no re-occurrence of the failed test purchase operations.

- 4.6 In response to questions from the Solicitor to the Sub-Committee, Inspector Booth stated that, whilst he could not provide any specific evidence to prove that any public nuisance or anti-social behaviour had been caused by young people in the area who had purchased alcohol from the premises, the Police had worked very hard with local partners to reduce street drinking in Woodhouse. The Police had not organised any further test purchase operations or taken any further action in connection with the operation of the premises since the test undertaken on 22nd November 2012. He confirmed that he had read all the statements and information provided by One Stop in terms of the action and intervention measures the company had taken following the three failed test purchase operations, including the statement of Nigel Barker, Area Manager, as set out in the additional information provided by the Company's Solicitor prior to the hearing. In terms of the additional conditions the Company were suggesting be added to the Premises Licence, he confirmed that this would be a positive step and it was what the Police would want to be moving towards.
- 4.7 In response to questions from Nicola Smith, Inspector Booth confirmed that he was aware of the Responsible Retailer Scheme, indicating that he believed shops required the signatures of 50 customers before they could join the Scheme. He confirmed that, after the failed test purchase operation on 25th June 2012, the DPS (Ian Coxon) had instigated a meeting with the Police and a representative of the Sheffield Safeguarding Children Board. He also confirmed that the DPS and three other staff members had attended the Multi-Agency Safeguarding Children Training Course on 11th July 2012, and that arrangements had been made for seven members of staff to undertake the Premises Licence Holder courses held on 4th

October and 29th November 2012. Inspector Booth could not provide any details of the staff members on duty on the three occasions when the test purchase operations were passed. He was aware that disciplinary action had been taken against the member of staff on duty following the failed test purchase operation on 22nd November 2012. There had been two test purchase operations in such a short period – 2nd and 22nd November 2012 – as this was around the Dark Nights operation, when there was usually an increase in anti-social behaviour. He confirmed that the Police had only organised one test purchase operation on 2nd November 2012, and that any reference to two tests being undertaken on that day must have been an administrative error. Inspector Booth concluded his responses by confirming that whilst he could not provide any evidence to show that any anti-social behaviour in Woodhouse had been as a direct result of young people consuming alcohol which had been purchased from the premises, he confirmed that any incidents of street drinking and anti-social behaviour had, and would continue, to be dealt with effectively by the Police, working with local partners in the area.

- 4.8 Nicola Smith stated that One Stop Stores Limited and its management took the issue of under-age sales very seriously and had been very disappointed with regard to the failure of the test purchase operations. The Company had looked into the case in detail and had taken relevant steps to address the issues. She stated that One Stop Stores Limited was a national company, with 638 convenient stores across the country. There were two other stores in Sheffield, with the store on Tilford Road opening in March 2011. The stores were known as convenience stores, in that there was a limited range of everyday goods on sale, which included alcohol and cigarettes. The store also contained a PayPoint facility and provided mobile phone top-ups. All the staff employed at the store were from the local area and the Company encouraged staff at its stores to organise various charitable events, which had included donations to the Woodhouse Forum and Children in Need. The Company had made a significant investment in the premises, which had included a £140,000 refurbishment, £10,000 on storage facilities and new shutters, and £6,000 on a new CCTV system. The premises had been purchased on a 15-year lease, meaning that the Company were committed to trading in the area for the long-term. In terms of staff training, Ms Smith reported that all staff undertook detailed training in respect of under-age sales and conflict management, including refresher training at regular intervals. There were till prompts on all tills in the store to be used during the sale of all age-restricted products, which was an interactive system, asking the sales staff a number of questions, which they had to respond to. Both Challenge 21 and Challenge 25 were in operation at the store, and there was a number of signs both inside and outside the store, advertising this. There was also a Law Poster in the store, which all members of staff were required to sign to indicate that they had received the relevant training in all aspects of the business, including under-age sales. Any members of staff failing test purchases would be required to pay any subsequent fines. The Company also required that all members of staff should have written permission before they could sell alcohol and were required to acquaint themselves with the conditions of the Premises Licence. The Company used an electronic refusals log which stored information every time a customer was challenged by a member of staff when purchasing age-restricted products, and the logs were monitored regularly so that any trends in terms of specific members of staff could be identified. The Company also

employed an independent test purchase company, a representative of which would visit its stores once a month to undertake test purchase operations. In terms of the Company's record, there had been no requests to review any Premises Licences for any of its 638 stores during the last three years, as well as there being no history of any other problems in its stores in Sheffield. The Company fully acknowledged the fact that all policies and procedures should be in operation in all its stores and, following the failed test purchase operations at Tilford Road, it was shown that such policies and procedures were in operation at that store. Ms Smith stated that the Company accepted that, for whatever reason, the members of staff had failed the three test purchase operations on the dates previously mentioned, but stressed that out of the total of eleven test purchase operations undertaken at the store since June 2012, seven internally and four Police operations, ten had been passed. She referred to the fact that immediately following the failures, four members of staff had attended the Multi-Agency Safeguarding Children Training Course and seven members of staff had attended one of the Premises Licence Holder courses on either 4th October or 29th November 2012. She referred to the fact that there had been no complaints from residents in terms of the operation of the premises and that 50 local residents had signed a form, nominating the store to become a member of the Responsible Retailer Scheme. She concluded by apologising on behalf of the Company, for the failures, but stressed that the Company had taken more than adequate steps to ensure that such lapses would not happen again, and made reference to the three additional conditions that they would like to be added to the Premises Licence.

- 4.9 In response to questions from Members of, and Solicitor to, the Sub-Committee, Nigel Barker stated that when he was appointed Area Manager in June 2012, there were some problems in terms of staff performance, which had resulted in a slight increase in the turnover of staff but, at the present time, all the staff were well-trained and reliable. The store's opening hours were 06:00 to 22:00, with varying shift patterns for the staff, the longest being eight hours. Two of the three members of staff who had failed the test purchase operations were still employed at the store. Whilst the management could not provide an explanation as to why the staff members had failed the test purchase operations, it was stated that it was most likely to be down to a momentary lapse in concentration. After checking the CCTV following the failure on 22nd November 2012, it had been noticed that a man had been talking to the staff member and there was a possibility that this had forced her to lose her concentration. David Nash referred to a number of performance issues linked to the Area Manager at that time, but stated that there had been no such problems following the appointment of Nigel Barker in June 2012. Ms Smith confirmed that One Stop was well aware that if premises failed two consecutive test purchase operations, there was a possibility that they could lose their Premises Licence and that the Company accepted that this was a very serious situation. She was not able to comment on the comments made by Julie Hague, Sheffield safeguarding Children Board, specifically the reference to a 'consistent operational improvement not being achieved', but stated that she believed Ms Hague may be referring to the Police evidence provided following the failed test purchase operations. Ms Smith also confirmed that all staff had been trained to operate the Challenge 25 scheme, a risk assessment in respect of children and young people had been undertaken, all new members of staff received induction training prior to selling age-restricted goods, and that the role of the Children's Safeguarder formed

part of the DPS' responsibilities, under the terms of the Premises Licence. It was a requirement that all members of staff attended a Personal Licence Holder's course. All bags at the premises had the One Stop logo on them. If the staff operating the tills experienced any problems in terms of the till prompts, the Shift Manager would generally assist them. It was reported that the store was currently operating at a profit and the Voluntary Closure Notice, which was in place from 13th to 15th July 2012, had a significant adverse effect on sales, and resulted in considerable upset and inconvenience for local customers.

- 4.10 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.11 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.12 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.13 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, the Sub-Committee:-
- (a) agrees to modify the conditions of the Premises Licence in respect of the premises known as One Stop, 30 Tilford Road, Sheffield, S13 7QP, by the addition of the following conditions:-
 - (i) a Personal Licence Holder will be on duty at all times;
 - (ii) the Premises Licence Holder will carry out refresher training on all age related sales every three months; and
 - (iii) the Premises Licence Holder will carry out 12 independent test purchases at the store every year; and
 - (b) requests that the Police undertake at least three test purchase operations at the premises in the next three months.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 14 February 2013

PRESENT: Councillors Clive Skelton (Chair), George Lindars-Hammond and Vickie Priestley

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillor John Robson.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - MILTON STREET

4.1 The Chief Licensing Officer submitted a report to consider an application for a static Street Trading Consent on Milton Street.

4.2 Present at the meeting were Sandro Vashakidze (applicant), Salome Vashakidze (applicant's sister), Howard Holmes, (applicant's friend), Mark Hobson (objector to the application), Carolyn Forster (Solicitor to the Sub-Committee), Andy Ruston (Licensing Officer) and Jennie Skiba, (Democratic Services).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 The Chair of the Sub-Committee asked for clarification regarding the siting of the mobile and once the precise trading location had been identified, Mark Hobson indicated that he had no objection to the applicant trading there.

4.5 **RESOLVED:** Following the formal withdrawal of the objection obviating the need for the hearing, the hearing be vacated. Therefore, the application for a Street Trading Consent at Milton Street was a matter now properly falling within the Officer Scheme of Delegation.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 February 2013

PRESENT: Councillors Clive Skelton (Chair) and Stuart Wattam

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of four cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No.15/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.16/13 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No.17/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The licence holder in Case No.18/13 did not attend the hearing.

4.6 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
15/13	Application for a new Private Hire and Hackney Carriage Drivers' Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

16/13	Application for a new Private Hire and Hackney Carriage Drivers' Licence	Grant a licence for the normal term of nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.
17/13	Application for a new Hackney Carriage Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that the applicant has demonstrated that there are extenuating circumstances to deviate from Council policy.
18/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer to a future date on the grounds that the licence holder did not attend the meeting, and thereby give the licence holder a further opportunity to attend a review hearing.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 21 February 2013

PRESENT: Councillors John Robson (Chair), Clive Skelton and Geoff Smith

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Stuart Wattam.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - PERSONAL LICENCE APPLICATION

4.1 The Chief Licensing Officer submitted a report to consider an application for a Personal Licence made under Section 117 of the Licensing Act 2003 (Case No. 14/13).

4.2 Present at the meeting were the applicant, the applicant's cousin, Benita Mumby and Linsey Fletcher (South Yorkshire Police Licensing, Objectors), Matt Proctor (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police Licensing Section, and were attached at Appendix 'B' to the report.

4.5 Benita Mumby made representation on behalf of South Yorkshire Police, referring to the applicant's offences and convictions. She made specific reference to one of the offences, detailing the offence, the date of conviction and indicating that, under Section 5 of the Rehabilitation of Offenders Act, the offence was linked to the activity to which the applicant planned to use his Personal Licence for. For this reason, the Police did not believe that the applicant was a fit and proper person to hold a Personal Licence. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant addressed the Sub-Committee, stating that he regretted carrying out the offences and, on the basis that he was not working at the present time, he had applied for the Personal Licence so that he could make a living for himself. He responded to a number of questions raised by Members of, and the Solicitor to, the Sub-Committee, and Matt Proctor.
- 4.7 RESOLVED: That the attendees involved in the application for a Personal Licence be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.10 RESOLVED: That the application for the Personal Licence be rejected on the grounds that, in the light of the representations now made and the nature of one of the offences now reported, the Sub-Committee considered that granting a Personal Licence in this case (Case No. 14/13) would not be beneficial for the promotion of the licensing objectives.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 February 2013

PRESENT: Councillors John Robson (Chair), Nikki Sharpe and Clive Skelton

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The licence holder in Case No. 19/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 20/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 21/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
19/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Revoke the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 in the light of the offences and convictions now reported.
20/13	Application for a Hackney Carriage and	Refuse to grant a licence on the grounds that the Sub-Committee considers that the

	Private Hire Driver's Licence	applicant is not a fit and proper person to hold a licence in view of the offences and convictions now reported and the responses given to the questions raised at the hearing.
21/13	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be issued with a written warning as to his future conduct.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 March 2013

PRESENT: Councillors Clive Skelton (Deputy Chair) and Nikki Bond and Neale Gibson

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The licence holder in Case No. 22/13 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No. 18/13 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant's representative in Case No. 67/12 had requested that consideration of the application be deferred until April, 2013.

4.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
22/13	Application to Extend a Hackney Carriage Vehicle Licence	In light of the good condition of the vehicle and the long service history of the licence holder, approval be given to extend the licence for a period of 12 months, with effect from 8 th February 2013, on the condition that the vehicle is subject to three compliance tests within the 12 month

		period.
18/13	Review of a Hackney Carriage and Private Hire Driver's Licence	Suspend the licence under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, for a period of three months, in light of the licence holder's conduct.
67/12	Application for a Private Hire and Hackney Carriage Driver's Licence	Agree to defer consideration of the application until April, 2013.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 March 2013

PRESENT: Councillors John Robson (Chair), David Barker and Nikki Bond

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 23/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 24/13 attended the hearing and addressed the Sub-Committee.

4.4 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
23/13	Renewal Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months in view of the offence and conviction now reported, subject to the applicant arranging to have a drug test every month throughout that period, and providing documentary evidence that the tests have proved negative and, if this is the case, on the first renewal,

authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern.

24/13

Application for a New Hackney Carriage and Private Hire Driver's Licence

Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in the light of (a) the applicant's offences and convictions, (b) inconsistencies in his account and responses to questions raised, (c) the fact that he did not fully disclose all the circumstances, (d) the fact that he was not considered to be a reliable witness, (e) the previous written warnings he had received in terms of his conduct, (f) his past disqualifications and (g) his potential threat to female passengers.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 March 2013

PRESENT: Councillors Clive Skelton (Deputy Chair) and David Barker and Clive Skelton (Deputy Chair)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of two cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 70/12 attended the hearing with his brother and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 25/13 did not attend the hearing and, in the light of his circumstances, the application was considered in his absence.

4.4 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
70/12	Application for a Private Hire Operator's Licence	Grant a licence for the normal term of 12 months.
25/13	Application for a Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that, due to the nature of the applicant's recent conviction, the Sub-Committee considers that he is not a fit and proper person to hold a licence.

**NOTES OF AN INFORMAL MEETING OF THE
LICENSING SUB-COMMITTEE**

held 19th March 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), George Lindars-Hammond and Ian Saunders

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson).

2. LICENSING ACT 2003 – SUMMARY REVIEW OF A PREMISES LICENCE – PLAYERS LOUNGE, 20 YEW LANE, SHEFFIELD, S5 9AN

2.1 The Chief Licensing Officer submitted a report to consider an application received from South Yorkshire Police, for a summary licence review made under Section 53A of the Licensing Act 2003, in respect of the premises known as Players Lounge, 20 Yew Lane, Sheffield, S5 9AN.

2.2 Present at the meeting were Claire Bower (Principal Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner and Jennie Skiba (Democratic Services).

2.3 Claire Bower presented the report to the Sub-Committee and it was noted that the application for the review, received on 18th March, 2013, had been made by Superintendent Shaun Morley, in order to prevent serious crime and disorder and public nuisance, and to protect the public from harm.

2.4 The Solicitor to the Sub-Committee provided advice in terms of how the Sub-Committee should proceed, indicating that it would initially have to consider the nature of the crime and disorder at the premises, and look to see if imposing any conditions to the Premises Licence would stop such crime and disorder. If this was not considered a suitable option, then the Sub-Committee would need to look at the possible suspension of the Premises Licence. She stated that if representations were received from the Designated Premises Supervisor in terms of any decision made at this informal meeting, arrangements would have to be made for a hearing to take place within 48 hours from the receipt of such representations, to allow for them to be considered.

2.5 Following consideration of the report, and the receipt of the legal advice provided, the Sub-Committee decided to impose interim steps, pending the decision at the full review hearing, to suspend the Premises Licence for the following reasons:-

(a) the Sub-Committee accepted that the premises had recently been

associated with a serious crime, and disorder;

- (b) the Sub-Committee was concerned that the potential for further incidents, in the short-term, was possible; and
- (c) the Sub-Committee was concerned in respect of the ability of the premises to take immediate steps, with the assistance of the Police, to address enhanced licensing, operational or management issues at the premises and to protect the community and its customers and local families.

**NOTES OF AN INFORMAL MEETING OF THE
LICENSING SUB-COMMITTEE**

held 21st March 2013

PRESENT: Councillors Clive Skelton (Chair), Neale Gibson and George Lindars-Hammond.

Also in attendance were:-

Inspector Simon Leake	South Yorkshire Police
Sergeant Gayle Kirby	South Yorkshire Police
Lizzie Payne	Licensing Officer, South Yorkshire Police
Jonathan Hylden	Solicitor (acting for the Players Lounge)
Keith Johnstone	Premises Licence Holder (Players Lounge)
Kevin Johnstone	Designated Premises Supervisor (Players Lounge)

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1. **LICENSING ACT 2003 – SUMMARY REVIEW OF A PREMISES LICENCE – PLAYERS LOUNGE, 20 YEW LANE, SHEFFIELD, S5 9AN**
- 1.1 The Chief Licensing Officer circulated representations submitted by the Premises Licence Holder of the premises known as Players Lounge, 20 Yew Lane, Sheffield S5 9AN, following the decision of the Sub-Committee at its informal meeting held on 19th March, 2013, to suspend the premises licence in the light of the information contained in the application received from South Yorkshire Police, for a Summary Licence Review, under Section 53A of the Licensing Act 2003.
- 1.2 Also present at the meeting were Shimla Rani (Principal Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee), Louise Slater (Legal Services) and Jennie Skiba (Democratic Services).
- 1.3 Following consideration of the representations made by the Solicitor acting on behalf of the Players Lounge and the South Yorkshire Police, and the receipt of the legal advice provided, the Committee re-affirmed its decision made on 19th March, 2013, to suspend the licence.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 26 March 2013

PRESENT: Councillors Clive Skelton (Deputy Chair), David Barker and Ian Saunders

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from the Chair (Councillor John Robson). Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT SITE - LIVESEY STREET

4.1 The Chief Licensing Officer submitted a report to consider an application under the Local Government (Miscellaneous Provisions) Act 1982, for a Static Street Trading Consent for a site on Livesey Street (Ref No. 19/13).

4.2 Present at the meeting were Andrew and Shelly Roberts (Applicants), Russell Price (Objector), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Kavita Ladva outlined the procedure which would be followed during the hearing.

4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that an objection to the application had been received from Russell Price, and was attached at Appendix 'D' to the report.

4.5 Shelley Roberts stated that, at the time they had submitted the application, the objector was not operating from his unit, which had been due to the length of time it had taken to sort the application. She stressed that they had invested considerable time and money into the business and were relying on the business to support them and their four children. Regarding Mr Price's concerns relating to the potential adverse effect on his business, which was situated on the other side of a dual carriageway, Mrs Roberts stated that there were a number of other areas in the City where a number of traders worked within close proximity of each other, and this encouraged healthy competition. She considered that, as Mr Price's unit

was situated on the other side of the dual carriageway, it was not likely that there would be too much of a problem in terms of competition.

- 4.6 In response to questions raised by Members of, and the Solicitor to, the Sub-Committee, the applicants confirmed the precise location of theirs and the objector's trading unit, and indicated that they had chosen this particular site on the basis that there was a college and a number of businesses in the area, as well as it being close to their home. They confirmed that they were selling hot and cold sandwiches, hot and cold drinks and confectionary, and that their planned trading hours were 08:00 to 14:30 hours, Monday to Friday. Mr Roberts confirmed that he would not be applying for an Assistant's Licence as they were applying for a dual consent.
- 4.7 Russell Price stated that he had only been operating from his site for seven weeks, and had therefore not been aware of the applicants' plans. As he was in the early stages of building up his customer base, he was concerned that if there were other similar trading units in the area, this could have a serious impact on his business. He did not consider there to be sufficient custom in the area to support two similar businesses located so close. He also made reference to the number of other fast food outlets within the location, indicating that a further similar business would make it harder for him to establish himself in the area.
- 4.8 In response to questions from Members of the Sub-Committee, Mr Price confirmed that his trading unit was located within the B&Q car park, on the other side of Penistone Road. He planned to sell hot food and hot and cold drinks, and planned to trade from 08:00 hours to 15:00 hours, Monday to Sunday. In terms of how well his business was doing, he stated that whilst he had only been operating for seven weeks, he had a number of regular customers, but trade was strongly governed by the weather, which had not been very good during the last few months.
- 4.9 **RESOLVED:** That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.10 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 4.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.12 **RESOLVED:** That, following consideration of the information contained in the report now submitted, including the representations now made, the application for a Static Street Trading Consent for a site at Livesey Street (Ref No. 19/13) be granted.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 4 April 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond and Geoff Smith

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1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence. Councillor Ian Saunders attended the meeting as a reserve Member but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - THE TIMBERTOP, 334 SHIRECLIFFE ROAD, SHEFFIELD S5 8XD

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the review of a premises licence made under Section 51 of the Licensing Act 2003 in relation to the premises known as The Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD
- 4.2 Present at the meeting were Bruce Gee (Premises Licence Holder (PLH)), Trevor Meeghan (Barrister for the PLH), Julie Hague (Sheffield Safeguarding Children Board), Sean Gibbons and Steve Pitts (Health Protection Service), Inspector Simon Leake (South Yorkshire Police), Sergeant Gayle Kirby (South Yorkshire Police), Andy Ruston (Senior Licensing Officer), Carolyn Forster (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that the application for the review, received on the 6th February, 2013 had been made by South Yorkshire Police in order to prevent crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 4.5 Sean Gibbons, Health Protection Service, stated that his Service had carried out an inspection of the premises following a visit by South Yorkshire Police where concerns had been expressed regarding the general disrepair of the premises. He referred to a letter which had been sent to SB Leisure Management Limited on the 2nd August, 2012 outlining items which required attention within 28 days of the

date of the letter. A further visit had been carried out on the 28th March, 2013 and there were still a number of items of disrepair still outstanding.

- 4.6 Sean Gibbons stated that the electrical safety certificate was not up to date and that a test should be carried out by a competent person. Also, the gents' toilets were not in full working order, there was a leaking roof in the function room and the push bar to the fire exit door did not work. He produced photographs of the external area to the premises which showed there were no suitable barriers fitted to prevent unauthorised vehicles accessing the car park, a gate to the barrel storage area was broken and there needs to be a gate fitted to the left side and rear of the car park in order to prevent children getting into the car parking area.
- 4.7 Members asked Mr. Gibbons a number of questions as to why the work had not been carried out, whether the debris could harbour vermin and who actually owned the site. Trevor Meeghan, Barrister for the PLH, informed the Sub-Committee that SB Management and a Mr. Khan owned the premises. He felt that Mr. Khan, as owner of the land, was probably the person responsible for the rubbish left there.
- 4.8 Julie Hague, Sheffield Safeguarding Children Board, then addressed the Sub-Committee. She stated that safeguarding concerns have been identified relating to the style and character of the premises which does not provide a suitable family friendly environment. She added that the Board had been involved with the premises for a number of years due to the pub's history of drug use/drug dealing which has continued despite a change of management. Julie Hague said that the current premises licence permits children until 4.00 p.m., although children may also be allowed on the premises if attending parties/functions. She stated that the pub is known to attract adults known to the Police as being associated with organised crime gangs, that there is drug use and drug dealing and violent assaults. Police evidence states that these incidences take place both inside and outside and in the car park, and these locations are accessed by children who are at risk of being exposed to criminality or people under the influence of drugs. She added that despite the enforcement of an action plan and the premises management having been advised to improve staffing levels and employ security staff, there had been no significant change and the premises failed to provide a suitable family friendly environment.
- 4.9 In response to questions from Members of the Sub-Committee, Julie Hague stated that the action plan had been put in place in theory but had not been carried out. She said that when she had visited the pub, there wasn't any security staff at the premises to remove undesirable customers and that whilst there doesn't seem to be a problem with under-age drinking, children were left unattended outside in the car park.
- 4.10 Inspector Simon Leake referred to the witness statement attached to the report at Appendix A. He referred to a number of visits made to the premises since July 2012. On the first visit on 12th July, the Designated Premises Supervisor (DPS) had informed the Police Officer present that there had been an increase in the number of incidents at the premises which he felt was due to another pub in the vicinity closing down and the main culprits were now using the premises as a base

for drug dealing.

- 4.11 Inspector Leake went on to say that the Police had carried out numerous licensing checks at the premises and on each occasion there was a strong smell of drugs present. There had been reports of noise nuisance and anti-social behaviour at the premises but when the Police investigated none of the complaints were taken any further. The DPS had told the Police that he was able to deal with incidents himself and didn't feel the need to call the Police and did not keep an incident book. The DPS had stated that there wasn't a problem with under-age drinking at the pub so therefore when asked to produce a refusals book, he said he did not keep one as there was no need.
- 4.12 In response to questions from Members, Inspector Leake replied that whilst organised crime is not run from the premises, people involved in such activities do frequent the pub. He said that, following conversations with the DPS, he is reliant upon the Police to deal with such matters. He added that the Police do not carry out drug raids on the premises due to resource constraints, but when visiting rely on risk assessment and seek the co-operation of the DPS and the management. Inspector Leake stated that the DPS or PLH were not always in a position to deal with trouble, he felt that the DPS was not of a strong character to deal with incidents and therefore felt there was a need for security staff to be employed at the premises.
- 4.13 Trevor Meeghan, Barrister for the PLH, said that the Timbertop was a struggling estate pub due to the fact that it is not heavily used. He said that to provide the security measures outlined would be a costly exercise and, in his opinion, unnecessary.
- 4.14 Bruce Gee, Premises Licence Holder (PLH) stated that in his opinion the Timbertop pub could continue to be run on a short term licence and if allowed to do so, would remain open for possibly another year. He stated that the repair costs to the premises had to be business-viable and to provide the security measures outlined at this meeting, the cost implications would be too great and the pub would close. He felt it was more beneficial to the local area to keep the pub open, as closing it would lead to the building being left unoccupied and becoming derelict.
- 4.15 In response to questions from Members of the Sub-Committee, Mr. Gee stated that in his opinion the DPS is a good manager but felt that he was not of a strong enough character to deal with troublesome customers. He stated that it was up to the DPS to decide how many members of staff were required to run the bar, dependent on the amount of customers using the premises. He added that the pub only tended to be busy on Fridays and Saturdays, but had very little customers during the week which did not warrant more than one member of staff working.
- 4.16 With regard to the outstanding work to the premises, Mr. Gee confirmed that, although the owner had been slow to address items which have been detrimental to public safety, he would now carry out the work. In response to questions relating to the front and rear of the premises being illuminated, Mr. Gee said that

the lights were there, but members of staff sometimes forgot to switch them on. The number of staff working at any one time impacted on whether anyone would be available to patrol the perimeter of the premises.

- 4.17 Mr. Gee outlined his experience gained over a number of years working in the licenced trade and how he would deal with the same issues faced by the DPS. He said training was given and admitted that he could have been more helpful to the DPS.
- 4.18 In summary, Inspector Leake said that having heard all the evidence presented at the hearing, he felt that there was a low level of criminal activity at the premises, he had no confidence in the DPS and stated that in his opinion, unless action was taken by the Sub-Committee, the problems at the premises would continue and there would be a further need for review by the Sub-Committee.
- 4.19 Ms. Hague summed up by stating that if children were allowed to enter the premises, their health and safety would continue to be compromised as the issue of drug use and violence had been apparent at the premises over a number of years, as had the issue of inadequate parent/carer supervision of children at the premises.
- 4.20 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.21 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 4.22 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.23 RESOLVED: That the conditions of the premises licence for the premises known as The Timbertop, 334 Shirecliffe Road, Sheffield S5 8XD be modified as follows:-
- (a) the premises be closed with immediate effect until the electrical safety works have been carried out and a current satisfactory electrical certificate is made available for inspection by the responsible authority;
 - (b) Conditions 1, 2, 3, 4, 6, 7, 8, 11, 12 and 13 be enforced within three months;
 - (c) Condition 10 be removed as children shall not be permitted onto the premises at any time;
 - (d) all staff be trained to become Personal Licence Holders;
 - (e) external lighting to all areas should be organised by an internal timer clock;
 - (f) the outstanding works raised by the Health Protection Service be carried out

within 28 days of this meeting; and

(g) the Designated Premises Supervisor be removed.

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

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 April 2013

PRESENT: Councillors John Robson (Chair), Nikki Sharpe and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

4.1 The Chief Licensing Officer submitted details in respect of three cases relating to Hackney Carriage and Private Hire Licensing.

4.2 The applicant in Case No. 26/13 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 27/13 attended the hearing with his daughter and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 28/13 attended the hearing with a representative, and a character witness and they all addressed the Sub-Committee.

4.5 **RESOLVED:** That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
26/13	Application for a first Hackney Carriage and Private Hire Driver's Licence	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person to hold a licence, in view of (a) the offences and the incident now reported and (b) the responses to the questions raised.

- | | | |
|-------|--|--|
| 27/13 | Renewal Application for a Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the shorter term of nine months, in light of the conviction and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern and (b) the applicant be given a strongly worded, written warning as to his future conduct. |
| 28/13 | Application for a Hackney Carriage and Private Hire Driver's Licence | (a) Grant a licence for the shorter term of six months, in view of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant a nine month licence, on the second renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewal, an 18 month licence, subject to there being no further cause for concern and (b) the applicant be given a strongly worded, written warning as to his future conduct. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 9 April 2013

PRESENT: Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence received. Councillor Philip Wood attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - PLAYERS' LOUNGE, 20 YEW LANE, SHEFFIELD S5 9AN

4.1 The Chief Licensing Officer submitted a report to consider an application for the summary review of a Premises Licence made under Section 53 of the Licensing Act 2003, in relation to the premises known as Players Lounge, 20 Yew Lane, Sheffield, S5 9AN, on the grounds of serious crime and disorder and public nuisance.

4.2 Present at the meeting were Claire Bower (Principal Licensing Officer), Matt Proctor (Senior Licensing Officer), Jonathan Hyldon (John Gaunt and Partners, Solicitors, acting on behalf of the premises management), Patrick Robson (John Gaunt and Partners, Solicitors – observing), Keith Johnston (Premises Licence Holder), Kevin Johnston (Designated Premises Supervisor), Julie Hague (Sheffield Safeguarding Children Board), Beverley Renshaw and David Fretwell (Local Residents), Inspector Simon Leake, Lizzie Payne, PC Neil Windle and Sgt Tom Fisher (South Yorkshire Police), Sean Gibbons (Health Protector Service – observing), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Carolyn Forster outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that the application for the review, received on 18th March 2013, had been made by Superintendent Shaun Morley, in order to prevent serious crime and disorder and public nuisance, and to protect the public from harm. It was also noted that

representations in respect of the application had been received from the Sheffield Safeguarding Children Board and three local residents, two of whom were in attendance at the meeting, and were attached at Appendices 'E' and 'F1', 'F2' and 'F3' to the report, respectively. Details of the representations from a fourth local resident, who did not attend the meeting, were circulated at the hearing.

- 4.5 The evidence provided by South Yorkshire Police, as part of its case, was circulated at the hearing.
- 4.6 Inspector Simon Leake referred to his witness statement, reading the statement verbatim at the request of the Chair and for the benefit of all persons present at the hearing, due to the fact that it had only been circulated on the day of the hearing. In the light of the information relating to the serious incident which occurred at the premises on 15th March 2013, which, if reported publicly, could prejudice any future Police enquiries or Court case, it was:-
- 4.7 RESOLVED: That the public and press and those people making representations be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.8 Inspector Simon Leake reported, in detail, on the incident which had occurred at the premises on 15th March 2013, which had involved a disturbance, resulting in someone receiving knife wounds, and responded to questions raised by Members of the Sub-Committee following the information reported.
- 4.9 At this stage in the proceedings, the meeting was re-opened to the public and press and those people making representations.
- 4.10 Inspector Simon Leake continued reading his witness statement.
- 4.11 In response to questions from Members of, and the Solicitor to, the Sub-Committee, Inspector Leake confirmed that the CCTV camera was permanently fixed at the location as indicated and that this was common practice at locations where there were particular problems of crime and disorder. This particular camera had been specifically directed to film up and down Yew Lane, both directly outside and on the frontage of the premises. He stated that it was not the Police's intention, regarding the survey which had been undertaken to seek residents' views in terms of the operation of the premises, to obtain their views and use this as evidence as part of the Police's objection to the impending application to vary the Premises Licence. The Police simply wanted to seek the residents' views in order to get an idea of what was going on in the area. He confirmed that he believed that the information compiled by the Police showed that there was evidence of serious crime and disorder linked to the premises. Inspector Leake could not confirm how long the CCTV images were stored on the premises' system. The Police had evidence to prove that the Premises Licence Holder (PHL) and the Designated Premises Supervisor (DPS) did not have sufficient knowledge to operate the CCTV system, particularly with regard to saving and

downloading images, despite this requirement being included as a condition of the Premises Licence. The Police therefore believe that not only were the management in breach of this particular condition, but that they were also in breach of Condition 12 – relating to the operation of a recognised proof of age scheme, Condition 13 – relating to the requirement of children under the age of 16 years being accompanied by an adult and supervised at all times, and Condition 14 – relating to persons under the age of 18 years not being permitted to remain on the premises after 22:00 hours, unless dining or attending a pre-booked function, event or game.

- 4.12 In response to questions from Jonathan Hyldon, Inspector Leake confirmed that, although he had only considered it appropriate to look into the operation of the premises with effect from April, 2012, when he became responsible for this area, there had been no issues raised in connection with the premises in the previous 18 months. He stated that he was not personally aware of the arrangements made in respect of the multi-agency ‘Safeguarding Children at Licensed Premises’ training workshop on 5th February 2013, for members of staff of the premises, but accepted that this training workshop will have taken place. Further to a number of questions raised in connection with his witness statement, Inspector Leake accepted that there will likely have been more revelry at the premises on 31st December, 2012, due to it being New Year’s Eve and that it was accepted that there was no firm evidence, following the phone call received from a member of the public to the ‘101’ system, to prove that the noise was being caused by people leaving the premises. It was unlikely that the Police contacted the management of the premises following a further call made later on in the morning of 1st January 2013, relating to noise nuisance on the basis that it was an isolated incident. Further to a call complaining about vehicles being parked near to their home address, which was being linked to customers visiting the premises, Inspector Leake confirmed that this, in itself, was not an offence. In terms of further incidents, following calls from local residents to either the ‘101’ system or ‘999’, Inspector Leake confirmed that no fighting had been witnessed by the Police on 12th January 2013, there was no crime committed, but merely a disturbance on 26th January 2013, no assault had been committed later on, on 26th January 2013, no fighting had been witnessed by the Police and no complaints of assault were received by the Police on 27th January 2013, and again, no fighting had been witnessed by the Police on 8th February 2013. He confirmed that, apart from the one failed test purchase on 22nd October, 2010, the premises had passed all subsequent test purchases.
- 4.13 In terms of the neighbourhood survey undertaken by the Police to seek public opinion on the proposed variation to the Premises Licence, it was reported that Sgt Craig Charlesworth had compiled the questionnaire and the sole intention of the survey had been to seek residents’ views as to whether they thought there were any problems relating to the operation of the premises. In terms of the questions raised, there was a possibility that the Police Community Support Officers (PCSOs) could have asked further questions, over and above those set out in Sgt Charlesworth’s statement, but he could not confirm this. Inspector Leake was not able to confirm whether anyone had vetted the questions, other than to state that he had not done this himself, and he accepted that the two questions listed in the statement could have been viewed as leading. In terms of the call received on 21st February 2013, relating to underage drinkers, there were no checks carried out in

terms of the credibility of the caller, therefore there was no further evidence to prove that the young people were underage or that they were consuming alcohol, and it was accepted that they could have got drunk elsewhere prior to entering the premises. Lizzie Payne added that the Police had CCTV footage of an underage person sharing an alcoholic drink with an adult. In respect of the call received from a member of the public on 3rd March 2013, relating to a fight outside the premises, it was accepted that when the Police arrived, they did not witness any trouble.

- 4.14 Regarding the call received on 9th March 2013, where a member of the public stated they had witnessed between 50 and 100 people fighting at the premises, it was accepted that people often over-estimated numbers of people in such situations and it was confirmed that the CCTV images showed considerably less people involved in the disturbance. Further to the visit undertaken by Police Licensing Officers to the premises on 9th March 2013, which resulted in traces of cocaine being found on toilet seats, it was accepted that this was a common problem across the City. Inspector Leake could not confirm whether or not investigations were ongoing following the report of a 16 year old male having been assaulted and robbed, but indicated that this was likely to be the case. Following the serious incident on 15th March 2013, Inspector Leake confirmed that it was the Door Supervisors who had assisted the Police on their arrival at the scene, rather than the PLH or DPS. He stated that he was aware that the Door Supervisors were Security Industry Agency (SIA) registered, but indicated that the Police could only offer advice to licensed premises on the credibility and standard of Door Supervisors.
- 4.15 In terms of the pre-booked functions at the premises on 16th March 2013, following the voluntary closure of the premises after the incident on 15th March 2013, Inspector Leake believed that the Police had, in fact, only given approval for one pre-booked function to take place on this day. He accepted that, as the extra precautions requested by the Police, in connection with the functions, were only advisable, the premises management had not breached any conditions of the licence. Following the reference to the photographs of the two function rooms on 16th March 2013, Inspector Leake accepted that both the parties were coming to a close at the time Police Officers entered the premises at 23:45 hours. In terms of the calls to the Police, complaining of noise or disturbance at the premises, Inspector Leake accepted that there was no continuity in terms of the names of people calling who lived near the premises, but he stressed that people do have different tolerance levels. Inspector Leake accepted that the PLH was able to show to the Police CCTV images from an incident on 10th February 2013, but was not able to save or download the images to a disc. Inspector Leake was not sure whether any other member of staff was able to save or download the images, but was frustrated that someone from the Police's AVA Department had to visit the premises and recover the CCTV images. He could not confirm whether the DPS was able to download the images to a disc the day after. He confirmed that, in accordance with Sgt Craig Charlesworth's witness statement, dated 28th March 2013, the condition regarding the CCTV was the only one which did not match with the conditions on the Premises Licence, and that, in accordance with PC Wayne Ventour's witness statement, the DPS was not being obstructive to the Police after their request for the CCTV images, but was simply unable to save the images on to a disc.

- 4.16 Julie Hague stated that the Safeguarding Children Board had made representations in relation to the licence review on the grounds that the premises had consistently failed to enforce safeguarding systems in order to meet the core objective for the protection of children from harm under the Licensing Act, to provide a safe and family friendly environment for children and young people. Since 2010, the Board had been involved with recurring problems and complaints regarding underage drinking and the volatile environment at the premises due to alcohol-related disorder and violence. The concerns were presented to a meeting of this Sub-Committee, at a review hearing in 2011, resulting in a tightening of safeguarding regulations and an increased number of staff being trained in October 2011. After the review hearing, the level of management competence at the premises appeared to have improved and at a meeting to investigate a violent incident on 15th December 2011, management were able to evidence that they had responded appropriately when a member of the club had become violent. Ms Hague reviewed the ongoing safeguarding concerns with regard to the management of private functions, and at the meeting held on 15th December 2011, she reiterated advice that a responsible adult should be available to organise and assist at 18th birthday parties, a guest list be provided in advance, and that private parties should be in a private area not accessed by the public. These safeguarding systems were not enforced by the premises management. She also advised that all staff should attend the safeguarding training as the premises was known to attract high numbers of young people, and a training offer letter was sent for the next available course on 1st February 2012. Although no staff attended this course, a number of staff had already been trained, including the DPS, and in the light of the significant amount of advice issued at meetings and during previous training, she was satisfied that the premises management were clear about what systems were expected in order to protect children from harm at the premises.
- 4.17 Throughout 2012, the Board did not receive any further complaints in relation to the premises. However, on 9th January 2013, Ms Hague attended a joint agency meeting convened by the Licensing Authority to discuss concerns that extensive unauthorised works and significant changes to the style and character of the operation had taken place. The Safeguarding Children Board was concerned at the fact that the premises was regulated as a membership club, but was now operating as a late bar/function suite, and attracting high numbers of young people, particularly for 18th birthday parties. At that meeting, she expressed concern about the loopholes in the so-called membership scheme, which accepted members on the spot and did not appear to be subject to rigorous identity or age checks, in order to join. In response to her concerns about vetting people's credentials regarding the membership scheme, the DPS stated that young people may be using false ID to join the scheme. She therefore again advised the DPS to improve the safeguarding measures at the premises, requesting that he undertakes a risk assessment in relation to the changing style of operation, operates more stringent ID/age verification measures, such as only accepting recognised ID and asking for two forms of identification, as well as requiring ID at private functions, and enforcing the safeguarding systems which had been previously advised, but not yet enforced, to improve the management of functions. At the meeting on 9th January 2013, Ms Hague observed that, following the restyle of the premises into a late bar, all due diligence materials had been removed so

that no Challenge 25 posters, Children's Charter or Home Office false ID posters were on display. She promptly reissued the materials and urged the DPS to display and enforce these systems to give customers the necessary responsible drinking and behavioural messages for a family friendly environment. The DPS requested more staff training, so arrangements were made for six members of staff to be booked on the next available training, on 5th February 2013. Five of the six members of staff attended the training on this date and Ms Hague was informed by the DPS that the majority of staff were now trained in safeguarding children at the premises. On 14th February 2013, Ms Hague had to contact the DPS to request a meeting to investigate a complaint that three vulnerable school girls, one of whom had been reported to be offering sexual favours in exchange for cigarettes at a nearby local premises, and had disclosed to the complainant that they had been at Players' Lounge on the night of 10th February 2013, unaccompanied by an adult, and drinking alcohol. The complainant was concerned about the welfare of the girls who had been refused entry to the complainant's premises. On 21st February 2013, as Ms Hague arrived at the premises to discuss the complaint about the vulnerable school girls, she was informed prior to the meeting by PC Waddington that an additional complaint had been received by the Police regarding underage drinking at the premises. She later met with the DPS at the premises, along with Lizzie Payne and PCs Waddington and Parker, to discuss the complaints that had been referred to the Board. Following reference to the complaints of underage drinking, the DPS indicated that he had already dealt with the complaint she had referred to, which had been made to him directly by a concerned parent who had discovered her daughter's membership card to the Players' Lounge, in her bedroom.

- 4.18 The DPS expressed a view that as long as young customers were subscribed to the 'instant' membership scheme, then his compliance with the licensing conditions was adequate. Ms Hague indicated that she was not in fact aware of this particular complaint, and that this was obviously an addition to the two other complaints she had intended to discuss. She then provided the DPS with details of the other two complaints, providing a description of the three school girls who had allegedly accessed the premises on 10th February 2013, together with details of the approximate time. The DPS stated that he did recall some girls accessing the premises, but indicated that he had asked them to leave. When viewing the CCTV records, Ms Hague saw three girls who appeared to match the description provided by the complainant, and who were seated in the bar area, and appeared to be socialising with a male adult customer. CCTV showed the girls leave the premises unaccompanied and of their own volition, and they were picked up by car in the premises car park. A discussion then took place about safeguarding issues and the urgency for improvement in the light of the changed style and character of the premises, and Ms Hague repeated the advice regarding the necessary safeguarding systems, particularly at functions, how to improve the membership scheme and how to manage risk regarding underage sales. In light of a recent application to vary the Premises Licence, it was agreed by all parties that the safeguarding measures would be improved through this application and on 13th March 2013, the Safeguarding Children Board submitted a representation to the Licensing Authority in response to the application. This included a range of proposed measures to improve child protection systems and, in particular, aimed to better regulate functions. However the Safeguarding Children Board was

subsequently informed by the Police and a local resident, that a serious violent incident had occurred on 15th March 2013, and that weapons had been found inside and outside the premises. This incident evidenced an escalating risk that children and young people, either socialising at the premises or who were in proximity to it, may suffer physical or psychological harm.

- 4.19 Ms Hague concluded by stating that, wherever possible, the Safeguarding Children Board endeavoured to support and engage with its licensed trade partners in order to create safe and family friendly environments, where children and young people can learn to socialise responsibly. Unfortunately, at this stage, it was no longer safe to continue to take a partnership approach as, despite ongoing and repeated advice, guidance and training, the premises management was unable to provide a stable, family friendly environment. Ms Hague stated that if the issues of crime and disorder were not addressed, and if safeguarding systems were not improved, it was probable that children and young people who live, or who are in proximity to the premises, would continue to be exposed to the risk of physical or psychological harm. Ms Hague therefore requested, on behalf of the Safeguarding Children Board, that positive action was taken by the Sub-Committee in order to protect children from the risks presenting at the premises.
- 4.20 In response to questions from Members of the Sub-Committee, Julie Hague stated that the Board would take complaints of young girls offering sexual favours in and around licensed premises very seriously. She accepted that this could occur at other pubs or licensed premises in the City, and stated that the Board worked very closely with licensees to try to make sure that the wrong type of people were not attracted to licensed premises. In terms of the CCTV footage of the underage girls in the Players Lounge, they were not accompanied by an adult and appeared comfortable and at ease, sat in the bar. This issue was referred to the Police Sexual Exploitation Team and the DPS was alerted. It was believed that the premises management's Solicitor has reviewed the rules in terms of the membership scheme, with the aim of changing the rules of the scheme. It was accepted that the management had co-operated with the Safeguarding Children Board, but it was the number and nature of the incidents that raised the concerns. With regard to the 'instant' membership scheme, although the management was covered in terms of its legal obligations, the scheme was not considered adequate in the light of the allegations of an underage girl's mother finding her daughter's membership card in her bedroom. A witness stated that she had visited the Players Lounge to remove her daughter, who was underage and intoxicated, from the premises. The Safeguarding Children Board had expected the DPS to have resolved the issues regarding the scheme, and it was considered that operating such a scheme was likely to bring more problems than not having one at all, unless the criteria for the scheme improved. Further discussions were held to restrict the hours and areas where under 18 year olds could go. Ms Hague confirmed that she did not consider that the Board could continue to merely take a partnership approach to assist the premises management and considered that the existing conditions of the Premises Licence allowed too much access for under 18 year olds. With reference to the photo contained in the additional information circulated by the premises management's Solicitor at the hearing, which showed a pram at 23:29 hours at one of the functions held at the premises on 16th March 2013, Ms Hague stated that whilst the child was the responsibility of the

parent/carer, the DPS also had a responsibility to ensure the environment was safe whilst children were present and this requires proactive risk assessment and monitoring by the DPS and security staff, both prior to, and during the function. In terms of the request for ID, the suggestion of under 18 year olds requiring two forms of ID would make it more difficult for them to borrow ID off friends and siblings. It was accepted that under 18 year olds were more able to obtain fake ID, and the Safeguarding Children Board was working with the Police and delivering training to licensed premises on this issue. It was clear that the underage girls who had gained access to the premises were young teenagers, but it was accepted that in some cases, it would be difficult for staff as they would often dress up to look older, and would act older. However, the Challenge 25 scheme should assist to identify and age check younger people.

- 4.21 In response to a query from Matt Proctor, Julie Hague stated that, in connection with the three underage girls on the premises, she was unable to confirm from the images she had viewed as CCTV evidence that they were drinking alcohol.
- 4.22 In response to questions from Jonathan Hyldon, Ms Hague confirmed that there had been no incidents at the premises to raise any safeguarding concerns prior to 8th February 2013, and that she did not see any age verification or other due diligence posters, nor was she informed by the management that they were there. Mr Hyldon referred to a photograph of two Children's Charter posters on display in the rear area of the premises. She confirmed that the DPS had requested that he should attend a safeguarding children training course and had therefore acted responsibly. She did not feel it was appropriate to provide the name of the other licensed premises from which the complaint regarding the allegations of underage girls offering sexual favours at the Players Lounge had originated from. Ms Hague stated that the Safeguarding Children Board remained concerned as, despite all the interventions made, and work undertaken with the premises management, whereby the Board had requested strict and consistent enforcement of safeguarding procedures, complaints of underage drinking at the premises were still being received and it was considered that the extra licensing conditions resulting from the 2011 hearing should have sufficed to provide a safe and secure environment had they been consistently enforced.
- 4.23 Beverley Renshaw stated that she lived within four metres of the boundary of the premises, and that she had experienced no problems with the premises until three years ago, when it changed from a snooker club to a bar. Despite a number of conditions being added to the Premises Licence, following the review hearing in 2011, a number of these conditions were not adhered to. Although things had quietened down in 2012, problems of noise nuisance and disorder increased following the refurbishment of the premises, which included two new function rooms. The premises often hosted two functions on one night, which attracted large numbers of people, and resulted in problems of noise nuisance. The Eva Ratcliffe Sheltered Housing Scheme was located almost directly opposite the premises, and the residents, many of whom were elderly and housebound, were affected by the noise from the premises. Ms Renshaw stressed that the number of calls made to the '101' number did not provide a true picture of how many people were affected as the Police often arrived at the premises after one or two calls, which resulted in noise levels reducing. She made specific reference to incidents

where customers from the premises had urinated on her drive and had been witnessed smoking cannabis. Whilst not being able to confirm this herself, she had been informed by a neighbour that problems of underage drinking at the premises were common, with her neighbour informing her that she was aware of a 13 year old girl who had been drinking in the pub. She referred to particular problems of noise and disorder on those nights when 18th birthday parties were held at the premises, which included increased noise levels, fighting and an increase in the number of taxis pulling up outside the premises late at night. She concluded by stating that the PLH regularly cleared the premises car park and surrounding area of glass bottles and any other waste following functions.

- 4.24 David Fretwell stated that he was a resident of the Eva Ratcliffe Sheltered Housing Scheme and that he, and other residents of the Scheme, were forced to keep their windows closed as there was often people leaving the premises as late as 00:45 hours. He added that there were also problems with noise caused by young children, who had been left outside by their parents, playing on the decking area, which extended right up to the pavement on Yew Lane. This caused particular problems during the Summer months.
- 4.25 Members of the Sub-Committee raised questions and the two local residents who had made representations stated that adults regularly left their children outside, in the car park or on the decking area, whilst they were inside the premises drinking. Children as young as 9 and 10 years old were often left unattended. Staff at the premises rarely came outside to request customers drinking or smoking outside or children playing in the car park or on the decking area, to keep noise levels down. Although children were often seen playing in the car park or on the decking area during the day and early evening, they had not been seen playing outside after 22:00 hours, nor had customers been seen drinking outside the premises after these hours. Local residents experienced regular problems in terms of the 18th birthday parties at the premises, which were generally held on Friday and Saturday nights. Such parties were held on a fairly regular basis on the grounds that very few other licensed premises would allow them. In terms of customers urinating or smoking drugs around residents' properties, whilst this had occurred, it wasn't a regular problem, and there were very few problems in terms of noise nuisance and disorder at the premises between Monday and Thursday. The noise levels usually escalated after 22:30 hours, mainly at the weekends, but residents suffered from noise nuisance throughout the day in the Summer, again, mostly at weekends. Residents were encouraged to ring the '101' number to report problems of noise nuisance and, although calls had been made to a local Councillor, he had not responded. Problems of noise nuisance were also caused by taxis and other vehicles calling at the premises from 23:30 hours onwards to pick people up. After additional conditions had been imposed on the licence, following the last review hearing, there had been no problems of noise emanating from inside the premises. Ms Renshaw stated that she had spoken to the DPS to discuss the problems following the last review hearing, but had not spoken to him since the problems had increased.
- 4.26 In response to questions from Inspector Simon Leake, Ms Renshaw stated that she had witnessed customers at the premises fighting on the decking, which had made her feel both angry and upset. She also confirmed that she had never seen

a member of staff out at the front of the premises, challenging customers' behaviour. In terms of noise nuisance, she confirmed that this was rarely a problem between Monday to Thursday, although it could be noisy during the Summer months when customers are sat outside. She confirmed that she had smelt cannabis on a couple of occasions. Further to the Noise Abatement Notice served on the premises on 13th September 2011, Ms Renshaw stated that she had not been contacted by anyone from the Council's Noise Abatement Team.

At this stage in the proceedings, the meeting was adjourned, to reconvene on Monday, 15th April, 2013.

Licensing Sub-Committee

Reconvened Meeting on 15th April, 2103

PRESENT: Councillors John Robson (Chair), Neale Gibson and George Lindars-Hammond.

- 4.27 Present at the reconvened meeting were Jonathon Hyldon (John Gaunt and Partners, Solicitors, acting on behalf of the premises), Kevin Johnston (Designated Premises Supervisor), Julie Hague (Sheffield Safeguarding Children Board), Inspector Simon Leake, Lizzie Payne, PC Neil Windle and Sgt Tom Fisher (South Yorkshire Police), Carolyn Forster (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.28 Jonathan Hyldon put forward the case on behalf of the premises' management, indicating that the DPS was deeply embarrassed and disappointed at having to attend this hearing, and wished to apologise for the inconvenience and disturbance caused as a result of the events at the premises. The PLH and DPS had been at the premises since 1988, and the business was considered as their livelihood. The DPS had not been warned of any review in terms of the premises until the Police had requested a summary review on 18th March 2013. Mr Hyldon stated that, prior to 2010, there had been no issues with regard to the operation of the premises and that a prior summary review had been held in respect of the premises in September 2011, following complaints from residents with regard to noise nuisance and litter and glass bottles being left in and around the curtilage of the premises, as well as a failed test purchase. Following representations made by the Sheffield Safeguarding Children Board, a number of additional conditions had been placed on the Premises Licence. One of the additional conditions related to the requirement of the Council's Environmental Protection Service to monitor noise levels at the premises, but there was no evidence to show this had taken place. He stressed that there had been no issues, or cause for concern, in respect of the operation of the premises by the Police and the Safeguarding Children Board up to mid-January 2013, and no cause for concern of the Safeguarding Children Board up to 8th February 2013. Mr Hyldon referred to the additional information he had circulated at the hearing, indicating that the DPS must have been complying with all the conditions on the Premises Licence. The £100,000 refurbishment of the premises in Autumn 2012 showed that the management were committed to providing high quality facilities for local residents,

the DPS was a member of Sheffield License Watch, and he and his staff had attended the various training courses as requested. The DPS had complied with all the conditions of the Premises Licence, apart from the issue relating to the downloading of CCTV images and that the management were having to deal with a number of troublesome customers, who had started visiting the premises following the closure of a number of other licensed premises in the area. The management had taken their responsibilities seriously in that they had barred a number of customers who had caused trouble at the premises. In terms of the refurbishment, it was accepted that the management had not obtained all the relevant planning consents, but this was down to an oversight, and had now been resolved.

- 4.29 At this stage in the proceedings, Mr Hyldon referred to, and responded to questions on, the serious incident on 15th March 2013, and requested that this be done in private session.
- 4.30 RESOLVED: That the public and press and those people making representations be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 7 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.31 Jonathan Hyldon reported on the actions of the premises management in connection with the incident at the premises on 15th March 2013, and responded to questions thereon from Members of, and the Solicitor to, the Sub-Committee, Inspector Simon Leake, Julie Hague and Lizzie Payne.
- 4.32 At this stage in the proceedings, the meeting was re-opened to the public and press and those people making representations.
- 4.33 Jonathan Hyldon referred to the private functions held at the premises on 16th March 2013, which had been allowed to take place following the voluntary closure on 15th March 2013, on the condition that extra precautions, requested by the Police, were put in place. Mr Hyldon stated that the premises management had adhered to these conditions and, although the Police had to enter the premises at 23:45 hours, Mr Hyldon referred to photographs taken of the two functions, at around this time, which showed the parties had either been wound up or were very close to winding up. He stressed that they stopped serving alcohol at the requested time of 23:00 hours. Mr Hyldon referred to the email, sent on 18th March 2013, where the DPS had requested a meeting to discuss issues regarding door security staff as he was not satisfied with the existing staff. He referred to the management's willingness for their door staff to use metal wand scanners as and when required, and also referred to the offer made at the previous interim steps meeting, relating to the increase in Door Supervisors from two to three, and to require them to monitor all external areas to ensure noise from the premises and customers does not become excessive and to encourage customers to disperse quietly. It was not considered necessary however, for there to be three Door Supervisors at the premises any earlier than 21:00 hours as there was rarely any trouble before this time. Mr Hyldon referred to the other conditions which had

been voluntarily offered by the premises management and indicated that the DPS would be more than happy to complete the various logs, including the Incident Log, Patrol Record and Refusals Log.

- 4.34 In terms of the issues regarding the problems downloading CCTV images, Mr Hyldon read out an email which had been received from the electrical engineer who had installed and maintained the CCTV system at the Players' Lounge, and which referred to problems with the system, which had resulted in the PLH and DPS being unable to download the images onto a disc. He referred to the Licensed Premise Drugs Policy, which was in operation at the premises, and indicated that the management would welcome any assistance in preventing drug use at the premises. Mr Hyldon also referred to the training record form for a server of alcohol, which referred to the bar staff's responsibilities in terms of serving people under the age of 18 or someone who is drunk, together with the Level 2 Award for Personal Licence Holders – Workbook, which set out details of the four key licensing objectives. Mr Hyldon referred specifically to the condition the management were offering in terms of ending the hosting of 18th birthday parties at the premises, indicating that, no action had been taken against the premises in connection with the holding of such parties, neither had the premises failed any test purchases since the one failed on 22nd October, 2010.
- 4.35 With regard to the conditions discussed at the Sub-Committee's meeting held on 28th March 2013, Mr Hyldon stated that, despite residents' complaints of noise nuisance outside the premises, there had been no contact with the Council's Environmental Protection Service and no Noise Abatement Notice had been served on the premises. Regarding litter and glass outside the premises, it was reported that the PLH goes out every morning to clear this up off the pavement and the road. Reference was also made to the fact that the PLH had photographic evidence of each day the notices were displayed at the premises referring to the application for a Variation Order. Mr Hyldon concluded by referring to the emails and letters which had been received in support of the operation of the premises, referring to two further letters which had been received after the information had been collated.
- 4.36 In response to questions from Members of the Sub-Committee, Mr Hyldon stated that with regard to the refurbishment of the premises, as a result of a lack of knowledge of the system, the DPS had failed to seek Building Regulation consent prior to the refurbishment works being undertaken. He had subsequently submitted a retrospective application and all outstanding issues had now been resolved. He stated that part of the email from the electrical engineer who had installed and maintained the CCTV system which referred to all members of staff being trained to download images, was incorrect. The premises management believed that, for whatever reason, there was some antagonism from other licensees in the area, which had resulted in a number of allegations made with regard to the operation of the Players Lounge. It was confirmed that the PLH had been training young people at snooker at the premises for several years, and the training presently took place between 17:00 and 20:00 hours, once a week, and in most cases, the parents stayed and watched. It was also confirmed that the images in respect of the CCTV system were retained for 28 days. In connection with the call made to the Police on 3rd March 2013, from a woman who stated that

she had picked her daughter up from the premises the previous evening, and that her daughter was 'very drunk', Mr Hyldon stated that there were no firm details of this incident nor was there any CCTV footage to prove it. Mr Hyldon confirmed that the bar staff did not rely solely on the evidence of the membership scheme when there were doubts about proof of age regarding the sale of alcohol.

- 4.37 In response to a question from Carolyn Forster, Mr Hyldon stated that staff were informed about problem customers, and they were able to view the photographs on the membership cards in order to familiarise themselves with such customers. The management would also inform the Door Supervisors of such people, so that they could not let them onto the premises if they were already barred, or be aware that they were on the premises.
- 4.38 In response to a question from Inspector Leake, Mr Hyldon confirmed that the CCTV engineer attended at the premises on 6th and 20th March 2013, following calls from the premises management requesting assistance.
- 4.39 In response to questions from Julie Hague, Mr Hyldon confirmed that whilst the DPS accepted that he had received some advice from the Police in connection with preventing the use of drugs on the premises, he could not recall all details of the guidance he had received. It was acknowledged that a 16 year old member of staff had sold alcohol to a 16 year old "customer", as part of a test purchase operation undertaken on 22nd October, 2010. This had resulted in the member of staff being subject to restorative justice processes. There had been no further failed test purchase operations at the premises since that time.
- 4.40 Mr Hyldon confirmed that the premises were operating the Challenge 25 scheme, and that all members of staff had been trained on this. Whilst staff should be able to identify an average 14 year old person as being underage, it was not always that easy, as some 14 year olds looked a lot older than they were. Staff regularly checked people's age under the Challenge 25 scheme, and did not rely solely on the membership scheme. One of the methods used by underage people to gain entry to the premises was to claim that they had left property on the premises, gain entry, and stay in there. The DPS could not confirm if, and how many times, this had actually happened, as this information had been passed on to him by a third party. In terms of the functions at the premises on 16th March 2013, Mr Hyldon stated that the DPS had believed that the Police had given authority for two pre-booked private functions to be held that night, and Mr Hyldon pointed out, by using the plan of the premises, precisely where the functions had been held.
- 4.41 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.42 Carolyn Forster reported orally, giving legal advice on various aspects of the application.
- 4.43 At this stage in the proceedings, the meeting was re-opened to the public and

press and attendees.

4.44 RESOLVED: That the Sub-Committee:-

- (a) concurs with the views of South Yorkshire Police in that the premises are associated with serious crime and disorder and public nuisance; and
- (b) agrees to modify the conditions of the Premises Licence and add new conditions to the Licence, as follows:-

Existing Conditions

Annexe 2 – Conditions Consistent with the Operating Schedule

- 5. The Premises Licence Holder and the management staff shall be fully trained in the use of the CCTV system, so that images can be immediately obtained by the Police and authorised officers of the Council.
- 13. Delete – Children under the age of 16 years must be accompanied by an adult and supervised at all times.
- 14. Delete – Persons under the age of 18 years are not permitted to remain on the premises after 22:00 hours unless dining or attending a pre-booked function, event or game.

(All other conditions under this Annexe remain.)

Annexe 3 – Conditions attached after a Hearing by the Licensing Authority

All conditions to remain.

Conditions attached after a Hearing by the Licensing Authority on 6th September 2011

- 4. The external decking area may be utilised by customers between 09:00 hours and 20:00 hours only.
- 5. Save for access and egress, only customers wishing to smoke shall be permitted to stand on the external decking area after 20:00 hours. Those customers wishing to smoke must not be permitted to drink in external areas whilst smoking after 20:00 hours.
- 7. The Door Supervisors must monitor all external areas to ensure noise from the premises and customers does not become excessive and to encourage customers to disperse quietly.
- 8. Delete – One hour before the conclusion of any pre-booked function the premises management will ensure an announcement is broadcast within the premises that the event will be finishing in the next hour and

customers requiring taxi transport should arrange their taxi.

(All other conditions to remain.)

New Conditions

1. Persons under the age of 18 years shall not be allowed on the premises after 18:00 hours unless attending a pre-booked private function and must be accompanied and supervised by a responsible adult at all times. Prior to 18:00 hours, persons under the age of 18 years will be allowed on the premises when accompanied and supervised by a responsible adult provided they are playing/spectating at a pre-booked sporting activity or if accompanying the responsible adult in a designated family area which must be used on a risk assessed basis (e.g. on football match viewings/match days).
2. Children accessing the premises to attend junior sports coaching sessions must be signed in and out of the premises by a responsible adult and a register of this process must be maintained and made available to the authorities for inspection on request. The premises management must obtain parent/carer consent for children under 16 years attending for sports coaching sessions and keep confidential records of emergency contact details for such children. The premises must have a suitable child protection policy to ensure that staff working with unaccompanied children are suitably vetted.
3. The booking contract for pre-booked, private functions must include that a responsible adult will be in attendance to provide supervision of children and vulnerable young people. This person should be nominated on the booking form, along with their contact details (including a mobile phone number).
4. It should be a booking condition that the person making the booking for a private function is informed that all guests under the age of 25 must bring an acceptable form of identification (e.g. passport, photo driving licence or PASS logo card) in order to purchase alcohol.
5. The premises shall not hold 18th birthday parties.
6. A minimum of three Security Industry Association (SIA) registered Door Supervisors must be employed at the premises from 20:00 hours until 30 minutes after the terminal hour whenever pre-booked, private functions take place at the premises after 20:00 hours and also after 20:00 hours on a Friday/Saturday. At least one Door Supervisor shall be stationed at the entrance to the premises at all times.
7. Children accessing the premises to attend junior sports coaching sessions must be signed in and out of the premises by a responsible adult and a register of this process must be maintained and made available to the authorities for inspection on request.

8. Customers shall not be permitted to take glasses outside the premises after 20:00 hours.
9. Upon request by South Yorkshire Police, the premises staff shall provide access to records e.g. Incident Log, Patrol Record, Refusals Log, etc.
10. At intervals of one hour and 30 minutes before the cessation of licensable activities, an announcement shall be broadcast within the premises that the licensable activities will be finishing in the next hour/30 minutes and customers requiring taxi transport should arrange their taxi.
11. Two forms of identity will be required for the Membership Scheme, one of which must be a recognised photographic form of identity, e.g. passport, travel card, PASS logo card.
12. No admission to the premises after 23:00 hours.
13. When SIA Door Supervisors are engaged at the premises, they should be pro-active in persuading patrons to vacate the premises, including the car park, by the end of the opening hours.
14. The hours regarding the sale of alcohol for consumption on the premises will be reduced by 15 minutes to allow a 45 minute period of time for drinking up and dispersal of patrons from the premises, thereby resulting in the following times regarding sale by retail of alcohol (for consumption on the premises):-

Sunday 11:00 to 22:45 hours
Monday 10:00 to 23:15 hours
Tuesday 10:00 to 23:15 hours
Wednesday 10:00 to 23:15 hours
Thursday 10:00 to 23:15 hours
Friday 10:00 to 23:45 hours
Saturday 10:00 to 23:45 hours

New Year's Eve (31.12) 10:00 to 23:45 hours
New Year's Day (01.01) 00:00 to 23:45 hours

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 11 April 2013

PRESENT: Councillors John Robson (Chair), Nikki Bond and Philip Wood

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - LION'S LAIR, 31 BURGESS STREET, SHEFFIELD S1 2HF

4.1 The Chief Licensing Officer submitted a report to consider an application to vary a Premises Licence, made under Section 34 of the Licensing Act 2003, in respect of premises known as Lion's Lair, 31 Burgess Street, Sheffield S1 2HF.

4.2 Present at the meeting were Councillor Jillian Creasy (on behalf of Linda Cooley, Local Resident), Patrick Carroll (Local Resident), Louise Slater (Solicitor to the Sub-Committee), Matt Proctor (Senior Licensing Officer) and Jennie Skiba (Democratic Services). The applicant did not attend the hearing.

4.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from local residents and were attached at Appendices "C", "D" and "E" to the report. Mr. Proctor added that agreement had been reached prior to the hearing between the applicant and the Environmental Protection Service on the representations which had been submitted by that Service (at Appendix F to the report).

4.5 The Chair of the Sub-Committee referred to the Conditions which had been agreed between the applicant and the Environmental Protection Service and stated that there were discrepancies which needed to be addressed and it was, therefore, suggested that the hearing be adjourned and the applicant and the Environmental Protection Service be asked to attend the reconvened meeting.

4.6 Councillor Jillian Creasy asked if there were any legal reasons why the hearing

could not go ahead in the absence of the two parties and Patrick Carroll said that it had been difficult for him to be able to attend the hearing and he felt aggrieved that the meeting was being adjourned to the benefit of the applicant.

- 4.7 The Chair assured Councillor Creasy and Patrick Carroll that the adjournment was not for the benefit of the applicant as questions needed to be asked and a re-arranged date would be agreed between Matt Proctor and Patrick Carroll.
- 4.8 RESOLVED: That the hearing be adjourned to a future date to enable the applicant and the Environmental Protection Service to attend.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING CONSENT - WALKLEY PRIMARY SCHOOL

- 5.1 The Chief Licensing Officer submitted a report to consider an application for a school street trading consent at Walkley Primary School.
- 5.2 Present at the meeting were Ronald Wareham (Applicant), Louise Slater (Solicitor to the Sub-Committee), Andy Ruston (Senior Licensing Officer) and Jennie Skiba (Democratic Services).
- 5.3 The Solicitor to the Sub-Committee outlined the procedure which would be followed during the hearing.
- 5.4 Andy Ruston presented the report to the Sub-Committee, outlining the reasons for referring the application to the Sub-Committee.
- 5.5 Ronald Wareham addressed the Sub-Committee and requested that consideration be given to his application even though he does not meet the current Street Trading Policy, in that he does not intend to apply for a city-wide ice cream mobile street trading consent and his vehicle is 21 years old and therefore does not comply with the City Wide Street Trading Quality Specification referred to in the Policy, which was agreed at a meeting of the Licensing Committee on 8th November, 2012. An amendment to the policy under delegated powers was suggested by the Chief Licensing Officer to set an age limit of 10 years from first registration for ice cream vans. Mr. Wareham stated that he did not intend to trade city-wide but only to park outside Walkley Primary School for approximately 20 minutes each day during term time, weather permitting. He said that his vehicle held a current MOT certificate and fell within the health and safety criteria for such vehicles. He also informed the Sub-Committee that he currently holds a static street trading consent at Rivelin Valley.
- 5.6 In response to questions from Members of the Sub-Committee, Mr. Wareham stated that he had not been aware of the consultation with regard to the Street Trading Policy, and that it was not his intention to travel around the City, but would just park at the School. He felt that because he pays £1,000 site fees at Rivelin, he would be in a better position to park at the School and just pay a low fee of £37. He said that it would not be viable for him to pay the higher city-wide fee of £236 as he had a part-time job and would not trade for enough hours to cover the costs.

- 5.7 Mr. Wareham told the Sub-Committee that he would reach retirement age in 18 months' time but did not intend to give up work and that to buy a new ice cream van would cost in the region of £60,000.
- 5.8 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in Paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 5.9 The Solicitor to the Sub-Committee reported orally, giving legal advice on various aspects of the application.
- 5.10 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.11 RESOLVED: That the application now submitted for a school street trading consent at Walkley Primary School be granted subject to:-
- (a) the outcome of the Ice Cream Traders Review of the Street Trading Policy; and
 - (b) the payment of the city wide mobile consent fee of £236 and the pitch fee of £37 being received.

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

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SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 4th June 2013

Subject: Annual Review of Safety Certification / Safety Advisory Group Policy

Author of Report: Steve Lonnia
Chief Licensing Officer & Head of Licensing

Summary: To inform and update members with regards to the annual review and update of the Safety Certification / Safety Advisory Group Policy

Recommendations: To approve the policy document

Background Papers: None

Category of Report: OPEN

REPORT OF CHIEF LICENSING OFFICER & HEAD OF LICENSING

Safety of Sports Grounds Act 1975 (As Amended)

June 2013

Annual review of Safety Certification / Safety Advisory Group Policy Document

1.0 Summary and Purpose of Report

- 1.1 To inform and update members with regards to the annual review of the attached policy in relation to designated stadiums, regulated stands, other grounds, concerts, festivals and other events.
- 1.2 To confirm the decision of the Chief Licensing Officer & Head of Licensing and approve the policy attached at Appendix "A".

2.0 Background

- 2.1 The attached policy was first issued in January 2012 as a result of the annual self-assessment process carried out by the licensing service.
- 2.2 The policy was reviewed and updated following consultation with the Sports Grounds Safety Authority, Safety Advisory Group and the relevant stadiums etc.

3.0 Legislation

- 3.1 The Safety of Sports Grounds Act 1975 (1975 Act) places a responsibility for issuing, reviewing and monitoring the safety certification process upon the Local Authority in respect of sports grounds designated by the Secretary of State.
- 3.2 The Fire Safety and Safety at Places of Sport Act 1987 (1987 Act) lays a similar responsibility upon the Local Authority in relation to regulated stands at non designated sports grounds.
- 3.3 The Local Authority is also responsible for the licensing of events (concerts, festivals etc.) under the Licensing Act 2003 (2003 Act).

4.0 Sports Grounds Safety Authority

- 4.1 The Sports Grounds Safety Authority previously known as the Football Licensing Authority are responsible for monitoring / auditing the Local Authority in its role as the certifying authority under the 1975 Act and 1987 Act.
- 4.2 The local inspector for the Sports Grounds Safety Authority was involved in the review process and has assisted with the review of the policy.

5.0 Safety Advisory Group

- 5.1 The Safety Advisory Group is recognised best practice and was included in the recommendations of the Final Report of Lord Justice Taylor.
- 5.2 The group is chaired by the Licensing Service and consists of officers from South Yorkshire Police, Fire and Ambulance Services, Building Standards, Health Protection and the relevant club(s). This is set out in more detail in paragraph 2.4.1 and 2.4.2. of the policy.
- 5.3 The group meets on a regular basis as set out in paragraph 2.5.1 to 2.5.4 of the policy and they formed a significant part of the review and consultation process undertaken.
- 5.4 The safety advisory group have approved the policy.

6.0 Delegated Authority

- 6.1 The Council has delegated its powers for the safety certification of sports grounds under the 1975 Act and the 1987 Act to The Chief Licensing Officer & Head of Licensing through the Licensing Committee if necessary.
- 6.2 The delegated powers allow for the designated Council Officer above to issue and amend General Safety Certificates etc.
- 6.3 Licensing is the lead department for the Local Authority with regards to the safety certification process.

7.0 The Policy

- 7.1 The policy sets out the Local Authority's approach to discharging its powers and responsibilities in respect of the issue and review of the General safety Certificate and/or Special Safety Certificate.
- 7.2 The policy also sets out the approach of the Safety Advisory Group in relation to designated stadiums, regulated stands, other grounds, concerts, festivals and other events where the safety advisory group is engaged.
- 7.3 Members will note in paragraphs 1.3, 1.4 and 1.5 the aims, scope and objectives of the policy.
- 7.4 Part one of the policy sets out the core legal duties and obligations etc. part two concentrates on the Safety Advisory Group and Part three sets out our intentions with regards to enforcement. This should be read in conjunction with our enforcement policy.
- 7.5 Part four of the policy gives a brief description of the roles and responsibilities of the different officers and organisations involved. Part five briefly sets out our intention to keep the document under review and to make it available via the Council's website.
- 7.6 The final part of the policy is the Safety Advisory Group "Terms of Reference" which is also available as a separate document.

8.0 Recommendation

- 8.1 That members approve the attached policy

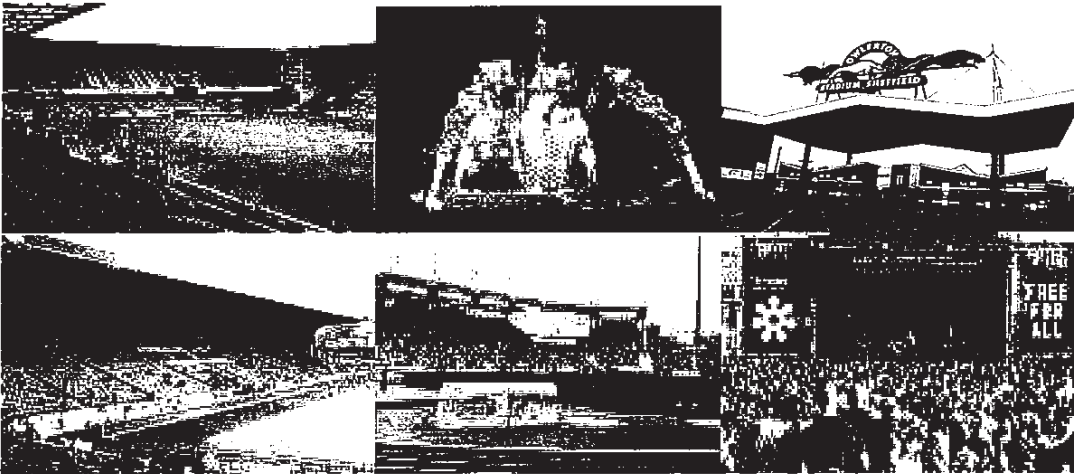
Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Licensing Service
Place Portfolio
Staniforth Road Depot, Staniforth Road,
Sheffield, S9 3HD

June 2013

Sheffield
City Council



Safety Certification / Safety Advisory Group Policy Document



**Covering designated stadiums, regulated stands, other
grounds, concerts, festivals and other events**

Date of issue: Jan 2012
Version No: 2.0
Date of last review: March 2013
Date of next review: March 2014

Document Author: Steve Lonnia

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PART ONE

1.0 INTRODUCTION

1.1 Overview

1.1.1 This document has been produced by the Chief Licensing Officer and Head of Licensing on behalf of Sheffield City Council and the Safety Advisory Group. The document sets out the agreed policy and procedures with regards to the Safety Advisory Group process.

1.1.2 Under the Safety of Sports Grounds Act 1975 (1975 Act), the local authority is responsible for issuing a safety certificate and / or special safety certificate in respect of sports grounds designated by the Secretary of State. These are sports grounds that, in his opinion, have accommodation for more than 10,000 spectators - 5,000 in the case of Premiership or Football League grounds in England and Wales.

1.1.3 The 1975 Act defines a sports ground as a place where sports or other competitive activities take place in the open air, and where accommodation has been provided for spectators, consisting of artificial structures, or of natural structures artificially modified for the purpose.

1.1.4 The Fire Safety and Safety of Places of Sport Act 1987 (1987 Act) lays a similar responsibility upon the local authority in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide covered accommodation for 500 or more standing or seated spectators. Responsibility for determining if a stand is a regulated stand rests with the local authority. However the determination must be undertaken in accordance with the statutory guidance contained in Home Office Circular 97/1988 as determined by the local authority under section 26 of the 1987 Act.

1.1.5 There are three categories of sports grounds recognised by the law, designated grounds, regulated stand and other grounds. Designated grounds and regulated stands are described above. Other grounds are grounds that are not designated and which do not have regulated stands but issues affecting the safety of spectators may still arise. Circular HOC 97/1988 informs Local Authorities that they should be aware of all sports grounds and the events held there.

1.1.6 The Safety Advisory Group process will also advise and assist safety officers, promoters and other event organisers when hosting large scale events such as concerts, festivals and other mass gatherings of people in a designated stadium etc. The overall responsibility for safety at any stadium or event remains with the certificate holder/safety officer. However the safety advisory group process will be used in a very pro-active manner to offer advice to all sports grounds etc.

1.2 Purpose

1.2.1 This policy document sets out Sheffield City Council's approach to discharging its powers and responsibilities in respect of the issue and review of the General Safety Certificate and/or Special Safety Certificate.

1.2.2 Sheffield City Council aims to provide an overview of the role of the Safety Advisory Group and to clarify the roles and responsibilities of other organisations and agencies involved in the safety certification process.

1.2.3 The policy also sets out the approach of the Safety Advisory Group in relation to designated stadiums, regulated stands, other grounds, concerts, festivals and other events where the safety advisory group is engaged.

1.3 Policy Aim

1.3.1 This policy aims to ensure that Sheffield City Council working with its partners as a Safety Advisory Group ensure the reasonable safety of all those who attend a designated stadium(s), regulated stands, other grounds, concerts, festivals and other events in Sheffield that falls within the Safety Advisory Group process.

- 1.3.2 The policy also aims to ensure wherever possible that spectators/individuals are able to attend in reasonable safety, comfort and security and that all those who attend events enjoy the experience and return home safely.

1.4 Scope

- 1.4.1 The sports grounds covered by these arrangements are;

Bramall Lane Stadium home of Sheffield United FC
Don Valley Stadium venue for athletics
Hillsborough Stadium home of Sheffield Wednesday FC
Owlerton Stadium venue of speedway, stock cars and greyhound racing
Other sports grounds (Sandygate Road and Bracken Moor etc.)

- 1.4.2 The powers to issue and review the general safety certificate are vested solely in Sheffield City Council officers with delegated authority for this activity.

- 1.4.3 The concerts, festivals and events covered by these arrangements will be those where the Safety Advisory Group is engaged.

1.5 Policy Objectives

- 1.5.1 Sheffield City Council through the Safety Advisory Group aim to fulfil the following policy objectives:-

- To ensure that spectator safety is of the highest attainable standard as is reasonably practical at all sports grounds, regulated stands, concerts and events that involve the Safety Advisory Group;
- To establish and manage the Safety Advisory Group for such stadiums, regulated stands, concerts and events;
- To undertake and manage the annual review of any safety certificate for stadiums and/or regulated stands; and
- To foster, encourage and promote a safety culture within sports grounds, regulated stands, concerts, festivals and events in Sheffield.

1.6 Legislation, Guidance and Legislative Duty

- 1.6.1 The legislation that applies to the safety of spectators at sports grounds should be read in conjunction with this policy and agreed procedures. The relevant legislation is as follows;

- Safety of Sports Grounds Act 1975 (as amended)
- Fire Safety and Safety of Places of Sport Act 1987
- Safety of Sports Grounds Regulations 1987
- Safety of Places of Sport Regulations 1988

- 1.6.2 Guidance on the application of the legislation reference above can be found in the following Home Office Circulars;

- Home Office Circular No7/1986 - Annex C of which provides guidance on the procedure regarding applications for general safety certificates under the provisions of the Safety at Sports Grounds Act 1975.
- Home Office Circular No 96/1988 – Which includes advice on the issue of safety certificates for regulated stands.
- Home Office Circular No 97/1988 – Which includes statutory guidance under section 26 (8) of the 1987 Act to local authorities on the methodology that must be applied in determining whether a stand at a sports ground is a "regulated" stand.
- The annual inspection of a designated sports ground will include all items detailed in the Secretary of State's statutory guidance as set out in Home Office Circular 72/1987. For regulated stands the inspection will cover the items in the statutory guidance set out in Home Office Circular 97/1988

1.6.3 Under the Safety of Sports Grounds Act 1975 (as amended) Sheffield City Council has a duty to:-

- Issue a general safety certificate for each designated sports ground within the city boundary, containing such terms and conditions that the Council consider necessary or expedient to secure reasonable safety.
- Issue a special safety certificate where appropriate.
- Serve a prohibition notice in respect of any sports ground if the authority considers that the admission of spectators to the Sports Ground or any part of the Sports Ground involves or will involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the Ground or that part of the Ground ought to be prohibited (or restricted).
- Amend/replace and/or transfer any general safety certificate as and when appropriate.
- Enforce the terms and conditions of the general safety certificate.

1.6.4 Under the Fire Safety and Safety of Places of Sport Act 1987 Sheffield City Council has a duty to undertake similar duties in relation to regulated stands at non-designated sports grounds. Regulated stands are stands that provide accommodation for 500 or more seated or standing spectators.

- Issue a general safety certificate for each regulated stand (including the whole or any part of that sports ground to be covered by the certificate) within the city boundary, containing such terms and conditions that the Council consider necessary or expedient to secure reasonable safety.

1.7 Delegations

1.7.1 The Council has delegated its powers for the safety certification of sports grounds under Safety of Sports Grounds Act 1975 (as amended) and the Fire Safety and Safety of Places of Sport Act 1987 to:

The Chief Licensing Officer & Head of Licensing through the Licensing Committee if necessary.

The delegated powers allow for the designated Council Officer to issue and amend General Safety Certificates.

1.7.2 Licensing is the lead department for the safety certification of sports grounds and the Principal Licensing Officer (Sports Grounds) is the lead officer for all matters relating to spectator safety at sports grounds.

1.8 Responsibility for Safety

1.8.1 The primary responsibility for the safety of spectators at:-

- Sports Grounds – rests at all times with the stadium management (Certificate Holder)
- Concerts, festivals and events – rests with the event organisers (Production Company/Safety Officer)

1.8.2 The responsibility for safety should never be assumed by the Council nor should the Council become involved in the management of events or take any action that could be interpreted as involvement.

1.9 Fees

1.9.1 Under the provisions of the 1987 and 1988 Regulations a local authority is permitted to charge a fee for the issue, amendment, replacement or transfer of a safety certificate. The regulations explain that any fee should be commensurate with the work actually and reasonably done by or on behalf of the local authority. It should also be noted that a local authority may only charge for amending a safety certificate if the amendment was at the request of the certificate holder. The procedures should set out how any fee charges are to be determined.

1.10 Certificate

- 1.10.1 General Safety Certificate – for a designated stadium/regulated stand is to contain terms and conditions that the council consider necessary or expedient to secure the reasonable safety of spectators at that stadium when it is being used for the activities specified in the certificate.

When all matters relating to safety are in place and the Council (Licensing Committee / Safety Advisory Group) consider the stadium to be ready, a safety certificate can be issued and may cover more than one specified activity.

- 1.10.2 Special Safety Certificate – for a designated stadium/regulated stand that has a general safety certificate in place it may be that a special safety certificate is issued for a different specified activity (e.g. a concert or religious gathering in a football stadium). The special safety certificate may impose terms and conditions that the council consider necessary or expedient to secure reasonable safety of spectators at that stadium when it is being used for the activities specified in the special safety certificate.

The applicant will be required to make a separate application that is advertised and consulted upon.

The applicant may also be required to submit / supply whatever information is required by the Council to discharge its functions.

NOTE: Sheffield City Council has issued a separate guidance document with regards to its procedures, processes and timescales to be followed when dealing with applications under this legislation.

PART TWO

2.0 SAFETY ADVISORY GROUPS

2.1 Overview

- 2.1.1 Sheffield City Council has established a Safety Advisory Group to provide specialist advice and guidance in relation to safety at designated stadium(s), regulated stands, concerts, festivals and other events where engaged.
- 2.1.2 The group is a multi agency group and is chaired by the Chief Licensing Officer and Head of Licensing (or nominated deputy).
- 2.1.3 The group will provide specialist advice in relation to safety at sports grounds, regulated stands, concerts, festivals and other large scale events etc. including determining the terms and conditions to be imposed on each certificate and monitoring their implementation.

2.2 Terms of Reference

- 2.2.1 The Safety Advisory Group has been established to:-
- Advise/guide the Council with regard to any issues relating to safety at stadiums, concerts, festivals and/or other events etc;
 - Monitor the issuing and enforcement of any safety certificates, regulated stand certificates and special safety certificates in relation to safety at stadiums, concerts, festivals and/or other events;
 - To receive, check and approve any applications for alterations, amendment and/or transfer of a safety certificate in relation to a designated stadium and/or a regulated stand.
- 2.2.2 A copy of the groups full terms of reference are set out in Appendix "A" at the back of this document.

2.3 Objectives

- 2.3.1 To develop as a body of expertise and to provide a forum within which the Council can maintain a consistent approach to spectator / event safety.

- 2.3.2 To promote a safety culture within sports grounds, at concerts and large scale events etc.
- 2.3.3 Support, advise and guide the management, operators and/or safety officers at sports grounds, concerts, festivals and other events on measures to improve all aspects of spectator / public safety.
- 2.3.4 Work continually to ensure the reasonable safety of all those attending sports grounds, concerts and large scale events.

2.4 Membership

- 2.4.1 The Council uses the safety advisory group process for two distinct procedures. Those two procedures are the safety at sports grounds and concerts/large scale events and any other events where it considers public safety to be an issue.
- 2.4.2 The core membership of each group is the same however other individuals and/or authorities may be invited as and when necessary. Set out below is the core membership at each group.

- **Sports Grounds**

- Head of Licensing or deputy (Chair)
- Stadium Management / Safety Officer
- South Yorkshire Police
- South Yorkshire Fire & Rescue
- Yorkshire Ambulance Service
- City Council Building Standards
- City Council Health Protection Service

- and the Sports Grounds Safety Authority is invited to observe / advise

- **Concerts / Large Scale Events etc.**

- Head of Licensing or deputy (Chair)
- Event Safety Officer
- South Yorkshire Police
- South Yorkshire Fire & Rescue
- Yorkshire Ambulance Service
- City Council Building Standards
- City Council Health Protection Service
- City Council Safeguarding Children Officer
- Urban Traffic Control
- Noise Nuisance Officer
- Production / Promotion Management
- Stewarding Company
- First Aid / Medical Provider

2.5 Meetings

- 2.5.1 The Safety Advisory Group will meet as follows;

- Sheffield Wednesday FC - pre planned once per quarter
- Sheffield United FC - pre planned once per quarter
- Don Valley Stadium - pre planned twice per year
- Owlerton Stadium - pre planned once per year

- 2.5.2 The Safety Advisory Group may meet in addition to the above to discuss proposed alterations, variations, de-brief incidents, near misses and any other issues as deemed necessary.

- 2.5.3 The Safety Advisory Group will also meet at least once in addition to the above on an annual basis to discuss the Annual Inspection Process including reports from the stadiums engineers and all other inspecting authorities.

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- 2.5.4 The Safety Advisory Group will generally meet three / four times prior to a large concert, festival or other event. However, this may change dependant upon the type, nature and size of event. The number of meeting will be determined by the licensing authority.

PART THREE

3.0 ENFORCEMENT

- 3.0.1 It is an offence for any responsible person, not merely the certificate holder, to contravene the terms and conditions of a safety certificate or a prohibition notice. These offences, along with the defences of absence of consent and due diligence, are listed in section 12 of the Safety of Sports Grounds Act 1975 and section 36 of the Fire Safety and Safety of Places of Sport Act 1987.
- 3.0.2 This policy sets out the arrangements that have been put in to place for ensuring compliance with the relevant safety at sports grounds legislation and the terms and conditions of any individual certificate.
- 3.0.3 This section of the policy sets out the Council's powers and approach to enforcement activity, how the council deals with businesses and the approach to be taken when infringements of the law are established. In applying this policy the Council's aim is to ensure that any enforcement action taken is proportionate, accountable, consistent, transparent and targeted.
- 3.0.4 This document should be read in conjunction with the relevant legislation, associated guidance and our enforcement policy document so as to provide a full understanding of the Safety at Sports Grounds role carried out by the Council. The Council has a range of options to deal with incidents which may put the public at risk, or any safety weakness identified by its inspecting officers.
- 3.0.5 The local authority must ensure it has the necessary powers and procedures in place to enable it to take any necessary action in the appropriate timescales. The response of the Council should be proportionate to both the urgency and the seriousness of the individual circumstances.
- 3.0.6 The available enforcement options are;
- No Action
 - Informal Warning
 - Prohibition Notice
 - Reduction in Capacity
 - Simple Caution
 - Prosecution

3.1 Informal Warning

- 3.1.1.1 Informal warnings would be an option where the transgression is not too serious and:-
- it is thought that informal action will achieve compliance;
 - safety management being displayed is reasonably high and this method of enforcement will achieve the desired result;
 - consequence of non-compliance will not pose a significant risk to health and/or safety of the public, and would only be a very short term issue.
- 3.1.2 Informal warnings may take the form of simple advice for example a verbal warning followed by a formal request for action in the form of letter, e-mail, or notice. The communication will contain all information necessary to ensure that the club/organisation knows what is required of them, why it is necessary and the timescales for completion.

The communication may:-

- indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen;

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- clearly indicate that recommendations of good practice are not legal requirements,
- clearly indicate the timescales for compliance

3.2 Prohibition Notice

- 3.2.1 Section 10 of the 1975 Act enables the Council to issue a prohibition notice in respect of all or part of any sports ground if it considers that 'the admission of spectators to a sports ground or any part of a sports ground involves or would involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted'.
- 3.2.2 The Council needs to ensure that it can, if necessary be able to issue a notice in a very short space of time and without reference to senior officers or to members (see delegated powers). The issuing of a Prohibition Notice must be seen as a last resort and it can be appealed in a magistrate's court but prior to the hearing the Prohibition Notice stands.
- 3.2.3 Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a prohibition notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.
- 3.2.4 The Council has decided that when a prohibition notice is issued by the Chief Licensing Officer and Head of Licensing under delegated powers the club/organisation has the right of appeal to the Licensing Committee if necessary. Such an appeal would be processed and arranged as quickly as possible in order to assist the club.
- 3.2.5 If the Council considers and states in the notice that the risk to spectators is / or may be imminent then the notice takes effect as soon as it is served. In all other cases, it comes into force at the end of the period specified in the notice. The Council may amend or withdraw the notice at any time.
- 3.2.6 The notice should be clear as to what action is required to satisfy the notice and specify ways compliance can be achieved.

3.3 Reduction in Capacity

- 3.3.1 The Council can reduce the permitted capacity of all or part of a sports ground. This would be appropriate in the following situations:
- where an incident occurs that suggests that the management is performing unsuccessfully, the Council will review the (S) factor which affects the capacity of the ground. There may have been no incident but the performance of the management raises concerns re the control of the event;
 - where the Council's inspecting officers identify any deficiencies in the structure / fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity, the (P) or (S) factor will be reviewed as appropriate.
- 3.3.2 The new capacity will be calculated having regard to the change in circumstances, and a new certificate will have to be issued (or an amendment to schedule 5 in the current certificate). Once the item causing concern has been rectified the capacity can be reassessed following assessment of the (P) or (S) factor.
- 3.3.3 The Council will follow the same procedures as during the routine annual review of the safety certificate for the setting of the (P) or (S) factor. It should invite the ground management to submit its proposed revised (P) or (S) factor, while reserving the right to overrule this if appropriate.
- 3.3.4 There is an onus on the Council to act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity.

3.4 Simple Caution

- 3.4.1 In appropriate circumstances, where a prosecution would otherwise be justified, a Simple Caution may be administered with the consent of the offender.

- 3.4.2 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.
- 3.4.3 For a Simple Caution to be issued a number of criteria must be satisfied:
- (a) Sufficient evidence must be available to prove the case.
 - (b) The offender must admit the offence.
 - (c) It must be in the public interest to use a Simple Caution.
 - (d) The offender must be 18 years or over.
- 3.4.4 We will also take into account whether the offender has received a simple caution within the last 2 years when determining whether a simple caution is appropriate for any subsequent offending.
- 3.4.5 If during the time the Simple Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.
- 3.4.6 The refusal of an offender to be cautioned does not preclude the matter being passed for prosecution. In fact, any such failure will be a material consideration when deciding whether the offender should then be prosecuted for that offence.

3.5 Prosecution

- 3.5.1 The decision to prosecute is extremely significant and must be related to the risk, it must be for a blatant disregard for the safety certification / law. The process prior to any decision to prosecute must be to check if another enforcement option is more suitable e.g. Prohibition Notice.
- 3.5.2 Prosecutions should be undertaken as soon as possible and only if the Council is satisfied that there is relevant, admissible, substantial and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction.

3.6 Annual Inspection

- 3.6.2 This will be undertaken at each designated ground at least once every 12 months. The annual inspection of a designated sports ground will include all items detailed in the Secretary of State's statutory guidance as set out in Home Office Circular 72/1987. For regulated stands the inspection will cover the items in the statutory guidance set out in Home Office Circular 97/1988.
- 3.6.3 The list below is not exhaustive and is only intended to give a sample of what is checked during an annual inspection,
- the structural condition, dynamic performance and electrical and gas tests;
 - the records maintained by the management of the sports ground, in particular of attendances, accidents, maintenance, equipment tests, steward training and contingency plans;
 - the condition of the sports ground and its fixtures and fittings; and
 - the lighting, emergency lighting, public address, cctv, emergency telephones, fire warning and entry control equipment.

3.7 During Performance Inspections

- 3.7.1 During Performance Inspections will be made on a planned basis, on event days, to ensure that the terms and conditions in the safety certificate are suitable and appropriate for the use taking place and to monitor the ground management's compliance with the terms and conditions of the safety certificate. The inspection programme is as follows;
- for designated stadiums a match day safety inspection will be undertaken a minimum of four times per year;
 - for regulated stands with a capacity of more than 2000 spectators a during performance inspection will be undertaken a minimum of once a year;

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- for regulated stands with a capacity of less than 2000 spectators a during performance inspection will be undertaken biannually; and
 - for other grounds a during performance inspection will be undertaken tri-annually.
- 3.7.2 The person undertaking these inspections should be suitably qualified and competent to undertake inspections on general safety of a sports stadium. Where possible a joint approach will be undertaken with members of the Safety Advisory Group participating in the inspection.
- 3.7.3 Record items examined on an inspection check sheet a copy of which will be annexed to the officer's report of the inspection
- 3.7.4 After the event produce detailed reports of the management of the activity for submission at any debriefing meeting or sent to the club requesting action and/or explanations, to enable consideration to be given to further control and/or enforcement action.

PART FOUR

4.0 ROLES & RESPONSIBILITIES

- 4.0.1 The Rt Hon Lord Justice Taylor made the following recommendation in his Final Report following the inquiry into the Hillsborough Stadium Disaster;

"To assist the local authority in exercising its functions, it should set up an Advisory Group consisting of appropriate members of its own staff, representatives of the police, of the fire service and ambulance services and of the buildings authority."

- 4.0.2 Sheffield City Council decided that the Safety Advisory Group process would be managed by the licensing service and the relevant senior officer from licensing would Chair the meetings. The Council also stated that an officer of the Council responsible for Health & Safety must also be part of the group.
- 4.0.3 The role descriptions below are not an exhaustive list of duties for all different officers and agencies involved in the Safety Advisory Group. They are here to set out the core role of some of the officers / agencies that attend the meetings.
- 4.0.4 The officers that attend these meeting should have the authority and power to make relevant decisions at the meeting on behalf of their authority.

4.1 Role of the Chief Licensing Officer & Head of Licensing

- 4.1.1 To ensure that the Council's statutory duties in accordance with the Safety at Sports Grounds Act 1975 are properly discharged.
- 4.1.2 To manage the day to day activities (administration and enforcement) of the Council in relation to Safety at Sports Grounds.
- 4.1.3 To ensure that the Licensing Committee are kept informed of Safety at Sports Grounds activities, including writing and presenting reports on any amendments, alterations etc. to safety certificates.
- 4.1.4 To ensure the Safety Advisory Group undertakes activities as appropriate to determine the terms and conditions of any general or special safety certificate and monitor their implementation.
- 4.1.5 To ensure the Safety Advisory Group work within the terms of reference set out in Appendix A.
- 4.1.6 To ensure that membership of the Safety Advisory Group reflects the interests of all parties as recommended in the final report of Lord Justice Taylor (Final report by the Rt. Hon Lord Justice Taylor following the inquiry into the Hillsborough Stadium Disaster in 1989).
- 4.1.7 To act in a co-ordinating role for all members of the safety advisory group and be responsible for organising meetings and inspections as appropriate.

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- 4.1.8 To initiate prosecutions authorised by Sheffield City Council for breach of conditions of either a general or special safety certificate and / or any other offences under the Act.
- 4.1.9 To Chair the Safety Advisory Group where possible and to act as authorising signatory for the general and special safety certificates, prohibition notices, warning letters etc.
- 4.1.10 To nominate the Principal Licensing Officer (Sports Grounds) to act as his nominated deputy / representative in the discharge of the Councils duties outlined in this policy.

4.2 Role of the Principal Licensing Officer (Sports Grounds) – Lead Officer

- 4.2.1 To deputise for the Chief Licensing Officer and Head of Licensing as follows;
- chair meetings of the Safety Advisory Group as directed and ensure that decisions taken by the group are implemented;
 - organise meetings of the Safety Advisory Group;
 - co-ordinate and prepare agendas and supporting paperwork, take minutes and circulate to all members;
 - attend as directed on match days as appropriate to observe and understand the operation of the stadium and / or undertake inspections;
 - establish and maintain a filing system for safety advisory group documentation;
 - draft and issue warning letters, prohibition notices etc; and
 - keep the Chief Licensing Officer and Head of Licensing informed and up to date of all relevant issues etc.

4.3 Role of the Emergency Services (Police, Fire and Ambulance)

4.3.1 South Yorkshire Police

- attend Safety Advisory Group Meetings and advise on issues in relation to crowd management, public order and policing of and safety at sports grounds;
- assist the Council with the Safety Certification decision making process;
- monitor by means of attendance at the stadium / event and observation of the provision of safety measures provided by the club / organisation in terms of stewarding effectiveness and provision of police services;
- to provide specialist advice from a police perspective at all stages of any development, alteration or redevelopment of a sports ground;
- to provide specialist advice in relation to the pre planning for football fixtures, concerts and other events; and
- undertake an annual inspection / review of the stadium / safety certificate and attend annual review meetings.

4.3.2 South Yorkshire Fire and Rescue

- attend Safety Advisory Group Meetings and advise on fire safety matters including all ingress and egress to and from sports grounds, concerts and events, capacities etc;
- also advise on issues such as width of exit routes, staircases, gates and vomitories, provision of fire fighting equipment, fire alarms, shutters, signage etc.
- assist the Council with the Safety Certification decision making process;
- to provide specialist advice from a fire and rescue perspective at all stages of any development, alteration or redevelopment of a sports ground;
- to provide specialist advice in relation to the pre planning for football fixtures, concerts and other events;
- undertake an annual inspection / review of the stadium / safety certificate and attend annual review meetings; and
- select fixtures and arrange pre match and during performance inspections at each stadium and report findings to Chair of Safety Advisory Group.

4.3.3 Yorkshire Ambulance Service

- attend Safety Advisory Group Meetings and advise on medical and first aid related matters;

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- to provide specialist advice from a medical perspective at all stages of any development, alteration or redevelopment of a sports ground;
- attend the stadium on match days as part of the stadium control staffing and observe and understand the operation of the stadium in relation to medical and first aid issues;
- undertake an annual inspection / review of the stadium / safety certificate and attend annual review meetings; and
- select fixtures and arrange pre match and during performance inspections at each stadium and report findings to Chair of Safety Advisory Group.

4.4 Role of the Sports Grounds Safety Authority (SGSA),

- keep under review the discharge by the local authority of their statutory functions under the Safety at Sports Grounds Act 1975;
- offer guidance on good practice relating to safety advisory groups and safety certification;
- attend safety advisory group meeting where invited;
- attend the annual inspection review meetings where possible; and
- offer advice and guidance on crowd management and safety issues.

4.5 Role of the Health Protection Service

- attend meetings and advise on health and safety related matters;
- undertake an annual inspection / review of the stadium / safety certificate and attend annual review meetings;
- to provide specialist advice from a health & safety perspective at all stages of any development, alteration or redevelopment of a sports ground; and
- attend on selected match days and undertake pre match and during performance inspections and report findings to the Chair of the Safety Advisory Group.

4.6 Role of Building Standards Officer

- attend meetings and advise on building control matters including all ingress and egress to and from the sports ground, pop concerts and events as well as capacities and structural safety;
- also advise on issues such as width of exits routes, staircases, gates, vomitories and circulation areas and compliance with Buildings Act;
- assist the Council with the Safety Certification decision making process;
- to provide specialist advice from a building control perspective at all stages of any development, alteration or redevelopment of a sports ground;
- to provide specialist advice in relation to the pre planning for football fixtures, concerts and other events;
- undertake an annual inspection / review of the stadium / safety certificate and attend annual review meetings; and
- select fixtures and arrange pre match and during performance inspections at each stadium and report findings to Chair of Safety Advisory Group.

4.7 Role of the Safety Officer / Certificate Holder

- nominate a safety officer to represent the certificate holder
- to be responsible for the safe operation of the sports ground including crowd safety, movement, segregation, entering, exiting, ticketing, stewarding and all other safety matters at the stadium;
- to manage and co-ordinate any works raised as part of the annual inspection process;
- to bring to the attention of the lead officer and/or responsible person any observations of concern in relation to technical equipment e.g. turnstile operation, cctv, lighting etc.
- to ensure that all terms and conditions of the General Safety Certificate and/or Special Safety Certificate are complied with;
- to provide any information as requested and/or as contained in the terms and conditions of the certificate to the Safety Advisory Group and/or Sheffield City Council;
- to notify the local authority in writing of any potential developments, proposals, changes or proposed installations including temporary demountable structures at the sports ground;

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- to action any recommendations or requirements of the Safety Advisory Group and/or Sheffield City Council; and
- to attend all meetings of the Safety Advisory Group.

PART FIVE

5.0 General

- 5.1 This policy will be reviewed constantly to ensure it is kept up to date and will be reviewed formally every twelve months
- 5.2 This policy and all other associated documentation will be made available electronically on the City Council website.
- 5.3 A copy of the policy and safety certificates will be circulated electronically to all Safety Advisory Group members.
- 5.4 The Chair of the Safety Advisory Group will monitor the group's performance against the above aims / objectives and will consult with the Sports Grounds Safety Authority as to whether those aims / objectives have been achieved and/or maintained throughout the year.

APPENDIX "A"**Safety Advisory Group
Terms of Reference
(TOR)**

1. To ensure that all stadiums, regulated stands, other grounds, concerts, festivals and events are managed in accordance with the law, statutory regulations and any guidance that may have been issued;
2. The Safety Advisory Group will be Chaired by the Chief Licensing Officer & Head of Licensing or in his absence the Principal Licensing Officer responsible for sports grounds;
3. All meetings will have an agenda and be minuted with all actions recorded and monitored;
4. Minutes of the previous meeting will be first business on the each agenda;
5. The safety advisory group will meet in accordance with minimum requirements set out in paragraph 2.5.1 above;
6. The safety advisory group will:-
 - a. Give its advice, guidance and support to those involved in the management of sports stadiums, regulated stands, concerts and events within it's district;
 - b. Consider all applications made to the certifying authority for alterations/amendments etc. to the stadium or its safety certificate;
 - c. Inspect and approve any alterations/amendments to the stadium and/or safety certificate once they have been completed;
 - d. Consider and respond to any complaints made to the certifying authority with regard safety advisory group process;
 - e. Carry out an annual inspection of each stadium;
 - f. Carry out an annual review of each safety certificate.
7. The certifying authority will undertake routine, pre match and during performance inspections of each stadium;
8. The certifying authority will be responsible for enforcing the conditions of the safety certificate;
9. Results of any inspections undertaken by the Police, Fire & Rescue, Ambulance Service, Building Standards and /or Health Protection will be sent to the Chair of the Safety Advisory Group and copied to the relevant Safety Officer at the stadium; and
10. To promote safety at all events and the continual improvement of standards.
11. This document will form part of the Safety Certification Policy Document and will be reviewed every twelve months



SHEFFIELD CITY COUNCIL Committee Report

Report of: Chief Licensing Officer, Head of Licensing

Date: Tuesday 4th June 2013

Subject: Enforcement Policy

Author of Report: Steve Lonnia
Chief Licensing Officer & Head of Licensing

Summary: To inform and update members with regards the process of publishing an enforcements policy specific to designated stadiums, regulated stands, other grounds, concerts, festivals and other events.

Recommendations: To approve the policy document

Background Papers: None

Category of Report: OPEN

REPORT OF THE CHIEF LICENSING OFFICER & HEAD OF LICENSING

Safety of Sports Grounds Act 1975 (As Amended)

June 2013

Enforcement Policy

1.0 Summary and Purpose of Report

- 1.1 To inform and update members with regards to the process of publishing an enforcement policy specific to designated stadiums, regulated stands, other grounds, concerts, festivals and other events.
- 1.2 To confirm the decision of the Chief Licensing Officer & Head of Licensing and approve the enforcement policy attached at Appendix "A".

2.0 Background

- 2.1 As members will be aware the service has a statutory responsibility under the Safety of Sports Grounds Act 1975 (1975 Act), the Fire Safety and Safety at Places of Sport Act 1987 (1987 Act) and the Licensing Act 2003 (2003 Act) to enforce the provisions of the Act and any conditions attached to certificates / licences and permissions etc.
- 2.2 As a matter of "Best Practice" it was agreed that we establish a separate enforcement protocol for sports grounds and events etc.
- 2.3 The policy has been drafted following consultation with the Sports Grounds Safety Authority, Safety Advisory Group and all the relevant stadiums and organisations.

3.0 Legislation

- 3.1 All enforcement activities have to be conducted in compliance with the statutory powers of the officer and the relevant legislation including but not limited to the Police & Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, Human Rights Act 1998, Regulatory Investigatory Powers Act 2000, Criminal Justice and Police Act 2001 and the Crime & Disorder Act 1998 and any associated regulations and codes of practice.

3.2 The policy has been written and our principles informed by the Regulators Compliance Code, the Enforcement Concordat and the Guidance of the Local Better Regulation Authority (LBRO).

4.0 Sports Grounds Safety Authority

4.1 The Sports Grounds Safety Authority previously known as the Football Licensing Authority are responsible for monitoring / auditing the local authority in its role as the certifying authority under the 1975 Act and 1987 Act.

4.2 The local inspector for the Sports Grounds Safety Authority was involved in the review process and has assisted with the review of the policy.

4.3 The policy has been written and informed by the Sports Grounds Safety Authority Guidance.

5.0 Safety Advisory Group

5.1 The safety advisory group were involved and consulted during the drafting of the policy document.

5.2 The safety advisory group have approved the policy.

6.0 Delegated Authority

6.1 The Council has delegated its powers for the safety certification of sports grounds under the 1975 Act and the 1987 Act to The Chief Licensing Officer & Head of Licensing through the Licensing Committee if necessary.

6.2 The delegated powers allow for the designated Council Officer above to issue and amend General Safety Certificates etc.

6.3 Licensing is the lead department for the Local Authority with regards to the safety certification process.

7.0 The Policy

7.1 The policy clearly sets out the principles of good regulation and that we recognise that our regulatory activities should be carried out in a way that is proportionate, accountable, consistent, transparent and targeted.

7.2 The policy in paragraphs 7.2 to 7.7 sets out the key enforcement options that are available to us and how we will interpret and use each option.

- 7.3 The document also clearly sets out how decisions on enforcement will be taken and who those decisions may involve.
- 7.4 Paragraph 12 of the policy sets out our commitment to continually monitor and review the policy.

8.0 Recommendation

- 8.1 That members approve the attached policy

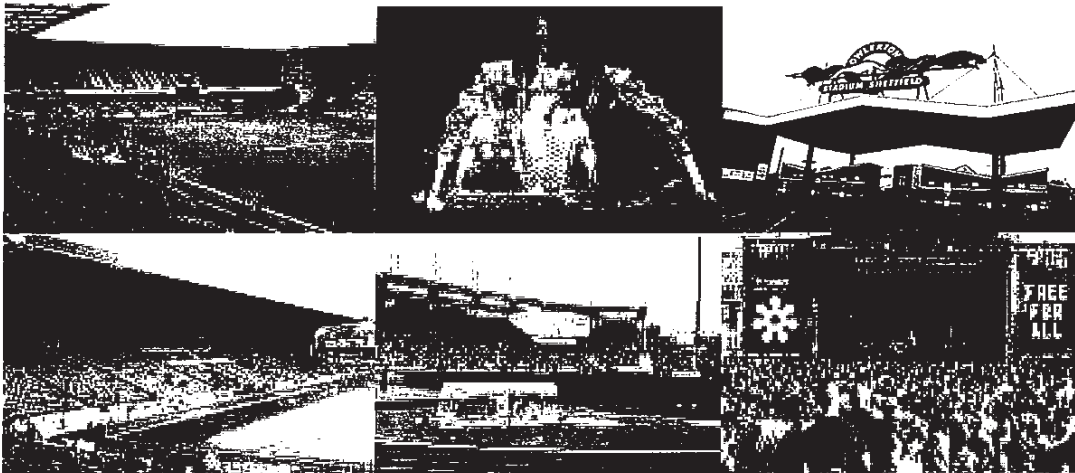
Stephen Lonnia
Chief Licensing Officer & Head of Licensing
Licensing Service
Place Portfolio
Staniforth Road Depot, Staniforth Road,
Sheffield, S9 3HD

June 2013

Sheffield
City Council



Enforcement Policy



Covering designated stadiums, regulated stands, other grounds, concerts, festivals and other events

Date of issue: April 2013

Version No: 1.0

Date of last review: March 2013

Date of next review: March 2014

Document Author: Steve Lonnia

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1.0 INTRODUCTION

- 1.1 This document sets out what designated sports stadiums, regulated stands, certificate and licence holders and other grounds or events that fall within the remit of the Safety Advisory Group process can expect from Sheffield City Council's Licensing Service and their licensing officers with regards to enforcement.
- 1.2 It commits the service to good enforcement practice with effective procedures and clear policies.
- 1.3 The document has been written with regard to current principal legislation, associated regulations and statutory guidance.
- 1.4 The service is required to have regard to the principles of good regulation and we recognise that our regulatory activities should be carried out in a way which is:-
 - Proportionate;
 - Accountable;
 - Consistent;
 - Transparent; and
 - Targeted
- 1.5 The policy has also been prepared having regard to The Enforcement Concordat: Good Practice for England and Wales and the Principles of Good Enforcement: Proportionality and Consistency as well as the Human Rights Act 1998 and the Code for Crown Prosecutions.
- 1.6 We recognise that prevention is better than cure, but where it becomes necessary to take formal enforcement action we will do so. There is a wide range of tools available to us as an enforcement agency. The actions we make take include:-
 - No Action
 - Informal Warning
 - Prohibition Notice
 - Reduction in Capacity
 - Simple Caution
 - Prosecution
- 1.7 When considering enforcement action we will where appropriate and reasonably practicable discuss the circumstances with the stadium(s) / individual(s) concerned before deciding on the best approach. This paragraph does not apply where immediate action is required or to do so would defeat the purpose of the proposed enforcement action.

2.0 LEGAL STATUS OF THIS ENFORCEMENT POLICY

- 2.1 The Licensing Committee approved this policy on
- 2.2 The Cabinet Member for Licensing approved the policy on
- 2.3 The Safety Advisory Group approved the policy on
- 2.4 This policy is intended to provide guidance for licensing officers, designated sports stadiums, regulated stands, certificate and licence holders and other grounds or events that fall within the remit of the Safety Advisory Group process.

3.0 SCOPE AND MEANING OF ENFORCEMENT

- 3.1 This policy applies to all designated sports stadiums, regulated stands, certificate and licence holders and other grounds or events that fall within the remit of the Safety Advisory Group process..
- 3.2 Enforcement includes any criminal or civil action taken by the licensing service aimed at ensuring designated sports stadiums, regulated stands, certificate and licence holders and other grounds or events that fall within the remit of the Safety Advisory Group process
- 3.3 It is intended that this policy will enable licensing officers will interpret and apply legal requirements and policies fairly across all like regulated entities in similar situations. It also aims to ensure licensing officers interpret and apply their legal responsibilities and policies consistently and fairly.

4.0 HOW TO OBTAIN A COPY OF THE POLICY OR MAKE COMMENTS

- 4.1 This Policy is available to view and/or download on the Sheffield City Council website at <http://www.sheffield.gov.uk>
- 4.2 If you would like a paper copy of this Policy and/or you would like to make comment on the Policy please contact us by:-
 - Emailing; general.licensing@sheffield.gov.uk
 - Writing to; The Licensing Service, Sheffield City Council, Block C, Staniforth Road Depot, Staniforth Road, Sheffield, S9 3HD
 - Telephoning; 0114 203 7752

5.0 GENERAL PRINCIPLES

- 5.1 Our principles are informed by The Regulators Compliance Code, the Enforcement Concordat and the Guidance of LBRO in relation to how to apply these documents.
- 5.2 Prevention is better than cure and we intend to work pro-actively to advise, support and assist with compliance and best practice.

- 5.3 We will take formal action where it becomes necessary and appropriate to do so.
- 5.4 Each and every case will be considered upon its own individual merits no matter which enforcement option is available.
- 5.5 All enforcement decisions will be fair, independent and objective. They will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views, or sexual orientation. Any such decisions will also not be affected by improper or undue pressure from any source.
- 5.6 Sheffield City Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 5.7 All enforcement activities, including investigations and formal actions, will always be conducted in compliance with the statutory powers of the officer and all other relevant legislation, including but not limited to the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996, the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000, Criminal Justice and Police Act 2001, and the Crime and Disorder Act 1998 and in accordance with any formal procedures and codes of practice made under this legislation in so far as they relate to the City Councils enforcement powers and responsibilities.
- 5.8 This Policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code. In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

6.0 NOTIFYING ALLEGED OFFENDERS

- 6.1 If we receive information, for example from a complainant, that may lead to formal enforcement action against a company or individual we will notify that company or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public or where notification would defeat the purpose.
- 6.2 During the progression of enforcement investigations or enforcement actions, companies, individuals and witnesses will be kept informed of progress.
- 6.3 Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.

7. ENFORCEMENT ACTION

7.1 The available enforcement options are;

- No Action
- Informal Warning
- Prohibition Notice
- Reduction in Capacity
- Simple Caution
- Prosecution

7.2 No Action

7.2.1 In certain circumstances, contraventions of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the City Council outweighs the detrimental impact of the contravention on the public.

7.2.2 A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances. In such cases we will advise the offender and the complainant of the reasons for taking no action.

7.3 Informal Warning

7.3.1 Informal warnings would be an option where the transgression is not too serious and:-

- it is thought that informal action will achieve compliance;
- safety management being displayed is reasonably high and this method of enforcement will achieve the desired result;
- consequence of non-compliance will not pose a significant risk to health and/or safety of the public, and would only be a very short term issue.

7.3.2 Informal warnings may take the form of simple advice for example a verbal warning followed by a formal request for action in the form of letter, e-mail, or notice. The communication will contain all information necessary to ensure that the club/organisation knows what is required of them, why it is necessary and the timescales for completion.

The communication may:-

- indicate the regulations contravened and the measures that will achieve compliance with the legal requirements and that other means of compliance may be chosen;
- clearly indicate that recommendations of good practice are not legal requirements;
- clearly indicate the timescales for compliance.

7.4 Prohibition Notice

- 7.4.1 Section 10 of the 1975 Act enables the Council to issue a Prohibition Notice in respect of all or part of any sports ground if it considers that 'the admission of spectators to a sports ground or any part of a sports ground involves or would involve a risk to them so serious that, until steps have been taken to reduce it to a reasonable level, admission of spectators to the ground or that part of the ground ought to be prohibited or restricted'.
- 7.4.2 The Council needs to ensure that it can, if necessary be able to issue a notice in a very short space of time and without reference to senior officers or to members (see delegated powers). The issuing of a Prohibition Notice must be seen as a last resort and it can be appealed in a magistrate's court but prior to the hearing the Prohibition Notice stands.
- 7.4.3 Unlike the other provisions of the 1975 and 1987 Acts, the power to issue a Prohibition Notice applies to all sports grounds, as defined in section 17 of the 1975 Act, including those that are neither designated nor contain a regulated stand.
- 7.4.4 The Council has decided that when a Prohibition Notice is issued by the Chief Licensing Officer and Head of Licensing under delegated powers the club/organisation has the right of appeal to the Licensing Committee if necessary. Such an appeal would be processed and arranged as quickly as possible in order to assist the club.
- 7.4.5 If the Council considers and states in the notice that the risk to spectators is / or may be imminent then the notice takes effect as soon as it is served. In all other cases, it comes into force at the end of the period specified in the notice. The Council may amend or withdraw the notice at any time.
- 7.4.6 The notice should be clear as to what action is required to satisfy the notice and specify ways compliance can be achieved.

7.5 Reduction in Capacity

- 7.5.1 The Council can reduce the permitted capacity of all or part of a sports ground. This would be appropriate in the following situations:
- where an incident occurs that suggests that the management is performing unsuccessfully, the Council will review the (S) factor which affects the capacity of the ground. There may have been no incident but the performance of the management raises concerns re the control of the event;
 - where the Council's inspecting officers identify any deficiencies in the structure / fabric, equipment, records or management systems, which the authority has not already taken into account when accepting or calculating the permitted capacity, the (P) or (S) factor will be reviewed as appropriate.

- 7.5.2 The new capacity will be calculated having regard to the change in circumstances, and a new certificate will have to be issued (or an amendment to schedule 5 in the current certificate). Once the item causing concern has been rectified the capacity can be reassessed following assessment of the (P) or (S) factor.
- 7.5.3 The Council will follow the same procedures as during the routine annual review of the safety certificate for the setting of the (P) or (S) factor. It should invite the ground management to submit its proposed revised (P) or (S) factor, while reserving the right to overrule this if appropriate.
- 7.5.4 There is an onus on the Council to act reasonably and in accordance with due process, not least because the certificate holder has a right of appeal against any reduction in capacity.

7.6 Simple Caution

- 7.6.1 In appropriate circumstances, where a prosecution would otherwise be justified, a Simple Caution may be administered with the consent of the offender.
- 7.6.2 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.
- 7.6.3 For a Simple Caution to be issued a number of criteria must be satisfied:
- (a) Sufficient evidence must be available to prove the case.
 - (b) The offender must admit the offence.
 - (c) It must be in the public interest to use a Simple Caution.
 - (d) The offender must be 18 years or over.
- 7.6.4 We will also take into account whether the offender has received a simple caution within the last 2 years when determining whether a simple caution is appropriate for any subsequent offending.
- 7.6.5 If during the time the Simple Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.
- 7.6.6 The refusal of an offender to be cautioned does not preclude the matter being passed for prosecution. In fact, any such failure will be a material consideration when deciding whether the offender should then be prosecuted for that offence.

7.7 Prosecution

- 7.7.1 The decision to prosecute is extremely significant and must be related to the risk, it must be for a disregard for the safety certification / law. The process prior to any decision to prosecute must be to check if another enforcement option is more suitable e.g. Prohibition Notice.

- 7.7.2 Prosecutions should be undertaken as soon as possible and only if the Council is satisfied that there is relevant, admissible, substantial and reliable evidence that the offence has been committed by the defendant and that there is a realistic prospect of conviction.
- 7.73 The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases.
- 7.7.4 The Code for Crown Prosecutors has two tests:
- Is there enough evidence against the defendant? When deciding whether there is enough evidence to prosecute, the City Council must consider what evidence can be used in court and whether it is reliable. The City Council must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each defendant.
 - Is it in the public interest for the City Council to bring the case to court?
- 7.7.5 A prosecution will usually take place unless the public interest factors against prosecution clearly outweigh those in favour of prosecution.

8.0 DECISIONS ON ENFORCEMENT ACTION

- 8.1 Decisions about the most appropriate enforcement action to be taken are based upon those matters set out in Section 7 above.
- 8.2 Where appropriate, decisions about what enforcement action to take may involve consultation between:
- Investigating Officer(s)
 - Head of Licensing
 - Council's Legal Team.
- 8.4 The decision to prosecute a case will be taken by those with authority to do so in accordance with the City Council's Scheme of Delegations.

9.0 LIAISON WITH OTHER REGULATORY BODIES AND ENFORCEMENT AGENCIES

- 9.1 The licensing service will where appropriate, co-operate and co-ordinate with any relevant regulatory body and/or enforcement agency to maximise the effectiveness of any enforcement.
- 9.2 Where an enforcement matter affects/involves a wide range of authorities, organisations and services they will be informed of the matter as soon as possible.

9.3 The City Council will share intelligence relating to enforcement matters with other regulatory bodies and enforcement agencies, including:

- Police
- Fire Authority
- Ambulance Authority
- Statutory Authorities (Building Standards etc.)
- Sports Grounds Safety Authority
- Other Council Services

10.0 CONSIDERING THE VIEWS OF THOSE AFFECTED BY OFFENCES

10.1 The City Council undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decisions.

11.0 PROTECTION OF HUMAN RIGHTS

11.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

12.0 MONITORING AND REVIEW OF THIS POLICY

12.1 This policy will be monitored on a continual basis and will be formally reviewed annually. A copy of this policy is available at: www.sheffield.gov.uk