

Licensing Committee

Thursday 21 August 2014 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 Jenny Armstrong, Olivia Blake, David Barker, Nikki Bond, Jack Clarkson, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Anne Murphy, Josie Paszek, Vickie Priestley, Denise Reaney, Geoff Smith, Stuart Wattam and Cliff Woodcraft

PUBLIC ACCESS TO THE MEETING

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

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

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

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

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

If you require any further information please contact 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
21 AUGUST 2014**

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:-

10th, 17th, 20th (Committee), 24th, 25th and 27th February

3rd, 10th, 17th, 18th, 24th, 25th, 27th (Committee) and 31st March

3rd, 7th, 8th, 14th, 28th and 29th April

12th, 19th and 20th May

2nd, 3rd, 4th, 5th, 9th, 12th, 16th, 17th, 19th, 24th and 30th June and

1st July, 2014
- 6. Commons Act 2006 - Fee Setting – Landowner Statements under Section 15A**
Report of the Chief Licensing Officer.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Licensing Sub-Committee

Meeting held 10 February 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Jillian Creasy

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor George Lindars-Hammond.

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.06/14 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No.07/14 attended the hearing and addressed the Sub-Committee.
- 4.4 The applicant in Case No.08/14 attended the hearing and 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>
06/14	Application for a Private Hire Driver's Licence	Issue the applicant with a private hire driver's 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.

07/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no cause for concern. (NOTE: The Sub-Committee requested that the initial licence be issued with an extra four days on it).
08/14	Application for a 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 offences and convictions now reported, specifically the fact that the applicant is still under licence to the Court and (b) the responses provided to the questions raised.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 February 2014

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy and Adam Hurst

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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 four cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No.09/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.10/14 attended the hearing with a friend and they both addressed the Sub-Committee.

4.4 The applicant in Case No.11/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No.12/14 attended the hearing with a representative and they both 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>
09/14	Application to renew a Hackney Carriage Vehicle Licence	Grant a licence for the shorter term of six months in the light of the Sub-Committee's concerns regarding the age and condition of the vehicle and, subject to the licensee taking the

		vehicle for a vehicle test three times a year and the vehicle passing the tests first time on each occasion.
10/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
11/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light 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 renewals, an 18 month licence, subject to there being no further cause for concern.
12/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 20 February 2014

PRESENT: Councillors Clive Skelton (Chair), David Barker, Nikki Bond, Jillian Creasy, Roger Davison, Adam Hurst, George Lindars-Hammond, Denise Reaney, Stuart Wattam, Cliff Woodcraft and Joyce Wright

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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 Councillors Nikki Bond and Jillian Creasy declared an interest in Item 5 – Street Trading – Policy Amendment, as they both had worked closely with local constituents who work as street traders, and left the meeting before the consideration of that item.

4. MINUTES OF PREVIOUS MEETINGS

4.1 The minutes of the meetings of the Licensing Committee held on 12th December, 2013 and the Licensing Sub-Committee held on 9th, 10th, 16th, 17th, 19th and 23rd December, 2013 and 2nd January, 2014 were approved as correct records.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STREET TRADING - POLICY AMENDMENTS CONSULTATION

5.1 The Chief Licensing Officer submitted a report informing Members of the results of a consultation process recently undertaken in relation to mobile street trading which sits within the Street Trading Policy and seeking approval from the Committee on the proposed amendments and to update the policy to reflect the changes. The consultation letter issued to interested parties was attached at Appendix A to the report and responses from the consultees were attached at Appendix B.

5.2 In attendance for this item were Shimla Finch, Principal Licensing Officer, Mr. J. McNeil, Mr. P. Chafer and Mr. S. Ali (Street Traders).

5.3 Shimla Finch presented the report and stated that after the introduction of the Street Trading Policy in October, 2012, a number of concerns from local shopkeepers and mobile street traders had been received regarding the restrictions and/or conditions which had been placed on existing consents and the

impact from those that trade illegally or were in breach of their conditions.

- 5.4 Shimla Finch stated that a petition had been received asking the Council to relax the conditions imposed by the Policy and she said it was proposed to split the traders into two clear, distinct categories; one was for the sale of fruit and vegetables only and the other category was for the sale of ice cream and other proposed changes were listed in paragraph 3.1 of the report.
- 5.5 In response to questions from the street traders and Members, she stated that the proposals were not intended to be restrictive as there were alternative types of street trading consents that traders could apply for. She added that it was the aim of the Licensing Service to identify an effective system which would work throughout the City and that, if any further complaints were received, the Policy would be reviewed again.
- 5.6 RESOLVED: That the public and press and attendees 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.
- 5.7 The Solicitor to the Committee reported orally, giving legal advice on the various aspects of the report.
- 5.8 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That, following consideration of the report, approval be given to the amendments to the Street Trading Policy as outlined in the report.

6. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - DRIVERS'/APPLICANTS' MEDICAL REFERRALS POLICY

- 6.1 The Chief Licensing Officer submitted a report reviewing the current policy on the arrangements made for the frequency and standards of medicals for new applicants and current licensed drivers and on the arrangements for conducting driver medicals in the future.
- 6.2 In attendance for this item were Clive Stephenson, Principal Licensing Officer and Peter Davies, Aftab Ahmed and M. Yasin (GMB Trade Union Representatives), Hafeas Rehman, Z. Ahmed and M. Nisar (Sheffield Taxi Trade Association).
- 6.3 Clive Stephenson presented the report and outlined the current situation relating to the carrying out and frequency of medicals for drivers. He said that the current policy had been in place for five years, so it was now up for review.
- 6.4 Peter Davies referred to the comments made by Dr. Gill as set out in Appendix 3 of the report and expressed his disappointment that Dr. Gill had not attended the meeting as he would have liked to have had an opportunity to discuss with him his comments. Peter Davies added that he had carried out a survey amongst

members of the Trade Union and the outcome had been that there was a strong feeling that the current system is adequate and any change will place another financial burden on them.

- 6.5 Hafeas Rehman stated that he was not aware of any taxi drivers being taken ill whilst driving and that the issue was all about cost to the drivers and the financial gain to GPs. Hafeas Rehman believed that generally taxi drivers are much healthier these days and that perhaps a health awareness campaign might be helpful.
- 6.6 In response to questions from Members, Clive Stephenson stated that when a driver is taken ill, the only information received by the Licensing Service is whether the driver is "fit for work" or "not fit for work", because, due to patient confidentiality, no details of the illness can be passed on. He added that in his experience, only a small number of drivers had been found unfit for work and medical histories are kept on record. Clive Stephenson went on to add that the age group of drivers was dropping. A few years ago, the average age group was around 40 plus, now drivers tends to be in their 20's.
- 6.7 In response to further questions, Clive Stephenson stated that the Council have a list of doctors who conduct medicals to Group II DVLA standards. The DVLA document contains 40 pages and checks are carried out to vision, diabetes, blood pressure, heart disease etc. He added that during the past 20 years, only five drivers at the age of 45 or over had been suspended from driving following a referral from a doctor. He further added that medical examinations could not be carried out "in-house" as they had to be conducted by a fully qualified doctor.
- 6.8 RESOLVED: That the public and press and attendees be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 6.9 The Solicitor to the Committee reported orally giving legal advice on various aspects of the report.
- 6.10 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 6.11 RESOLVED: That, following consideration of the report now submitted, the Committee:-

(a) agreed to introduce the following new measures:-

- (i) due to the fact that all new applicants have to pass a medical before being granted a licence, on renewal of their licence, the drivers be requested to fill out a health declaration form which states that as far as they are aware, they are medically fit to drive;
- (ii) that if a driver falls ill, it will be the responsibility of the driver to

inform the Licensing Service, within 14 days, of the illness; and

(b) requested officers to carry out a more detailed consultation on this matter with other Local Authorities and submit their findings to a meeting of this Committee in six months' time.

7. PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING - IMAGE RECORDING EQUIPMENT (CCTV) IN LICENSED VEHICLES

- 7.1 The Chief Licensing Officer submitted a report providing details of the results of the recent consultation which had been carried out, as requested at the meeting of the Committee in May 2013, with regard to a mandatory CCTV in licensed vehicles Policy.
- 7.2 In attendance for this item were Clive Stephenson, Principal Licensing Officer and Peter Davies, Aftab Ahmed and M. Yasin (GMB Trade Union Representatives), Hafeas Rehman, Z. Ahmed and M. Nisar (Sheffield Taxi Trade Association).
- 7.3 Clive Stephenson presented the report and stated that many consultation meetings had been held throughout last year and that the consultation was now complete.
- 7.4 Members from the Trade Union and Taxi Trade Association made it clear that they were set against this policy as they feel it would be intrusive on their private lives and that tracking systems are in place so that both drivers and customers are safe.
- 7.5 In response to questions, Clive Stephenson stated that following reported incidents, CCTV would not have been of any benefit at all and there is a very good procedure in place should there be any cause for complaint. He added that there is currently a Bill going through Parliament asking for the implementation of a mandatory condition that all licensed private hire vehicles and hackney carriages are fitted with CCTV and if the Bill becomes legislation, the Local Authority would have to implement it.
- 7.6 RESOLVED: That the public and press and attendees 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.
- 7.7 The Solicitor to the Committee reported orally, giving legal advice on various aspects of the report.
- 7.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 7.9 RESOLVED: That, following consideration of the report now submitted, the Committee agrees that the current voluntary policy relating to image recording equipment (CCTV) in licensed vehicles is satisfactory and therefore agrees to

make no changes to that policy.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 February 2014

PRESENT: Councillors Clive Skelton (Chair), Neale Gibson and Joyce Wright

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Nikki Sharpe.

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. 38/13 did not attend the hearing.
- 4.3 The licence holder in Case No. 13/14 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>
38/13	Application for a new Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application and inform the applicant that the application will be considered at a meeting of the Sub-Committee in four weeks' time
13/14	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 as the Sub-Committee considers that, in the light of the number and nature of the offences and convictions now reported, and the

responses to the questions raised, the licence holder is no longer a fit and proper person to hold a licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 February 2014

PRESENT: Councillors Clive Skelton, Neale Gibson and Cliff Woodcraft

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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 - FUEL (FKA THE BOARDWALK) AND TWIST (FKA UNDER THE BOARDWALK), 39 SNIG HILL, SHEFFIELD S3 8NA

- 4.1 At the start of the meeting, it was decided that both cases be considered at the same time.

- 4.2 The Chief Licensing Officer submitted two reports to consider an application for the variation of premises licences, made under Section 35 of the Licensing Act 2003, in respect of Fuel (fka The Boardwalk) and Twist (fka Under the Boardwalk), 39 Snig Hill, Sheffield S3 8NA.

- 4.3 Present at the meeting were Peter Downing, Tim Gaubert, Patrick Herbert and David Staniland (Objectors), Patrick Robson (Solicitor acting on behalf of Mr. Staniland), Chris Colcomb and Jason Turner (Applicants) and Abigail Hickinbottom (Counsel for the Applicants), Neal Pates (Environmental Protection Service), Matt Proctor (Senior Licensing Officer), Clive Stephenson (Principal Licensing Officer), Marie Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

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

- 4.5 Matt Proctor presented the report to the Sub-Committee and it was noted that two objections had been received and were attached at Appendix D to the report. Mr. Proctor added that various conditions have been agreed with the Environmental Protection Service and the representation was withdrawn. Relevant correspondence was attached to the report at Appendix C, with the agreed conditions outlined on page C1 to the Appendix.

- 4.6 Patrick Robson, Solicitor acting on behalf of Mr. Staniland, who is the landlord of an apartment adjacent to the premises, stated that the proposal to serve alcohol into the early hours of the morning on weekdays and until 6.00 a.m. at weekends, could pose a very real and significant threat to the wellbeing and safety of persons living in the apartments, causing excessive noise, public nuisance and possible anti-social behaviour by people entering, leaving or congregating and smoking outside the apartments. Mr. Robson added that the building is a listed building within the Bank Street Conservation Area so there are restrictions on modifications to windows, preventing them from being double glazed or shuttered.
- 4.7 Patrick Robson went on to state that whilst his client is not against the night-time economy, public nuisance can be caused to those living and working within the area and that similar bars within the city centre do not have residential properties nearby. He requested that the conditions contained within the Licensing Policy are strictly adhered to, and that further conditions be placed on the licence i.e. that queuing for entrance into the club does not take place along Bank Street, but down Snig Hill; that there is a specific "last entry" time; a designated smoking area to the rear of the premises and clarity on the dispersal policy and refuse collection.
- 4.8 In response to questions from Members of the Sub-Committee, David Staniland responded by stating that the building had only recently been converted into apartments and the first tenancy was to commence on the 1st March. He added that he had insulated the exterior walls and windows with acoustic materials, and had had to commission a 72-hour sound survey as a condition of being granted planning permission by the Environmental Protection Service. He further added, that at the time of purchasing the premises, the nightclub was never very busy and he did not think it would cause any problems.
- 4.9 Tim Gaubert, of Favell, Smith and Lawson, Solicitors, stated that the Solicitors currently trade from Number 16 Bank Street. He said that he fully supports the objections made by Mr. Staniland and his main concern is regarding noise, as his firm regularly see clients during office hours, and if there was a significant increase in noise levels during the day, it would be very distracting to both parties. He asked for clarification on the hours of operation during the day and if there was to be a designated smoking area, where it was to be situated as the office block backed onto the rear of the premises. He went on to add that his firm are considering possible redevelopment of their offices into residential premises and that this application for Fuel and Twist could have a significant bearing on this.
- 4.10 Patrick Herbert, objector, stated that he worked for a company called Jaguar Estates, property developers and investors and are looking to convert into residential use number 18-20 Bank Street, which was a listed building. He further stated that changes to the law passed through Parliament last year, allow for office use to be converted relatively easily and that office use is no longer a primary aspect in the city centre, and more properties are being considered for residential use. He also concurred with the objections previously stated.
- 4.11 David Staniland then asked the Environmental Protection Officer present for clarification regarding the differing postcodes of adjacent premises, i.e. Snig Hill is

S3 and Bank Street is S1 and whether this had any bearing on planning applications.

- 4.12 Neal Pates, Environmental Protection Officer stated that he felt confident that any of the issues raised had been resolved, that he was not aware of any planning applications pending, and that the conditions agreed with his Service were appropriate to prevent public nuisance. If problems arose regarding noise nuisance and complaints were received, there would be a review of the licence.
- 4.13 At this stage in the proceedings, Abigail Hickinbottom, Solicitor for the applicants, asked for a short adjournment whilst she consulted with the applicants regarding information that had arisen during the meeting. An adjournment of 15 minutes was agreed and Abigail Hickinbottom, Chris Colcomb and Jason Turner left the room.
- 4.14 Abigail Hickinbottom, Chris Colcomb and Jason Turner then returned and the meeting re-commenced.
- 4.15 Abigail Hickinbottom said that, during the adjournment, her clients had agreed the following conditions:-
1. Text/ Radio pagers must be in use at all times door supervisors are deployed. The pager link will be activated, made available and be monitored by the Designated Premises Supervisor (DPS) at all times that the premises are open to the public. All instances of crime and disorder will be reported via text/ radio pager link by the DPS or nominated representative to an agreed Police contact point.
 2. No customers carrying open or sealed vessels shall be admitted to the premises at any time that the premises are open to the public.
 3. Once an hour after 00:00, a staff member or door supervisor will make external sweeps to check that noise from the premises is not audible.
 4. No externally mounted wall speakers permitted.
 5. All doors and windows will be kept closed after 22:00 except for the purposes of access and egress and in the event of an emergency.
 6. Telephone numbers for taxi firms will be displayed in prominent locations.
 7. Staff and/or door supervisors will ensure that people do not congregate outside the premises.
 8. Smokers will be requested not to congregate on Bank Street.
 9. No drinks in open containers shall be taken off the premises or beyond the doors located on Bank Street.
 10. In the case of Fuel, at all times, and in the case of Twist on Fridays and Saturdays, at least 1 door supervisor per 100 customers or part thereof will be

deployed from 21:00 until 15 minutes after the premises close. A minimum of 2 door supervisors will be deployed from 22:00. Door supervisors will use a counting device to determine the level of customers within the premises and monitor and manage occupancy levels.

A minimum of 2 door supervisors will be located at each point of exit 30 minutes prior to the premises closing until 15 minutes after the premises closes in order to aid the swift dispersal of customers away from the area. Door supervisors will request dispersing customers to be mindful of the nearby noise sensitive premises.

The Applicant also amended their application so that it was to cover on sales only and the sale of alcohol would cease at 05:30.

- 4.16 Abigail Hickinbottom stated that the applicants had applied for the variation to the licence so that the nightclub could be competitive with other clubs in the city centre and said that due to the location of the premises, as had been alluded to, it was not the case of a nightclub moving into a residential area, but the other way round as the premises had been run as a nightclub over a significant number of years.
- 4.17 Chris Colcomb, Group Manager, Forbidden Leisure Limited, then addressed the hearing and stated that he had operated similar types of business in Hull and Nottingham over a number of years, and in similar locations to this, where there were residential properties within 10 metres of the licensed premises and he had always worked closely with local businesses, residents and local authorities to ensure that there was no nuisance caused, but if complaints were received, they were resolved as soon as possible. He added that in Nottingham, the mobile phone number of the bar manager was made available to local residents so that if there was any cause for complaint, the manager would be made instantly aware of it and could act appropriately.
- 4.18 In response to questions from Members of the Sub-Committee, Chris Colcomb stated although the current licence for the premises is from 10.00 a.m., there is no intention to open the bar during the day, but it would be open daily from 5.00 p.m. He added that there is to be a designated smoking area at the rear of the property which would enable the door staff to supervise and check it regularly. Chris Colcomb felt that due to the bar closing at 6.00 a.m., large numbers would not be leaving at one specific closing time, but would be more staggered and that the music level would be reduced nearer closing time. Chris Colcomb informed members that an experienced Designated Premises Supervisor was moving to Sheffield from Hull and that all the door staff employed by the company were in-house staff and not hired from an agency.
- 4.19 In response to comments and questions from the objectors, Chris Colcomb informed the hearing that it was intended that Fuel would be open for four days per week and Twist would be open seven days per week and the number of door staff would be dependent upon the number of persons inside both premises and that door staff would encourage customers to queue down Snig Hill, and not along Bank Street. He also added that no bins would be emptied during the night

and that he would try to arrange for deliveries and refuse collections to be at the best possible times during the day for all concerned.

- 4.20 Matt Proctor reported on the options open to the Sub-Committee.
- 4.21 RESOLVED: That the public and press and attendees 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 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.22 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.23 RESOLVED: That, following consideration of the information contained in the report now submitted, and the representations now made, the application for the variation of the premises licence in respect of Fuel (fka The Boardwalk) and Twist (fka Under the Boardwalk), 39 Snig Hill, Sheffield S3 8NA, be granted in the terms requested, subject to the conditions agreed with the responsible authorities and the following additional conditions:-
- (a) no customers shall be permitted entry after 03:30;
 - (b) internal bottle bins will not be emptied after 23:00 and before 09:00 Monday to Friday and 10:00 Saturday to Sunday; and
 - (c) in relation to Twist, existing condition numbers 2, 4, 5, 6 and 8 are duplicitous and are to be removed. In relation to Fuel condition numbers 2, 4, 5, 6, 8, 9 and 12 are duplicitous and are to be removed.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 27 February 2014

PRESENT: Councillors Clive Skelton (Chair), George Lindars-Hammond and Joyce Wright

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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 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. SCRAP METAL DEALERS ACT 2013 - COLLECTOR'S LICENCE APPLICATION

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Scrap Metal Dealers Collector's Licence made under Section 1(1) of the Scrap Metal Dealers Act 2013 (Case No. 07/14).
- 4.2 Present at the meeting were the applicant, the applicant's partner, two objectors, Peter Vickers (Development Services), Andy Ruston (Senior Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 The Chair 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 three people, comprising two objections and comments, and were attached at Appendix 'B' to the report.
- 4.5 The objectors made representations and responded to questions from the applicant, Members of the Sub-Committee and Marie-Claire Frankie. As part of the representations, a number of photographs were circulated and viewed by the Sub-Committee. Peter Vickers commented on the concerns of the Highway Licences and Regulation Service also responded to questions from the applicant and Marie-Claire Frankie.

- 4.6 The applicant and his partner addressed the Sub-Committee, providing information in connection with the application, and responding to questions raised by the objectors, Members of the Sub-Committee and Marie-Claire Frankie.
- 4.7 RESOLVED: That the attendees involved in the application for a Scrap Metal Dealers Collector's 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 Marie-Claire Frankie 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 a Scrap Metal Dealers Collector's Licence be granted in the terms now requested (Case No. 07/14).

(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 3 March 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Jillian Creasy

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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. 14/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 15/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 16/14 attended the hearing and 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>
14/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for nine months, subject to the successful completion of the BTEC Level 2 Certificate 'The Introduction to the Role of Professional Private Hire and Taxi Driver' and (b) on the first renewal, authority be given to grant the applicant a 12 month licence

and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

15/14	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 the light of the specific offence and conviction now reported.
16/14	Application to renew a Private Hire and Hackney Carriage Driver's Licence	(a) Grant a licence for the shorter term of nine months in the light of the offences and convictions now reported and, on the first renewal, authority be given to grant the applicant an 18 month licence, subject to there being no further cause for concern, and (b) the licence holder be given a written warning as to his future conduct, to remain on his licence for a period of 12 months.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 10 March 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Jillian Creasy

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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. 17/14 attended the hearing and addressed the Sub-Committee.

4.3 The applicant in Case No. 18/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 19/14 did not attend the hearing and the Sub-Committee considered the application in his absence.

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

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
17/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

18/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
19/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the term of the applicant's current DVLA driving licence and, on any subsequent renewal and subject to there being no further cause for concern, authority be given to grant a licence for 18 months.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 March 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Adam Hurst

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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. 20/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 21/14 did not attend the hearing.

4.4 The licence holder in Case No. 22/14 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>
20/14	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 the specific offence and conviction now reported.
21/14	Application for a first Hackney Carriage and	Defer consideration of the case for a period of one month, due to the applicant

	Private Hire Driver's Licence	being unable to attend due to personal circumstances.
22/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months in view of the offence 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 written warning as to his future conduct, which would remain on his file for the duration of the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 18 March 2014

PRESENT: Councillors Clive Skelton (Chair), George Lindars-Hammond and
Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Jillian Creasy 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 - GREEN CITY COFFEE, UNIT 1, KELHAM ISLAND, SHEFFIELD, S3 8SD

- 4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD.
- 4.2 Present at the meeting were James Green (Applicant), Matt Proctor (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 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from two local residents, and were attached at Appendix 'B' to the report. Although they had been invited, neither resident attended the hearing.
- 4.5 James Green stated that the premises was currently operating as a coffee shop/delicatessen and that he was applying for the Premises Licence in order to expand the business and provide customers the opportunity of consuming alcohol with their food. In terms of his staff, he stated that two members held Personal Licences and one had undertaken the relevant Security Industry Authority (SIA) training. Mr Green stated that he wanted to provide an enhanced service for people living and working in the surrounding area.

- 4.6 In response to questions from Members of the Sub-Committee and Kavita Ladva, Mr Green stated that there were a number of pubs within walking distance of the premises, which all opened considerably later than his premises. The premises had a capacity of 40 and was open seven days a week. The majority of his customers were local residents or people who worked in the area as there was limited car parking for those customers travelling from outside the area. He only planned to have occasional live music at the premises, as well as during festivals/events held in the City, such as Tramlines, the Victoria Market and this year's Tour De France. To date, he had not received any complaints of noise nuisance, despite the fact that he had held four temporary events at the premises. Mr Green confirmed that he was the Designated Premises Supervisor and stated that, whilst there could be incidences of customers dancing in the premises, there was no designated dance floor, nor would the premises encourage this on a regular basis. There was a reasonably sized veranda to the front of the premises, the doors to which were generally closed early evening, apart from when it was very warm during the Summer months. He confirmed that he had all the relevant background information in terms of the Challenge 21 scheme, and that all his staff had the relevant experience in terms of working in the licensing trade. Following a suggestion by the Chair, he also confirmed that he would contact Julie Hague, Sheffield Safeguarding Children Board, to discuss this, and any other queries he had regarding safeguarding issues. The area surrounding the premises comprised a mix of residential and business accommodation, with a potential for further expansion. With regard to the representations made by the two local residents, specifically the concerns relating to a potential increase in anti-social behaviour, Mr Green confirmed that there had been no problems in terms of public safety or public nuisance in or outside the premises. He made the point that the premises closed at 22:30 hours, at which point a number of his customers moved on to one of the public houses in the area. Mr Green confirmed that he was satisfied with the licence conditions he had agreed with the Environmental Protection Service and the Health Protection Service. Mr Green concluded by stating that whilst he had acted in the capacity of an agent in terms of the sale of the flats above the premises, he was not the owner, and would receive no income from the sale of the flats.
- 4.7 James Green summarised his application.
- 4.8 Matt Proctor outlined the options open to the Sub-Committee.
- 4.9 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.10 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee agrees to grant the Premises Licence in respect of Green City Coffee, Unit 1, Kelham Island, Sheffield, S3 8SD, in the terms requested and subject to the agreed conditions and the additional condition, as follows:-

A colour CCTV system, to the specification of South Yorkshire Police, will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and the Police and authorised officers of the Council will be given access to the images for purposes in connection with the prevention and detection of crime and disorder.

(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 24 March 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Neale Gibson

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 38/13 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No. 23/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.4 The applicant in Case No. 24/14 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>
38/13	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 the light of (a) the offences and convictions now reported and (b) the view that he had not yet taken

sufficient action to prove that he was a fit and proper person to hold a licence.

23/14	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 the light of (a) the offences and convictions now reported and (b) the view that he had not yet taken sufficient action to prove that he was a fit and proper person to hold a licence.
24/14	Application for a Private Hire and Hackney Carriage 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 the offences and the convictions now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 25 March 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Adam Hurst

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

4.1 The Chief Licensing Officer submitted a report to review a Mobile Street Trading Consent (Ref.10/14) following several breaches of the conditions by the consent holder.

4.2 Present at the meeting were Nasar Ahmed (Consent Holder), Mr. Abdul (Consent Holder's Solicitor), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (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 the consent holder had been observed breaching the conditions attached to his Mobile Street Trading Consent on three separate occasions. Copies of letters which had been sent to Mr. Ahmed were attached at Appendices "B" and "D". A report had also been received by the Licensing Service from a local shopkeeper who had observed Mr. Ahmed trading within the prohibited area and this was attached at Appendix "C" to the report. Andy Ruston went on to add that Mr. Ahmed had visited the Licensing Service offices and had signed a caution which was placed on his file and was attached at Appendix "E" to the report.

4.5 Mr. Abdul referred to the three separate occasions when his client had been observed breaching the conditions of his consent and stated that on each occasion, when he had been requested to move he had done so immediately. Mr. Abdul stated that his client was not aware of how to measure the exact distance from static traders. He added that the business is his source of income and he has six dependents.

- 4.6 Andy Ruston then informed Mr. Ahmed and Mr. Abdul of how to check the distance and advised Mr. Ahmed that it was his responsibility to do so.
- 4.7 In response to questions from Members, Mr. Ahmed stated that he had read and understood the policy regarding mobile street trading and that in future he would only sell fruit and vegetables as detailed in the street trading consent.
- 4.8 Andy Ruston outlined the options open to the Sub-Committee.
- 4.9 RESOLVED: That the public and press and attendees involved in the review 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, in the light of the information contained in the report now submitted, and the representations now made, the Sub-Committee:-
- (a) agreed that a final written warning be issued to the consent holder (Ref.10/14) and he be informed that any further breaches of the conditions would lead to an immediate revocation of the licence; and
- (b) further agreed that the warning would remain for the duration of the licence.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - STATIC STREET TRADING CONSENT

- 5.1 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 Elmham Road, Sheffield (Ref. 11/14).
- 5.2 Present at the meeting were Nasar Ahmed (Applicant), Mr. Abdul (Applicant's Solicitor), Mr. Mahmood (Objector), Andy Ruston (Senior Licensing Officer), Kavita Ladva (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 5.3 Andy Ruston presented the report and it was noted that an objection to the application had been received from a local businessman and was attached at Appendix B to the report.
- 5.4 Mr. Abdul stated that the applicant had spoken to Andy Ruston when he had visited the offices of the Licensing Service and had been advised to apply for a static street trading consent, which, in Mr. Ruston's opinion, would be best suited to him.

- 5.5 Mr. Ahmed stated that as can be seen from the petition attached to the report, he was confident that with the static application his business would develop well as there was a demand for his produce. In response to questions from Members of the Sub-Committee, Mr. Ahmed reconfirmed the day and times of his trading as set out in his application and the produce he would be selling.
- 5.6 Mr Mahmood stated that he was the owner of the shop known as “High Hazels Store”, at 373 Main Road and had been operating at the premises for the last four to five years. The shop was open 8.00 a.m. - 8.30 p.m., seven days a week. Mr. Mahmood referred to the items sold at the premises and the only vegetables sold there were potatoes, onions, tomatoes and cucumber. He claimed that the applicant parked his vehicle 100m away from his shop and had persistently failed to abide by his street trading conditions.
- 5.7 Mr Mahmood then referred to the photographic evidence contained within the report showing the applicant’s breaches and he questioned the petition which did not refer to anything but merely consisted of signatures of people. Mr Mahmood feared that the applicant would increase his food stock and eventually his shop business would be significantly affected and would fold.
- 5.8 Andy Ruston outlined the options open to the Sub-Committee.
- 5.9 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.
- 5.10 Kavita Ladva reported orally, giving legal advice on various aspects of the application.
- 5.11 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.12 RESOLVED: That, in the light of the information contained in the report now submitted, and the representations now made, the application for a Static Street Trading Consent for a site on Elmham Road, Sheffield (Ref.11/14) be granted for the sale of fresh fruit and vegetables only between the hours of 3.00 p.m. and 6.00 p.m. on Fridays.

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SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 27 March 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond, Jillian Creasy, Roger Davison, George Lindars-Hammond, Denise Reaney, Stuart Wattam, Cliff Woodcraft and Joyce Wright

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Jenny Armstrong, David Barker, Mike Drabble, Neale Gibson, Adam Hurst and Nikki Sharpe.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETINGS

- 4.1 The minutes of the meetings of the Licensing Sub-Committee held on 13th, 20th, 23rd, 27th and 28th January 2014, and the Licensing Committee held on 16th January 2014, were approved as correct records.

5. LICENSING FEES REVIEW - DETERMINATION OF A SCHEDULE OF FEES FOR THE LICENSING SERVICE

- 5.1 The Chief Licensing Officer submitted a report on the Licensing Fees Review (Determination of Fees) for the 2014/15 Financial Year, and attaching, as appendices, a breakdown of the Licensing Service's budget for 2014/15, proposed fees for the different licensing services and functions, details of the statutory fees and a schedule of fees relating to the safety of sports grounds.
- 5.2 Hafeas Rehman, Sheffield Taxi Trades Association (STTA), stated that, whilst he welcomed the reduction in the fees regarding taxi licensing, he considered that such reductions could have been more substantial. Whilst accepting the reduction in the number of posts in the Service, he considered that, in his opinion, the standard of enforcement was of a poor standard and considered it unfair that drivers were contributing to funding this element of the Service through their license fees.
- 5.3 Mohammed Yasim, GMB, stated that he also welcomed the reduction in the fees regarding the taxi trade and expressed his concerns, on behalf of the GMB, at the reduction in the number of posts in the Licensing Service. He believed there was a

need for a bigger reduction in the fees for an Operators' Licence in order to encourage more private hire companies to set up in business.

- 5.4 Steve Lonnia, Chief Licensing Officer, stated that the Service had received a number of representations regarding the high cost of an Operators' Licence, but believed the new application fee and the new two-tier fee system, relating to the number of vehicles registered, would make it a lot easier for the Service to manage, as well as being better for both potential and existing operators. He accepted that the reductions in the fees for taxi licensing were not as significant as in other licensing functions, but indicated that when determining the reductions, consideration had been given to the amount of time spent dealing with taxi licensing issues. Mr Lonnia added that, following the recent restructuring of the Licensing Service, there were now dedicated Licensing Enforcement/Technical Officers, which would result in there being a considerable increase in the level of day time enforcement.
- 5.5 In response to questions from Members of the Committee, Mr Lonnia confirmed that if the Council did not adopt discretionary legislation in terms of licensing functions, people would be free to act how they wished and stated that, as far as he was aware, there was no legislation that the Council had chosen not to adopt. Whilst there would still be involvement in connection with the monitoring and enforcement of sex establishments, the level of overall work would be reduced. This was not viewed as a concern as a considerable amount of work would still take place, and the premises licensed under this function were well managed. Marie-Claire Frankie, Solicitor to the Committee, provided details of the animals dealt with under the Dangerous Wild Animals Act 1976, and stated that any issues regarding dangerous dogs were dealt with under the Dangerous Dogs Act 1991. In connection with the Licensing Service's budget for 2014/15, Chris Nicholson stated that whilst for non-statutory licensing services, there was a legal requirement for the license fee to recover costs only, the statutory service fees had no such legal requirement and, as far as he was aware, since fees were set by the Government, they were effectively outside the Council's control. Mr Nicholson confirmed that he would circulate a detailed breakdown in terms of the £241,000 Corporate and Management Overheads in connection with the Licensing Service's budget for 2014/15, to all Members of the Committee, and would include such detail in future reports to this Committee.
- 5.6 RESOLVED: That the public and press and attendees 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.
- 5.7 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the report.
- 5.8 At this point in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.9 RESOLVED: That, in the light of the contents of the report now submitted and

following the representations now made, authority be given for the Chief Licensing Officer to impose the fees for 2014/15 in respect of the various functions of the Licensing Service, as detailed in the report now submitted, following the advertisement and relevant consultation required, as detailed in the report.

6. PAVEMENT CAFE LICENCE - THE MOOR

- 6.1 Steve Lonnia, Chief Licensing Officer, reported on an application received by Café Nero, for a Pavement Café Licence in respect of Kiosk 1, The Moor, Sheffield S1 4PR. He stated that there was no legal time limit in terms of how long the Authority could grant such licences, but previous requests had been granted for a period of 12 months. The applicant in this case had applied for a licence for a period of 10 years.
- 6.2 Whilst accepting that the application could enhance and have a beneficial effect on the City Centre, some Members expressed concerns regarding large national companies leasing areas of land in the City Centre area and issues regarding access, in the light of their being tables and chairs outside the premises, particularly for blind and disabled people.
- 6.3 In response, Steve Lonnia stated that, as well as the area being monitored by the City Centre Ambassadors, Licensing Officers would also monitor the position and take any enforcement action if necessary.
- 6.4 **RESOLVED:** That the Committee:-
- (a) notes the information now reported, together with the comments now made; and
 - (b) agrees, in principle, to grant a Pavement Café Licence to Café Nero in respect of Kiosk 1, The Moor, Sheffield, S1 4PR, for a period of 10 years or if and when the leasing agreement between the City Council and Scottish Widows, in respect of The Moor, is redacted, whichever is the earlier, but requests the Chief Licensing Officer to try and negotiate a five year licence in line with the preference of the Committee.

(NOTE 1: The votes on the above resolution were ordered to be recorded, and were as follows:-

For the Resolution (3)	- Councillors Roger Davison, George Lindars-Hammond and Clive Skelton
Against the Resolution (3)	- Councillors Nikki Bond, Jillian Creasy and Denise Reaney
Abstentions (2)	- Councillors Stuart Wattam and Cliff Woodcraft).

(NOTE 2: In the event of their being three votes for and three votes against the resolution, the Chair used his casting vote, in favour of the resolution).

(NOTE 3: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the above item be considered as a matter of urgency in the light of the timescale required for granting the application, although it had not been possible to give five clear days' notice that the application was to be considered).

7. MOBILE STREET TRADING

7.1 The Chief Licensing Officer referred to an issue which had recently been highlighted in connection with mobile street trading. He stated that the new Street Trading Policy, adopted by the Committee at its meeting held on 20th February, 2014, only contained reference to traders selling fresh fruit and vegetables or ice cream. It had since become apparent that there were now a number of traders selling goods other than fresh fruit and vegetables and ice cream, such as the Proper Pasty Company, and that there was a need to reflect this in the Policy.

7.2 RESOLVED: That the Committee:-

- (a) notes the information now reported, together with the comments now made;
- (b) in the light of the information now reported, delegates authority to the Chief Licensing Officer to grant consent, as an exception to the policy, to mobile street traders selling goods other than fresh fruit and vegetables or ice cream, and that those traders selling fresh fruit and vegetables or ice cream must continue to comply/operate in accordance with the policy; and
- (c) requests that the Chief Licensing Officer submits a report on the proposed amendments to the Street Trading Policy to a future meeting, for approval.

(NOTE: In accordance with Council Procedure Rule 26 of the Council's Constitution and the provisions of Section 100B(4)(b) of the Local Government (Access to Information) Act 1985, the Chair decided that the above item be considered as a matter of urgency in the light of current demands on the Licensing Service and to comply with appropriate timescales, although it had not been possible to give five clear days' notice that the matter was to be considered).

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 31 March 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Roger Davison

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Nikki Bond (Reserve Member).

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 25/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 26/14 attended the hearing with representatives and they all addressed the Sub-Committee.
- 4.4 The applicant/licence holder in Case Nos. 27/14 and 28/14, respectively, 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>
25/14	Application to renew a Private Hire Vehicle Licence	(a) Agree to grant a licence for the shorter term of six months in light of the applicant's exceptional personal circumstances and (b) the applicant be required to present the vehicle for the compliance test, at his expense, within three months.

26/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light 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 renewals, an 18 month licence, subject to there being no further cause for concern.
27/14	Application for a Hackney Carriage Vehicle Licence	Defer consideration of the application to give the applicant's representative more time to prepare the case.
28/14	Review of a Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the review hearing to give the licence holder's representative more time to prepare the case.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 April 2014

PRESENT: Councillors Clive Skelton (Chair), George Lindars-Hammond and Joyce Wright

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Jillian Creasy.

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 - TOWNFIELD HEAD FARM, STANNINGTON, SHEFFIELD, S6 6GR

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003 in respect of the premises known as Townfield Head Farm, Stannington, Sheffield S6 6GR.
- 4.2 Present at the meeting were Mark Woodward (Applicant), Keith Graham, Karen Hyde, Robert Sayles, Suzanne Sayles and Jonathan Wish (objectors), Neal Pates and Jon Round (Environmental Protection Service), Lucy Hirst (Planning Officer), Clive Stephenson (Principal Licensing Officer), Matt Proctor (Senior Licensing Officer), Brendan Twomey (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Brendon Twomey outlined the procedure which would be followed during the hearing.
- 4.4 Matt Proctor presented the report and it was noted that representations had been received from the Environmental Protection Service, the Planning Service and four public objections and were attached at Appendices "B", "C" and "D", respectively, to the report. South Yorkshire Police and the Health Protection Service had agreed licence conditions with the applicant and these conditions were attached at Appendices "E" and "F", respectively, to the report. Matt Proctor referred to further correspondence that had been received the previous evening from the applicant and the attendees confirmed that they had received this further information.

- 4.5 Neal Pates summarised his concerns which had arisen during his initial consultations with the applicant and sought clarification from him as to how these would be addressed. He said that the premises were located in a quiet rural setting and there were a number of nearby noise sensitive properties, including one adjoining residential neighbour. He felt that the proposal to host up to 10 weddings per year, campsite facilities being set up during the forthcoming Tour de France "Grand Depart", and other functions, had the potential to cause significant nuisance, both from regulated entertainment, noise from guests and from guests' vehicles. Neal Pates added that he had negotiated with the applicant and the applicant had agreed to certain controls which were the best available to allow him to maintain the business as it stands, whilst retaining the opportunity to discuss further a number of issues still to be resolved.
- 4.6 Neal Pates commented that he has experience of similar events and, due to the rural location, noise can be heard some distance away.
- 4.7 Lucy Hirst stated that her concern was that there is potential for noise nuisance to occur both from live entertainment at the premises and from people leaving the premises, particularly late at night. She felt that having live or recorded music being played in tents was going to cause disturbance. In response to questions, she stated that the applicant would be able to hold events on a temporary basis without the need for planning permission. This would mean that in any calendar year the collective total of events must not exceed 28 days.
- 4.8 Keith Graham stated that one field lies between his property and the area of land the applicant uses to position the big tents he uses for the outdoor events held there. He added that the prevailing wind which blows in a westerly direction enhances the noise which travels from the venue to his home. He stated that when the last two events had been held, people had strayed onto his land and walked through his garden to get to the events. Keith Graham felt that with the proposed finishing time of 11.30 p.m. on Fridays and Saturdays, people would still be hanging around at least one hour later and that traffic would be leaving late into the night. With pre-testing of equipment being allowed to start at around 10.00 a.m., there was the possibility of a music noise for approximately 13 to 13 ½ hours per day. During the summer months, he would be forced to keep his windows and doors shut to keep out the noise. He went on to add that the access road to the premises was a single track with many large potholes and no passing points and there was the potential for a serious accident to happen and the emergency services would not be able to get up the lane to assist.
- 4.9 Keith Graham raised further concerns that the toilet blocks were serviced by a septic tank and felt that there was the possibility of the tank overflowing onto the field and he queried where the waste would go.
- 4.10 In response to questions from Members of the Sub-Committee, Mr. Graham stated that his premises were residential, that he owned a few chickens and geese and that no business was run from the property.
- 4.11 Suzanne Sayles produced a map of her family's farmhouse. She had marked various points on the map which showed that the toilet block was 20 metres away

from her property, and the field which was to be used for camping was also 20 metres away in another direction. She added that she and her family had endured the weddings which had been held in the past, adding that the noise emanating from such functions was loud and intrusive, that people stood talking in the courtyard between the properties and there was a significant amount of noise from cars leaving late at night. She went on to state that last year there had been a “pop-up” restaurant at the venue which had lasted for four days and had resulted in cars blocking the drive and car headlights were regularly shining into their windows.

- 4.12 Suzanne Sayles stated that the proposed camping site was adjacent to a livestock store and there was potentially a fire risk. She felt that if wedding guests were invited to camp at the end of the event, there would be no “end-time” and the noise could carry on into the early hours of the morning. Ms. Sayles also felt that the toilet block was inadequate for the projected number of people attending events and that there was no hardstanding for cars to park and that parking would be on a grassed area which would become very boggy if there was a rainy summer.
- 4.13 Jonathan Wish stated that he felt the applicant had not been open and honest with his neighbours. He said that there was nothing to stop music emanating from tents and his two young children had been disturbed by events held previously. He also referred to the track and produced photographs of it being in a poor state of repair, and stated that it was predominantly used by horses and farm machinery.
- 4.14 Mark Woodward responded to the objections by stating that he had held three wedding events over the past three years and had been open and honest about his plans with his near neighbours and there had been no complaints. He indicated that, apart from the pop up restaurants and the one- off Tour de France event, there was unlikely to be many additional events, over and above the 10 weddings already booked. Mark Woodward stated that he had agreed conditions to limit events to 10 weddings and five other events. He added that by holding such events he was helping the economy and local businesses by encouraging clients to use their services in providing catering, bar supplies, flowers, photographers etc.
- 4.15 With regard to the campsite during the Tour de France, Mark Woodward stated that this was probably a “one-off” event and was unsure of the amount of pitches that would be taken up during the “Grand Depart” weekend, but had been encouraged by the Chief Licensing Officer to apply for the licence if the number of pitches exceeds 500. In relation to the comments made about the septic tank, Mr. Woodward stated that the tank had an internal compressor and waste was considerably reduced and was emptied on a regular basis. For larger events, separate facilities would be provided.
- 4.16 In response to questions from Members of the Sub-Committee, Mark Woodward commented that he would endeavour to keep noise levels to a minimum and was looking at ways of limiting noise as he had made a commitment to the Environmental Protection Service to meet the standards set by them. He

informed the meeting that he was in the process of researching technology to reduce noise emanating from the premises, but had, to date, been unsuccessful. He added that there was no significant noise from the “pop-up” restaurant as there was no music involved, and that as regards the other planned events, apart from the weddings, there would be no amplified music, just ambient background music. He further added that he encouraged wedding parties to arrive by double decker buses, thereby reducing the number of vehicles entering the land and these entered the land to the north. He went on to add that he has an agreement with a local taxi firm which helps to reduce traffic. He stated that there was no light pollution at the premises, as no floodlights were used, just low level wall lights.

- 4.17 With regard to questions about publicising events and publishing notice of the application, Mark Woodward stated that his business was advertised in the local press, on facebook, through Welcome to Sheffield and Welcome to Yorkshire and other press agencies. As regards the notice of the licence application, he correctly followed the law and the advice of the Licensing Service by putting the notice in his window and at the bottom of the drive.
- 4.18 In response to further questions, Mark Woodward stated that he and his partner would be in attendance at all events and would be able to keep noise levels to a minimum. Any corporate events would be held on weekdays and indoors.
- 4.19 Mark Woodward summarised his application by stating that it was not his intention to cause unnecessary nuisance to his neighbours and felt that the green belt and countryside should not be restricted to those fortunate enough to live there. He felt that he had co-operated fully with the relevant Authorities.
- 4.20 Matt Proctor outlined the options open to the Sub-Committee.
- 4.21 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.
- 4.22 Brendan Twomey reported orally, giving legal advice on various aspects of the application.
- 4.23 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.24 RESOLVED: That the application for a premises licence in respect of Townfield Head Farm, Stannington, Sheffield S6 6GR be refused on the grounds that the Sub-Committee, on considering all the evidence submitted, including the written and oral submissions made by the applicant and objectors, was satisfied, even with the agreed conditions to minimise noise, that there remains a significant and unacceptable likelihood of public nuisance being caused.

(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 7 April 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Neale Gibson

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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. 21/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The licence holder in Case No. 29/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The applicant in Case No. 30/14 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>
21/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

29/14	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 on the grounds that the Sub-Committee does not consider the licence holder to be a fit and proper person to hold a licence in the light of (a) the severity of the offences now reported and the lack of judgement shown as a professional driver and (b) the nature of the responses to the questions raised.
30/14	Application for a new 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, (b) the applicant be requested to provide a monthly drugs test result to the Licensing Service and (c) after six months the applicant is requested to return to a Sub-Committee hearing to consider his licence renewal.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 8 April 2014

PRESENT: Councillors Clive Skelton (Chair), Cliff Woodcraft and Joyce Wright

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 RESOLVED: That the public and press be excluded from the meeting before discussion takes place on item 4 on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in 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 - TRANSFER OF PREMISES LICENCE AND VARIATION OF DESIGNATED PREMISES SUPERVISOR

4.1 The Chief Licensing Officer submitted a report to consider applications for the transfer of a Premises Licence and the variation of a Designated Premises Supervisor, made under Sections 42 and 37 of the Licensing Act 2003, respectively (Case No. 15/14).

4.2 Present at the meeting were the applicant, the applicant's Solicitor, Benita Mumby (South Yorkshire Police Licensing, Objector), Cheryl Topham (South Yorkshire Police Licensing, Observer), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Andy Ruston 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 'C' to the report.

4.5 Benita Mumby made representations on behalf of South Yorkshire Police, stating that the applicant had been found guilty of an offence in 2012, and that the Police's objection related to Section 5 of the Rehabilitation of Offenders Act in that the offence could be linked to the activity to which the applicant planned to use the Premises Licence for, as well as being linked to his planned activities as a

Designated Premises Supervisor. She stated that, for this reason, the Police did not believe that the applicant was a fit and proper person to hold a Premises Licence and become a Designated Premises Supervisor. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 The applicant's Solicitor addressed the Sub-Committee, stating that the applicant had pleaded guilty to the offence and that his sentence had reflected his level of culpability. He argued that the conviction had no relevance to the two applications, specifically with regard to his ability to run the licensed premises in question. He also argued that the conviction had no relation to the licensing objective with regard to crime prevention. The Solicitor responded to a number of questions raised by Members of the Sub-Committee and Marie-Claire Frankie. During questioning, the applicant accepted that he had previously been removed as Designated Premises Supervisor at the premises following a number of failed test purchases and an amount of illegal alcohol having been seized.
- 4.7 RESOLVED: That the attendees involved in the application for the transfer of a Premises Licence and the variation of a Designated Premises Supervisor 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 Marie-Claire Frankie 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, as respects Case No. 15/14:-
- (a) the application to transfer the Premises Licence, in respect of the premises now mentioned, to the applicant, be granted; and
 - (b) in the light of the conviction now reported, and the representations now made, the application to vary the Premises Licence to specify the applicant as the Designated Premises Supervisor, in respect of the premises now mentioned, be not granted.

(NOTE: 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 14 April 2014

PRESENT: Councillors Clive Skelton (Chair), Adam Hurst and Denise Reaney

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Jillian Creasy.

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. 31/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 32/14 attended the hearing with a representative and a mechanic, and they all 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>
31/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of nine months, subject to the applicant completing all the relevant tests and medical required of a new applicant and (b) on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

32/14	Application for a Hackney Carriage Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case to warrant a departure from the current policy, relating to the age limit of vehicles, specifically with regard to the efforts made by the applicant in maintaining the vehicle.
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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 28 April 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Jillian Creasy

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of five cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 27/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.3 The licence holder in Case No. 28/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.4 The applicant in Case No. 33/14 attended the hearing and addressed the Sub-Committee.
- 4.5 The applicant in Case No. 34/14 was unable to attend the hearing due to imprisonment following previous convictions and the case was heard in his absence.
- 4.6 The applicant in Case No.103/11 was unable to attend the hearing due to imprisonment following previous convictions and the case was heard in his absence.
- 4.7 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
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27/14	Application to renew a Hackney Carriage Vehicle Licence	Refuse to grant a licence on the grounds that the applicant has failed to demonstrate that there has been exceptional circumstances in the case to warrant a departure from the current policy, relating to the age limit of vehicles, specifically with regard to the efforts made by the applicant in maintaining the vehicle
28/14	Review of a Hackney Carriage and Private Hire Driver's Licence	Due to a pending Court hearing, the applicant requested that his application be deferred until after that hearing. Following consideration of the request, the Sub-Committee agreed to defer the application until 12 th May, 2014.
33/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
34/14	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 the specific offences and conviction now reported.
103/11	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 the specific offences and conviction now reported.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 29 April 2014

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy and Stuart Wattam

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1. APOLOGIES FOR ABSENCE

- 1.1 There were no apologies for absence. Councillor Mike Drabble 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. PET ANIMALS ACT 1951 - PETS AT HOME LIMITED, UNIT 2, DRAKEHOUSE RETAIL PARK, DRAKEHOUSE WAY, SHEFFIELD, S20 7JJ AND PETS AT HOME LIMITED, UNIT 2B, HEELEY RETAIL PARK, SHEFFIELD, S2 0RG

- 4.1 The Chief Licensing Officer submitted a report to consider two applications to renew Pet Shop Licences made under the Pet Animals Act 1951, in respect of the premises known as Pets at Home Limited, Unit 2, Drakehouse Retail Park, Drakehouse Way, Sheffield, S20 7JJ and Pets at Home Limited, Unit 2B, Heeley Retail Park, Sheffield, S2 0RG.
- 4.2 Present at the meeting were George Lingwood (Operations Director, Pets at Home, for the Applicant), Peter Carey (Aquatics Operations Manager, Pets at Home, for the Applicant), Peter Scott (Veterinary Adviser to Pets at Home, for the Applicant), Mark Parry (Enforcement Team Manager, Environmental Protection Service, Objector), Wendy Owen (Animal Control and Enforcement Officer, Environmental Protection Service, Objector), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Andy Ruston presented the report to the Sub-Committee and it was noted that representations had been received from the Environmental Protection Service, and were attached at Appendix 'C' to the report.
- 4.5 Mark Parry stated that, following inspections by the Environmental Protection Service, it had become apparent that both the Pets at Home stores at Drakehouse

and Heeley Retail Parks, had not been fully compliant with their Pet Shop Licences, specifically Condition 18 on the Licence, which related to a requirement for the stores to isolate animals which had been brought onto the premises for a minimum period of 48 hours prior to sale. Following a number of issues relating to the operation of the Pets at Home stores, which had included a number of complaints, a meeting had been arranged with representatives from the Environmental Protection Service and Pets at Home, on 21st February 2008. One outcome of this meeting was an agreement that the Council would allow a special condition for the Company to reduce the acclimatisation period in respect of fish, down to 12 hours, with the period relating to all other animals remaining at 48 hours. Further to the submission of the applications to renew the licences in respect of both premises, it had become apparent that this particular condition was not being adhered to, and it had not been possible, despite negotiations with the Company, to find a resolution. Mr Parry referred to the fact that the Pets at Home store at Wadsley Bridge was operating correctly under the conditions of the Licence, whereas the stores at Drakehouse and Heeley Retail Parks were not.

- 4.6 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie and the representatives of Pets at Home, Wendy Owen confirmed that following an inspection she had carried out at the store at Heeley Retail Park, on 21st November 2013, she had found eight dead fish and a number of others with various diseases. This was not considered to be an extraordinarily high number. Ms Owen stated that she had not made a note of the time as to when she noticed the dead fish during the inspection. Ms Owen could not provide an explanation as to why, following the agreement made at the meeting held on 21st February 2008, a condition regarding the reduced acclimatisation period, for fish, from 48 to 12 hours, had not been placed on the licence at this time. It appeared that the two stores at Drakehouse and Heeley Retail Parks were acting on direct instruction from the Pets at Home Head Office, in that they were being advised that a two hour acclimatisation period was satisfactory. However, the store at Wadsley Bridge continued to operate on the 12 hour acclimatisation period. In terms of the effect of Myxazin, the solution poured into the tanks to prepare the systems for new fish, specifically its effects to combat any stress experienced by the fish, Ms Owen confirmed that she had relied on the advice provided by staff at Pets at Home. The complaint received in connection with the treatment of fish related to the Wadsley Bridge store.
- 4.7 Peter Carey (who had 15 years retail and animal care experience), on behalf of Pets at Home, stated that he had been responsible for reviewing and updating all the Company's procedures/routines with regard to the treatment of fish, which would be followed at all the Company's stores. The Company operated a Pet Report System, which comprised an audit of all the stores' procedures every 2 months. The company used the two hour acclimatisation period with regard to fish in all its stores, and no other local authority had raised any concerns with regard to this. Myxazin was used to treat all fish tanks the night before any new fish were delivered to the stores. He stated that all the procedures adopted by Pets at Home had been reviewed and written in conjunction with Peter Scott, a leading Aquatic Vet, with 39 years' experience.
- 4.8 Peter Scott, acting as a consultant for Pets at Home, stated that the majority of fish

were purchased from small farms in the Far East. They were transported to a central collection point, where they were settled down, bagged up and transported to wholesalers in the United Kingdom. They would then be transported to the Company premises before finally being transported to the stores for sale. Mr Scott stated that he was unable to confirm what levels of stress the fish suffered whilst being transported, but stressed that it was in all the different party's interests to ensure that the fish suffered the least amount of distress as possible during all the different stages of transportation. He also stated that the systems with regard to the transportation of the fish had improved vastly over the years.

- 4.9 Peter Carey added that he travelled to Israel and Singapore, where the majority of the fish were purchased, twice a year, in order to check that all the procedures in terms of the treatment of the fish were being adhered to. He stated that the transportation of the fish from the wholesaler to the individual stores was very well managed, and this was one of the main reasons why the stores at Drakehouse and Heeley Retail Parks only required a two hour acclimatisation period prior to the sale of the fish. He stressed that any fish that were not acting in a normal manner, such as not feeding or showing any signs of stress or disease, were moved away from the other fish and kept in separate tanks. Mr Carey concluded by referring to a study which had just been commissioned, to look at what caused stress in fish.
- 4.10 George Lingwood stated that he was in charge of operations in all Pets at Home stores in the United Kingdom. He stated that the vast number of complaints received with regard to the treatment of fish and other animals sold in its stores, were from members of staff. In terms of the acclimatisation period, which had been discussed at the meeting in 2008, it had been agreed that the fish would be delivered from the wholesalers, which was based in Dronfield, to the stores, at 5.00 pm, and would not be sold until the stores opened at 9.00 am the following morning.
- 4.11 In response to questions from Members of the Sub-Committee, Mr Carey stated that when the fish were delivered to the store from the wholesaler, they were often put in tanks with other fish but, on the basis that they had been in the tanks overnight, the fact that staff could not tell the difference between the fish was irrelevant as they would all have been settled in the tanks for a period exceeding 2 hours. He confirmed that there had been less deaths in fish following the reduction in the acclimatisation period from 24-48 hours to two hours. In essence, the extended settling down period for the fish was now being managed by the wholesaler. It was considered that any stress to the fish would mainly be caused earlier on in the transportation process. After being delivered to the store, and put in a tank, the fish would normally settle down within a period of one hour. In terms of staff training with regard to the handling of fish, Mr Carey stated that there were four steps to the training process, with a requirement that all staff handling and selling fish in a store had to complete Level 1. Staff then had the option of completing Level 2, which increased their knowledge of fish and how they should be handled. Levels 3 and 4 comprised two different areas, including increased knowledge in terms of animal care or management training. The Store Manager on duty would oversee all operations in the store, including the aquatic area. George Lingwood stated that Pets at Home had not requested any change to the condition with regard to the acclimatisation period as the Company simply accepted the 12

hour period. The fact that the acclimatisation period generally exceeded two hours due to the fish being delivered to the store at 5.00 pm, prior to sale the following morning, also had a bearing on this. Mr Carey added that it was also an oversight on the Company's part, in that he was not aware that there was such a condition on the licence.

- 4.12 Both the applicants and the objectors were given the opportunity to sum up their respective cases.
- 4.13 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.14 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the applications.
- 4.15 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.16 RESOLVED: That the renewal applications for Pet Shop Licences in respect of the premises known as Pets at Home Limited, Unit 2, Drakehouse Retail Park, Drakehouse Way, Sheffield, S20 7JJ and Pets at Home Limited, Unit 2B, Heeley Retail Park, Sheffield, S2 0RG, be granted subject to the following amendments to the Licences:-
- (a) Condition 18 to read 'All animals, except for fish, brought into the premises with a view to being offered for sale must be isolated for a minimum of 48 hours prior to sale'; and
 - (b) Condition 47 to be removed.

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

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - MOBILE STREET TRADING CONSENT

- 5.1 The Chief Licensing Officer submitted a report to consider an application, under the Local Government (Miscellaneous Provisions) Act 1982, to renew a Mobile Street Trading Consent (Case No. 16/14).
- 5.2 Present at the meeting were Harold Mortimer (Applicant), Diane Mortimer (Applicant's wife), Andy Ruston (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

- 5.4 Andy Ruston presented the report to the Sub-Committee and it was noted that following an amendment to the Council's Street Trading Policy, made at a meeting of the Licensing Committee held on 20th February 2014, the application had to be considered by the Sub-Committee on the basis that the applicant wished to continue selling bread and milk, as well as fruit and vegetables, which the amended policy no longer allowed.
- 5.5 Harold Mortimer stated that he had traded in the same areas for 30 years, adhering to all the rules and regulations, and not having received any complaints from the Council or members of the public. He stated that he had been struggling financially just selling fruit and vegetables, which the majority of his customers purchased on a weekly basis, therefore had started selling milk, bread and confectionary, which customers would purchase on a daily basis. Mr Mortimer stated that, as part of his round, he made personal deliveries to a number of older people, who were unable to leave their homes. He had worked from a young age, and had built up a good relationship with the residents in the areas he traded, and stressed that, despite his age, he wished to continue working as long as he was able to. He concluded by stating that, as part of his route, he did not park within half a mile of the three shops in the areas he traded, and which sold similar produce to him.
- 5.6 In response to questions from Members of the Sub-Committee, Mr Mortimer provided details on the locations of the shops in the area he operated in, confirming that the nearest distance he stopped to any of the 3 shops was half a mile. He also explained the route he took and confirmed that the confectionary he sold comprised pre-packed buns. In terms of the produce he sold, he confirmed that this included fresh fruit and vegetables, confectionary and milk.
- 5.7 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.
- 5.8 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.9 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.10 RESOLVED: That the application to renew a Mobile Street Trading Consent (Case No. 16/14) be granted, subject to the following amendments to the existing licence:-
- (a) Condition 3.3.6 – Mobile Consent Holders for fruit and vegetables are not permitted to trade within an 800 metre radius of any static traders, other mobile traders or shops trading in similar goods/articles;
 - (b) Condition 3.3.7 – In order to regulate and control mobile street trading in Sheffield, the trader will only be permitted to trade in the Manor and Wybourn areas of the City for each Consent. The Licensing Committee

may, at any time, wish to restrict the number of traders in a particular area;
and

- (c) Condition 3.3.14 – New Condition – The applicant be allowed to sell bakery goods and milk only, in addition to fruit and vegetables.

(NOTE: 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 12 May 2014

PRESENT: Councillors Clive Skelton (Chair), Jenny Armstrong and Nikki Bond

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1. APOLOGIES FOR ABSENCE

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

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of four cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No. 35/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.3 The applicant in Case No. 36/14 attended the hearing and addressed the Sub-Committee.
- 4.4 The applicant in Case No. 37/14 attended the hearing and addressed the Sub-Committee.
- 4.5 The licence holder in Case No. 28/14 attended the hearing 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>
35/14	Application for a first Hackney Carriage and Private Hire	Refuse to grant a licence on the grounds that the Sub-Committee does not consider the applicant to be a fit and proper person

	Driver's Licence	to hold a licence in the light of (a) the offences and convictions now reported and (b) the responses provided to the questions raised.
36/14	Application for a Private Hire Vehicle Licence	Grant a licence for the normal term of 12 months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case to warrant a departure from the current policy, relating to the age limit of vehicles.
37/14	Application for a first Hackney Carriage and Private Hire Driver's Licence	Defer consideration of the application pending the outcome of investigations by the Chief Licensing Officer into the applicant's driving in the Authority now mentioned, and which had previously issued him with a Hackney Carriage and Private Hire Driver's Licence.
28/14	Review of a Hackney Carriage and Private Hire Driver's Licence	The Sub-Committee agreed to the licence holder's request for the consideration of the review to be deferred to a future hearing, after the conclusion of the pending legal proceedings and to enable him to be accompanied by a legal adviser.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 19 May 2014

PRESENT: Councillors Clive Skelton (Chair), Jillian Creasy and Denise Reaney

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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 four cases relating to hackney carriage and private hire licensing.

4.2 The licence holder in Case No. 38/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No. 39/14 attended the hearing and addressed the Sub-Committee.

4.4 The applicant in Case No. 40/14 attended the hearing and addressed the Sub-Committee.

4.5 The applicant in Case No. 41/14 attended the hearing 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>
38/14	Review of a Hackney Carriage and Private Hire Driver's Licence	The licence holder be given a written warning as to his future conduct, to remain on his licence, up to its expiry on 15 th March 2015.

39/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.
40/14	Application for a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for the shorter term of six months, in the light of the serious nature of the offences now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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.
41/14	Application for a 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 in the light of the number and nature of the offences and convictions now reported and, due to the short time period since the last offence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 20 May 2014

PRESENT: Councillors Clive Skelton (Chair), Nikki Bond and Denise Reaney

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1. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received. Councillor Neale Gibson attended as a reserve, 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 - SK 2792 FIELD NO. 0850, KIRK EDGE ROAD, HIGH BRADFELD, SHEFFIELD S6 6LG

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the grant of a premises licence made under Section 17 of the Licensing Act 2003, in respect of SK2792, Field No. 0850, Kirk Edge Road, High Bradfield, Sheffield S6 6LG.
- 4.2 Present at the meeting were Gemma Cook (Event Safety Officer, FGOWI Limited), Carly Whitfield (Event Organiser, FGOWI) (applicants), Richard Nortcliffe and Andrew Nortcliffe (representing the objectors), Clive Stephenson, (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.
- 4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that four objections had been received and were attached at Appendix "B" to the report. Licence conditions imposed by the Health Protection Service and Environmental Protection Service had been agreed by the applicant and were attached at Appendices "C" and "D", respectively.
- 4.5 The Chair asked those present if there were any comments regarding the accuracy of the report, to which Clive Stephenson reported that there had been an amendment submitted by the applicant to Appendix A at paragraph P(e), relating to the promotion of the four licensing objectives and which removed steps intended to be taken to promote the protection of children from harm. He added

that although the change to the licensing objective had been submitted on the 16th April, it had not been circulated to responsible authorities nor advertised.

- 4.6 RESOLVED: That the public, press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 Marie-Claire Frankie reported orally, giving legal advice on the matter.
- 4.8 Following discussion with the applicants of the legal advice given by the Solicitor, the applicants agreed that the application as advertised and circulated be considered and the request to remove the content of Section P(e) be set aside. The applicants stated that they had submitted the amendment on the recommendation of South Yorkshire Police who advised that if they were satisfied with their ability to manage proxy sales and safeguarding issues it may be easier for them to remove the condition and manage young people rather than having to check ID and manage potential queues forming on the course.
- 4.9 Andrew Nortcliffe stated that he and his brother were representing their elderly parents whose land is adjacent to the field where the proposed event was to take place. He said that his parents were in poor health and were extremely concerned that matters of public safety, environmental issues and access and egress to the site had been overlooked. He stated that his parents' property is protected only by a crumbling low stone wall and an electric fence and that the public could easily stray onto their property. Mr. Nortcliffe went on to add that other residents in the area had received letters providing information about the proposed event but his parents had received no such information. He felt that the application was incomplete and asked for clarification of the opening times, how the number of persons coming to the event could be regulated, was the security company to be engaged by the Event organisers a reputable company, and the fact that the Event website was asking for volunteers, in what capacity would these volunteers be used. Mr. Nortcliffe expressed his concern regarding the protection of wildlife with such a large number of visitors to the area and the amount of litter generated from the sale of food and alcohol, and also whether the toilet facilities would be sufficient.
- 4.10 Mr. Nortcliffe also referred to the Event being advertised as a rock and beer festival and raised concerns over possible noise nuisance by loud music from rock bands and that children may be put at risk by the sale of alcohol. He stated that he and his family were disappointed at the lack of consultation with them by the Event organisers.
- 4.11 In response to questions, Andrew Nortcliffe replied that he and his brother had asked their parents if they wanted to move out of the area for the weekend, to which they had stated that they too wanted to enjoy the Tour de France from their own home, and on the basis that they believed that the criminally inclined would be attracted to such a large event, his parents had felt the need to install CCTV to protect themselves and their property.

- 4.12 Gemma Cook stated that FGOWI Limited were not a new company and had 10 years' experience organising events. She stated that although the Event was advertised as a "music and beer festival", the majority of the music would be acoustic and folk music played through a small P.A. system. There will be a beer tent and a music tent but inside the music tent it is intended that a small platform, rather than a stage, will be erected and the tent will be a gazebo covering the platform. She further stated that the hours of opening will be from 10.00 a.m. to 11 p.m. on Saturday and 10.00 a.m. to 10.00 p.m. on Sunday and although the field will be open during the whole weekend, no licensable activities will take place outside of these hours. She added that barrier fencing will be placed around the site which will be stewarded at all times by paid security staff and supported by volunteers. She further added that there would be ample toilet facilities, provided by the City Council, and these would be serviced on a daily basis. There would be regular litter picks and temporary lighting towers were to be erected for added security during the night.
- 4.13 Gemma Cook said that the Company had attended many site visits with the relevant Authorities and staff of the Tour de France. She added that the Company had a Route Safety Officer and that all aspects of health and safety regarding the Event would be covered. She further added that counter clickers will be used to count people in and out of the Event. Gemma Cook stated that it was unfortunate that the objectors had not received any information about the Event but this was due to their mistake with post codes in the area.
- 4.14 In response to questions, Gemma Cook responded by stating that the event was a free event and that the main access was via Kirk Edge Road. Car parking will be from Loxley Road which is a private access road owned by Bradfield Brewery. She added that a Noise Co-ordinator will be employed within four weeks of the event to monitor sound levels throughout the event. She further added that although events organised by them are outdoor events, this one is the first of its kind. She stated that letters were sent to local residents last September inviting them to contact the Company with any issues they may have and further stated that the Company would do their utmost to make the event as safe as possible and extended an invitation to the objectors to address their concerns and apologised again for the misunderstanding in not contacting them beforehand.
- 4.15 Both the applicants and the objectors were given the opportunity to sum up their respective cases.
- 4.16 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.17 RESOLVED: That the public, 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.
- 4.18 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.

- 4.19 At this stage in the proceedings, the meeting was re-opened to the public, press and attendees.
- 4.20 RESOLVED: That (a) the application for a premises licence in respect of SK2792, Field No.0850, Kirk Edge Road, High Bradfield, Sheffield S6 6LG be granted in the terms requested and (b) the Company be requested to keep the objectors involved in future discussions regarding the event, as the Sub-Committee believes that dialogue with them should have been opened earlier.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 2 June 2014

PRESENT: Councillors Jenny Armstrong, Neale Gibson and Stuart Wattam

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1. APPOINTMENT OF CHAIR

- 1.1 Councillor Neale Gibson was appointed Chair of this meeting.

2. APOLOGIES FOR ABSENCE

- 1.1 No apologies for absence were received.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

- 4.1 There were no declarations of interest.

5. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 5.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 5.2 The applicant in Case No.42/14 attended the hearing and addressed the Sub-Committee.
- 5.3 The applicant in Case No.43/14 attended the hearing and addressed the Sub-Committee.
- 5.4 The applicant in Case No.46/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 5.5 RESOLVED: That the cases now submitted be determined as follows:-

<u>Case No.</u>	<u>Licence Type</u>	<u>Decision</u>
42/14	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 offences and convictions now reported and (b) the responses provided to the questions raised.

43/14 Application for a new Hackney
Carriage and Private Hire
Driver's Licence

(a) Grant a licence for the shorter term of three months, in the light of the serious nature of the offences now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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 required to take a Group 2 medical test.

46/14 Application for a first Hackney
Carriage and Private Hire
Driver's Licence

(a) Grant a licence for the shorter term of three months in view of the convictions now reported and the applicant be requested to provide a monthly drugs test result to the Licensing Service, (b) on renewal, authority be given to grant the applicant a six month licence following a clear drugs test and (c) on the second renewal, authority be given to grant the applicant a nine month licence and, on the third 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.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 3 June 2014

PRESENT: Councillors Neale Gibson, Nikki Bond and Denise Reaney

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1. APPOINTMENT OF CHAIR

- 1.1 RESOLVED: That Councillor Neale Gibson be appointed Chair of the meeting.

2. APOLOGIES FOR ABSENCE

- 2.1 No apologies for absence were received. Councillor Adam Hurst attended the meeting as a reserve Member, but was not required to stay.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

- 4.1 There were no declarations of interest.

5. LICENSING ACT 2003 - STEERS CONVENIENCE STORE, 69 BURNGREAVE ROAD, SHEFFIELD, S3 9DF AND STEERS BEERS, 213 LONDON ROAD, SHEFFIELD, S2 4LJ

- 5.1 The Chief Licensing Officer submitted reports to consider applications made by Sheffield City Council Trading Standards, under Section 51 of the Licensing Act 2003, for reviews of the Premises Licences in respect of the premises known as Steers Convenience Store, 69 Burngreave Road, Sheffield, S3 9DF (Ref No. 44/14) and Steers Beers, 213 London Road, Sheffield, S2 4LJ (Ref No. 45/14).
- 5.2 As both the premises were owned by the same person, and with the approval of all parties present, and the leave of the Chair, the applications were considered together.
- 5.3 Present at the meeting were Annette Lee (Trading Standards, Applicant), Hardip Singh (Premises Licence Holder, Steers Convenience Store), Paramjit Kaur (Premises Licence Holder, Steers Beers), Michelle Heeley (Barrister, representing Mr Singh and Mrs Kaur), Sergeant Gayle Kirby, PC Chris Wilkinson and Benita Mumby (South Yorkshire Police), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).
- 5.4 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

- 5.5 Clive Stephenson presented the reports to the Sub-Committee and it was noted that representations had been received from South Yorkshire Police and the Sheffield Safeguarding Children Board in respect of Steers Convenience Store (Ref No. 44/14), and the Sheffield Safeguarding Children Board in respect of Steers Beers (Ref No. 45/14) and were attached at Appendices 'B' and 'C', and 'B' to the reports, respectively.
- 5.6 Annette Lee reported that, in respect of Steers Convenience Store, on 4th December 2013, Trading Standards had received a complaint from a member of the public, alleging that counterfeit alcohol was being sold at the shop. On 6th December 2013, Officers visited the shop in order to examine the stock, and seized 1 x 1 litre bottle and 2 x 70cl bottles of illicit Glen's vodka. It had since been confirmed by the manufacturer that these products were genuine and intended for export, but at some stage, the bottles had been intercepted, their export labels removed and counterfeit duty paid labels applied. During the same visit, 36 'blunts' (rolled tobacco leaf casing, in the shape of a cigarette, intended to be filled with other smoking materials) were found on sale, and which had inadequate UK health warnings, and were not intended for the UK market. Previously, on 9th November 2012, Trading Standards Officers had discovered 17 bottles of illicit alcohol spirits of various types, on sale in the shop, which was then trading as Premier Store. These bottles did not display the UK duty paid stamp. Also during that visit, Officers found 46 packs of chewing tobacco and 56 packs of blunts, which were non-duty paid, and had either incorrect, foreign health warnings, or no warnings at all. They were not intended for the UK market. All these goods were voluntary forfeited by the licensee and a written warning was issued on 7th December 2012. Ms Lee stated that the risks to the public and in particular, to young people, from the sale of illicit alcohol and tobacco, were now well known and in these particular cases, the alcohol was found to be genuine, but non-duty paid. However, the licensee could not have known this, and chose to put his customers' health at risk. In the case of the tobacco products, it should have been obvious to a retailer that the goods were not properly labelled, and did not carry the warnings legally required.
- 5.7 Ms Lee referred to the licensee's previous record with regard to the sale of illicit alcohol, indicating that on 12th October 2011, Mr Singh signed a simple caution in respect of counterfeit/contaminated spirits purporting to be Glen's vodka, found on sale at his London Road shop, trading as Steers Beers. Also, on 21st June 2012, over 400 bottles of illicit Danoff vodka was seized from the London Road shop. This was subsequently found to be non-duty paid, and Mr Singh and his wife, Mrs Paramjit Kaur, pleaded guilty to an offence under the General Food Regulations 2004, and each received a conditional discharge and were ordered to pay £250 costs. Mrs Kaur was the business rates payer, the Premises Licence Holder and the Designated Premises Supervisor at the time of the offences. On 13th February 2013, Trading Standards Officers seized six bottles of spirits labelled as Smirnoff, and one bottle labelled as Glens from the London Road shop. These were confirmed to be counterfeit and Mr Singh was prosecuted under the Trademarks Act 1994 and the Food Safety Act 1990. He subsequently received a conditional discharge and was ordered to pay costs of £427. Whilst the two incidences relating to the possession for sale of illicit alcohol at the Steers Convenience Store

involved relatively small amounts of offending products, it was clear that since July 2011 and December 2013, the licensee has shown a continuing disregard for the law and for the health of his customers. Counterfeit and illicit spirits were known to contain dangerous industrial chemicals and other contaminants, and were made without the quality control measures employed by genuine brand manufacturers. Such products have no genuine batch codes or identification details of the actual manufacturer, which makes traceability of the products impossible. Furthermore, the ABV declared on the label was often inaccurate and as a result, the public's safety was at risk when consuming these products, particularly during binge drinking and even when consumed more responsibly, on a regular basis. Ms Lee circulated a report prepared by Doctor Subhashis Basu, Specialist Registrar, Sheffield Teaching Hospitals' NHS Foundation Trust, detailing the potential health effects of common contaminants found in illicit alcohol.

- 5.8 In respect of Steers Beers, Ms Lee stated that on 11th February 2013, Trading Standards received a complaint from a member of the public, stating that he had been made ill after consuming Smirnoff vodka which he had purchased from the shop. A Trading Standards Officer visited the complainant on 13th February 2013, in order to examine and test the product, and this showed that the ABV was lower than the 37.5% declared, and that there were several discrepancies with the bottle and label that caused suspicion. Later that day, Officers visited the shop and found a large number of 70cl Smirnoff Vodka in a storeroom. One open case of six bottles was seized on suspicion of being counterfeit, and was subsequently confirmed by the Trademark owner. After analysis, the spirit was found to contain tertiary-butanol, chloroform and isopropanol. The ABV was 34.4% and the spirit could not be called vodka. Ms Lee concluded by stating that in October 2013, all retailers in the City selling alcohol were provided with a leaflet from Trading Standards, providing advice on what to look out for in terms of illicit alcohol.
- 5.9 In response to questions from Members of the Sub-Committee and Michelle Heeley, Ms Lee stated that Mr Singh was responsible for purchasing stock for both stores. In respect of the location of the illicit alcohol, it was found on display at the Steers Convenience Store and in a store room at Steers Beers, where the genuine vodka was found in one part of the storeroom and the illicit vodka found elsewhere, stored with some wine. The chewing tobacco and blunts were found on display at both stores. As Mr Singh was not purchasing the alcohol from a known, reputable source, he would not have been certain as to what he was purchasing. He should have been aware, through the information on the label, that the vodka was not genuine. Details of the harmful effects of illicit alcohol contaminants were set out in detail in the report prepared by Doctor Subhashis Basu. It was apparent that imposing fines on licensees selling illicit alcohol did not act as an effective deterrent in the light of the number of repeat offences across the City. There was a reasonable chance that Mr Singh was aware that the Danoff vodka, seized by Trading Standards Officers from Steers Beers on 21st June 2012, was illicit as the invoice he received in terms of payment for the stock had a private telephone number on it, and indicated that the company name was a 'dealer in household goods and musical instruments'. The invoice in question was circulated at the meeting. There was an expectation that Mr Singh should have checked as to where the product had come from, particularly as there was such a large quantity. Following investigations by Officers, it was discovered that although the registered

number of the company was correct, the VAT number on the invoice was invalid. In terms of the blunts, Ms Lee stated that all genuine tobacco products have warnings on the rear of the packaging, in English, and of a standard size, and whilst there was some form of warning on the back of the packaging, it was not in English and therefore, Mr Singh should have been aware that he shouldn't have been selling such a product in this country.

- 5.10 In response to questions from Michelle Heeley, Ms Lee stated that in this kind of trade, a high level of the transactions involved cash. She also accepted that, due to the similar nature of the incidents at both stores, there had only been three incidents, as opposed to six at each store. Ms Lee was not aware of any visits by Trading Standards Officers to the two shops since December 2013. In terms of the stock, it was accepted that there was a considerable number of bottles in each shop and whilst she accepted that the illicit bottle of vodka found in a rear storeroom was probably not intended for sale, it was still on the premises. In terms of the dealers used by Mr Singh, Ms Lee was not able to comment as to whether Trading Standards had any issues with Park House Lane Cash and Carry, Bawtry Road, and indicated that, as far as she was concerned, Bookers Cash and Carry was a legitimate business. In terms of any proposed modifications to the Premises Licences, Ms Lee stated that this would be a decision for the Sub-Committee.
- 5.11 Sergeant Gayle Kirby made representations on behalf of South Yorkshire Police, stating that on 14th November and 31st December 2013, the Police undertook an operation regarding the underage sale of alcohol in various areas across the City. On both occasions, Police volunteers, both under the age of 18, successfully managed to purchase alcohol from a member of staff at Steers Beers. As a result, the Police served a Closure Notice on the premises on 7th January 2014.
- 5.12 In response to questions from Members of the Sub-Committee and Michelle Heeley, the Police indicated that, whilst they could not confirm what prompted them to undertake the test purchases at Steers Convenience Store, such test purchases were usually undertaken following the receipt of a complaint from a member of the public, or undertaken on a random basis. All volunteers used as part of the test purchases were briefed by the Police prior to entering any premises and in these cases, the two sales were witnessed by plain-clothed Officers. A uniformed Officer then entered the shop and explained the position to the retailer who had made the sales, and provided him with a warning. Following the failed test purchases, the retailer was offered a free place on the Sheffield Safeguarding Children Board's training course. To date, the retailer concerned had not taken up this offer and the Police considered that this, together with the two failed test purchases, showed a lack of regard for the safety of young people. As part of the Police operation, approximately 14 premises were targeted, with three others failing, with the licensees of the premises failing all taking up the offer of a free place on the training course. The Police confirmed it was Carl Sargent who failed the two test purchases. The Police accepted the information provided in terms of the test purchases undertaken in respect of Steers Beers, and which were all passed, together with the certificates attained by members of staff at both premises, relating to their attendance on various courses. In terms of what improvements the Police would like to see at both the premises, they also indicated that this would be up to the Sub-Committee to determine.

- 5.13 A statement from Julie Hague, Sheffield Safeguarding Children Board, was circulated at the meeting, containing separate submissions in respect of each of the two stores. The Sub-Committee noted Ms Hague's apologies for not attending the meeting, due to sickness.
- 5.14 Michelle Heeley put forward the case on behalf of Hardip Singh and Paramjit Kaur, which took the form of a question and answer session with Mr Singh. Mr Singh stated that he purchased the Steer Convenience Store, Burngreave Road, in 2011 and Steers Beers, London Road, in 2008. He confirmed that he was responsible for the day to day management of Steers Convenience Store and that his wife, Paramjit Kaur, was responsible for Steers Beers. Steer Convenience Store opened from 08:00 to 22:00 hours, 7 days a week, and Steers Beers opened from 08:00 to 00:00 hours, Monday to Thursday, 08:00 to 01:00 hours, Friday and Saturday, and 08:00 to 00:00 hours Sundays. There were two to three other members of staff working in each of the two stores. The illicit bottles of Smirnoff vodka were bought, in good faith, from Batley's Cash and Carry, which he had used for some time, and he indicated that he was not aware that it was illicit alcohol at the time. The fact that Mr Singh purchased hundreds of bottles of vodka at any one time made it more difficult for him to check its legitimacy, and he confirmed that he did not check every bottle in each box on its delivery. Mr Singh stated that since the problems, he had changed suppliers, and now purchased his alcohol from Bookers Cash and Carry, and provided a number of invoices from that Company for purchases made during the past month. There had not been any problems in terms of the alcohol purchased for sale at the two stores, and Trading Standards Officers had no reason to be concerned. Mr Singh appreciated that he shouldn't have purchased any illicit alcohol and indicated that he had no problems with Trading Standards Officers visiting the two stores and checking the stock. He accepted that he did not have efficient and robust systems regarding stock purchasing, at the time, but stressed that he had made a number of improvements, including signage relating to the Challenge 25 and staff training regarding underage sales. In support of this, Mr Singh showed the Sub-Committee a short video of a training session regarding underage sales he had held for staff at the Steers Convenience Store. He also circulated further certificates regarding training courses attended by himself and his store manager, together with Refusal Books for each of the stores. In terms of the age range of customers using the stores, it was stated that customers using Steers Beers tended to be younger, particularly as there was a high concentration of students in that area, whereas customers using the Steers Convenience Store tended to be of variable age. The policies and practices in terms of underage sales were the same in both stores. Mr Singh introduced Mr Sidhu, who was a good friend and who had assisted him following the problems experienced at the stores. Mr Singh confirmed that he had no other employment and that if he was to lose his licences, he had nothing to fall back on, in order to support his family, which comprised his wife and three children. Mr Singh concluded by stating that he would be happy for any additional conditions the Sub-Committee deemed necessary and promised that he would not make any more similar mistakes in the future.
- 5.15 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie and South Yorkshire Police, Mr Singh stated that he purchased the alcohol

from Adams simply because they were providing a good offer at the time. It was not uncommon for companies to send people to the shops, offering deals on alcohol. Mr Singh appreciated that there had been a delay in taking action in connection with the incidents, and indicated that he used to offer in-house training for a period, but stopped this practice. Prior to purchasing the shops, Mr Singh had worked in a warehouse and as a delivery driver for a Chinese takeaway. In terms of purchasing alcohol and other stock for his shops, he stated that he had not received any training or advice on this, and that it was natural to opt for the supplier offering the best deal. He confirmed that there were a lot of companies dealing in the sale of alcohol, and that he did not know the background of each of these companies. He stated that he had purchased the tobacco from a source in London. In terms of the adverse health effects of illicit alcohol, Mr Singh was very apologetic and stressed that he would not sell it again. Mr Singh stated that Mr Sargent had not been able to attend the free training course offered by the Sheffield Safeguarding Children Board on the basis that his grandmother was dying, although he considered that he had the responsibility to let the Board know of this. In terms of the arrangements for the purchase of stock, Mr Singh indicated that he would receive separate invoices for the two different stores. It was not clear as to whether the other members of staff were aware that they should not be selling the blunts and tobacco, but had now all been made aware of their responsibilities in that such products should not be sold in the stores. Mr Singh indicated that he had every faith in Mr Sargent in terms of his roles and responsibilities in the Steers Convenience Store. Although Mr Singh had attended Safeguarding Children training in the past, he had not attended any courses recently, and relied on the information he had attained from attending Pub Watch meetings. Mr Singh was not able to explain, with any clarity, why there were now records in the Refusals Book during the period September 2013 to April 2014, when there had not been any such entries in the Book when Julie Hague visited the Steers Convenience Store on 22nd April 2014. He did, however, state that he was not convinced that the Refusals Book circulated at the meeting was the same one that was shown to Ms Hague during her visit. In terms of staff training, Mr Singh stated that he had arranged for staff members to attend the various courses after the incidents had occurred, and that the only details he kept in terms of the attendance on the courses were the certificates. Only himself and Mr Sargent had attended specific Safeguarding Children training, with Mr Singh undertaking in-house training for other staff members. It did not appear that Mr Singh maintained any formal records in terms of staff training, or that he required staff members to sign any documentation to indicate that they had received any form of training. Again, Mr Singh was not able to provide a clear explanation as to why he did not take up the offer of the free Sheffield Safeguarding Children Board training. Mr Singh confirmed that Carl Sargent was still employed at the Steers Convenience Store, and that Mr Sargent had the relevant expertise and experience to deal with underage sales. He confirmed that there were CCTV systems at both stores, the images of which would be able to be viewed by the Police on request. He would also use the CCTV system to watch other members of staff. In terms of his procedures regarding the recruitment of new staff, Mr Singh stated that he was aware of the various forms of ID that they had to produce, and copies were kept of this. In terms of the offer of free training by the Sheffield Safeguarding Children Board, Mr Singh was unable to provide an explanation as to why he did not attend the training course, but he did indicate that he had fixed all the relevant signage to

the two stores, as requested by Julie Hague.

- 5.16 Michelle Heeley introduced Mr Sidhu to the Sub-Committee, as a friend and adviser to Mr Singh, and asked him a number of questions. Mr Sidhu stated that that he had experience working in convenience stores since 1989, having worked in three different stores. He had approached Mr Singh last week, as a friend, and offered him assistance in terms of all aspects of running a convenience store. He indicated that he would be willing to assist Mr Singh up to the time when Mr Singh felt confident to manage without such assistance. Mr Sidhu concluded by stating that the Challenge 25 posters and the video of Mr Singh providing training on underage sales to members of his staff were his idea.
- 5.17 All parties involved in the hearing were provided with the opportunity of summing up their cases.
- 5.18 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.
- 5.19 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 5.20 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 5.21 RESOLVED: That, in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, in connection with the applications for the review of the Premises Licences made under Section 51 of the Licensing Act 2003, in relation to Steers Convenience Store, 69 Burngreave Road, Sheffield, S3 9DF (Ref No. 44/14) and Steers Beers, 213 London Road, Sheffield, S2 4LJ (Ref No. 45/14), the Sub-Committee agrees to:-
- (a) the removal of the Designated Premises Supervisors in respect of both premises;
 - (b) the amendment of Condition 4 in Annexe 3 – Conditions consistent with the Operating Schedule – by the substitution of the word and figures ‘Challenge 25’ for the words and figures ‘Challenge 21’; and
 - (c) the addition of the following new Conditions:-
 - (i) all alcohol must be purchased from retailers and wholesalers, operating from fixed premises, and who are able to provide a VAT certificate and evidence that duty has been paid;
 - (ii) all receipts must be kept and made available to the Police and authorised Officers of the Council upon request;

- (iii) the new Designated Premises Supervisors and Premises Licence Holders must attend the Sheffield Safeguarding Children Board training course before 31st December 2014;
- (iv) all staff at both premises must receive training on underage sales before they are authorised to sell alcohol, with records of such training being maintained on the premises, and being made available to the Police and authorised Officers of the Council upon request;
- (v) refresher training must be provided to all members of staff, on a quarterly basis, with written records being maintained on the premises, and made available to the Police and authorised Officers of the Council upon request;
- (vi) one Refusals Book be maintained for each premises, and be made available to the Police and authorised Officers of the Council upon request; and
- (vii) the entire stock at both premises shall be made available for inspection by the Police and authorised Officers of the Council upon request.

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

SHEFFIELD CITY COUNCIL

Licensing Committee

Meeting held 4 June 2014

PRESENT: Councillors Jenny Armstrong, Olivia Blake, David Barker, Nikki Bond, Jack Clarkson, Jillian Creasy, Neale Gibson, George Lindars-Hammond, Anne Murphy, Josie Paszek, Vickie Priestley, Denise Reaney, Geoff Smith, Stuart Wattam and Cliff Woodcraft

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1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. APPOINTMENT OF CHAIR AND DEPUTY CHAIR

RESOLVED: That Councillors David Barker and Geoff Smith be appointed as Joint Chairs of the Licensing Committee.

3. DAY AND TIME OF MEETING

RESOLVED: That meetings of the Committee be held on Monday, Tuesday and Thursday weekly at 10.00 am.

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SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 5 June 2014

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Geoff Smith

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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 - D'MICHAEL'S, 534 ECCLESALL ROAD, SHEFFIELD, S11 8PR

4.1 The Chief Licensing Officer submitted a report to consider objections in relation to applications for two Temporary Event Notices, under Section 104(2) of the Licensing Act 2003, in respect of the premises known as D'Michael's, 534 Ecclesall Road, Sheffield, S11 8PR.

4.2 Present at the meeting were Michelle Akers (Designated Premises Supervisor, D'Michael's), Marshall Sutherland (Manager, D'Michael's), Neal Pates and Jon Round (Environmental Protection Service, Objectors), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Clive Stephenson presented the report to the Sub-Committee and it was noted that objections to the two Temporary Event Notices (TENs) had been submitted by the Environmental Protection Service on 30th May 2014, and were attached at Appendix 'B' to the report.

4.5 Neal Pates stated that he and a colleague responded to two complaints which had been referred to the Night Time Noise Team on 25th May, 2014. Due to the time delay in terms of the referral of the complaints, when arriving at the complainant's home, they were informed that the noise levels had decreased, and in their own findings, determined that it was not at a harmful level. Although there were a number of other bars within the vicinity of the premises, it was clear that the

majority of breakout noise was coming from D'Michael's, and was mainly linked to the opening of the main doors to the premises. Mr Pates stated that there was no lobby at the main entrance, and during the visit, he noticed that the door was open approximately 40/50% of the time during their observations. They also witnessed that staff were holding the doors open for long periods of time to allow customers to enter and leave the premises. The officers approached the door staff to inform them of their observations, and advised them to keep the doors closed, other than when customers were arriving or leaving the premises. The noise levels, which comprised club-type dance music, was subjectively assessed to exceed typical guidance levels of no more than +3 dB, relative to the residual ambient noise level. Mr Pates added that the Night Time Noise Team had received a further complaint on 1st June 2014, and following a further visit to the premises at 00:30 hours, it was found that, although the noise levels were contained when the doors were closed, there was an 'extreme' breakout of noise when they were opened. It was also observed on this visit that customers were using the outdoor terrace area after the permitted time of 21:00 hours. Mr Pates concluded by stating that, from his observations, the level of noise breakout at the premises amounted to a public nuisance.

- 4.6 Jon Round added that the complaints received by the Night Time Noise Team related mainly to functions held as part of TENs. He added that he had visited the premises, and met Mr Sutherland, to discuss the issue of noise breakout.
- 4.7 In response to questions from Members of the Sub-Committee and Michelle Akers, it was confirmed that two complaints, on each day, were received with regard to noise breakout from the premises on 2nd March, 3rd May and 25th May 2014, and a further single complaint on 1st June 2014. In terms of complaints, members of the public would call the '101' number, and those calls relating to noise nuisance were transferred to the Night Time Noise Team and, depending on the nature of the complaint, they would be referred to officers to investigate. It was quite common that there would be a delay in terms of the officers attending the complainant's home for the premises in question, often resulting in a difference in terms of noise levels. It could not be confirmed whether officers visited the complainant's home or the premises in question on the dates of the complaints. Mr Pates confirmed that the issue in terms of noise breakout occurred predominantly when the entrance doors were opened. Whilst there were a number of other licensed premises in the area, there were very rarely any issues in terms of noise nuisance relating to these other venues, although it was accepted that local residents suffered a level of noise nuisance linked to people leaving the venues and queuing for taxis. It was accepted that the majority of the problems with regard to noise nuisance linked to the premises had occurred on the nights the functions operated under the Temporary Event Notices had taken place. This was mainly due to the later opening time, when all the other venues had closed. The majority, if not all, of the complaints were received prior to 01:00 hours, and none involved callers ringing back after this time to report continuing problems. Whilst it was accepted that the Temporary Event Notices were used to host private parties, which would result in the attendees remaining in the venue for the majority of the duration of the event, the issues reported with regard to noise breakout when the doors were opened related mainly to customers opening the doors to go out onto the external terrace area.

- 4.8 Michelle Akers put forward her case, indicating that the premises comprised a bar/diner, focusing on both seated and vertical eating. There was fixed seating for 42, together with other seating, and the majority of the food was served in baskets, providing customers with the option of either sitting down to eat, or walking around whilst eating. The premises usually closed at around 22:30 hours Sunday to Thursday, but stayed open until 01:00 hours on Friday and Saturday, when there was a DJ. The staff did not empty any bottles or other waste into the external bins until the following morning so as not to disturb residents living nearby. Ms Akers stated that officers from the Environmental Protection Service had never raised the issue of having a lobby at the main entrance, so as to reduce any possibility of noise breakout. She added that several functions using TENs had been held at the premises, without any problems or complaints from residents. Marshall Sutherland added that he believed that problems of noise nuisance had increased in the area following the recent opening of the Pointing Dog, a new venue situated directly opposite the premises. This was a large establishment, and was attracting large numbers of people to the area, thereby increasing noise levels. He stressed that there were very rarely any problems associated with the operation of D'Michael's, and that he had taken action over and above what was required under the present licence, such as installing CCTV.
- 4.9 In response to questions from Members of the Sub-Committee and Neal Pates, Ms Akers stated that this was the fifth time she had applied for a TEN, with some of the Notices not being used for various reasons. The most recent applications related to two private functions, one a housewarming and the other a 50th birthday party. The premises management would usually vet applications by assessing the age range of potential customers, and would not allow any 18th or 21st birthday parties. The maximum capacity at the premises was 120, but it was very rare that this many people would attend. In terms of the entrance doors, it was very difficult to take any further steps to ensure they were kept closed as long as possible as it was not practical with customers entering and leaving the premises. The premises management would continue to work with the Environmental Protection Service in order to address any future possible noise issues in terms of complaints. Ms Akers stated that only one complaint had been made directly to the premises, which was from a local resident, and referred to noise nuisance relating to the disposal of glass bottles into the exterior bins. The management addressed this issue, and would give consideration to any future complaints or requests in connection with the operation of the premises. In terms of the capacities for private parties, this would be monitored by the staff on the door counting customers into the premises, using a clicker. Neither of the two functions organised under the TENs were ticketed events.
- 4.10 Michelle Akers and Marshall Sutherland were given the opportunity of summing up their case.
- 4.11 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.

- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to acknowledge the Temporary Event Notices, allowing the two events to go ahead on the proposed dates, as per the applications now submitted, and in accordance with the premises' existing licensing conditions.

(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 9 June 2014

PRESENT: Councillors Geoff Smith (Chair), Jenny Armstrong and George Lindars-Hammond

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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 four cases relating to hackney carriage and private hire licensing.

4.2 The applicant in Case No. DEF37/14 attended the hearing and addressed the Sub-Committee.

4.3 The licence holder in Case No.47/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.4 The licence holder in Case No. 48/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.5 The applicant in Case No. 50/14 attended the hearing 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>
DEF37/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months, in the light of the serious nature of the offences now reported

and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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; (b) a warning be placed on the licence for the period of 15 months; and (c) the applicant be required to pass all the relevant tests.

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| 47/14 | Application for the renewal of a Hackney Carriage and Private Hire Driver's Licence | Grant a licence for the normal term of 18 months, subject to there being no further cause for concern and the applicant be given a verbal warning as to his future conduct. |
| 48/14 | Review of a Hackney Carriage and Private Hire Driver's Licence | At the request of the applicant, defer consideration of the review in order to give the applicant the opportunity to obtain further evidence from the DVLA as to the sale of his vehicle. |
| 50/14 | Application for a new Hackney Carriage and Private Hire Driver's Licence | Grant a licence for nine months and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern. |

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 12 June 2014

PRESENT: Councillors Geoff Smith (Chair), Neale Gibson, Stuart Wattam and Denise Reaney

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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 Councillor Neale Gibson declared an interest in the applications on the agenda on the grounds that he had held discussions on the matter with the applicant, and he left the meeting.

4. LICENSING ACT 2003 - TOWNFIELD HEAD FARM, LONG LANE, STANNINGTON, SHEFFIELD S6 6GR - FOURTEEN TEMPORARY EVENT NOTICES

4.1 At the commencement of the meeting, it was agreed by all parties that both cases be considered at the same time. (Agenda items 4 and 5)

4.2 The Chief Licensing Officer submitted two reports to consider a notice of objection relating to 12 temporary event notices (Case No.61/14) and two temporary event notices (Case No.62/14) for the premises known as Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR.

4.3 Present at the meeting were Mark Woodward (Applicant), Sarah Brown (Applicant's partner), Neal Pates and Nick Chaplin (Environment Protection Service (EPS)), Clive Stephenson (Principal Licensing Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).

4.4 Marie-Claire Frankie outlined the procedure which would be followed at the meeting.

4.5 Clive Stephenson presented the reports to the Sub-Committee and it was noted that an objection had been received from the EPS and was attached at Appendix "B" to both reports.

4.6 Neal Pates referred to historical complaints made by neighbours of the applicant which had led to an application for a premises licence being considered by the

Licensing Sub-Committee on 3rd April, 2014 which was refused. However, some agreement was made when Temporary Events Notices were subsequently submitted to allow for some of the events already booked by Mr Woodward to take place on a trial basis, to enable the Environmental Protection Service to assess the impact of the events on the applicant's neighbours. Neal Pates referred to an area map and a site plan of the area which showed the positioning of the wedding marquee and the surrounding properties. He stated that on the 25th and 31st May, 2014 officers from the Environmental Protection Service had visited the area whilst events were taking place and had taken sound recordings at various locations in the area and also inside the neighbouring premises. He further stated that, prior to the events taking place, noise monitoring equipment had been installed in the bedroom of the immediate neighbours of the applicant to enable short audio recordings to be made. Neal Pates said that on both occasions, the music noise levels were such that individual songs were clearly audible and identifiable some 280 metres away from the Marquee. Event noise was also witnessed at the neighbouring property caused by guests' use of the courtyard facilities.

- 4.7 Nick Chaplin said that he had attended the area on the 31st May and had observed from different positions in the area significant noise nuisance caused by music, the DJ over the PA system, talking, singing, noise from the toilets and the hand-dryers inside the toilets. He said that he was told by a local resident that the Marquee had been moved to a location nearer to Flash Lane than the previous week, due to boggy ground, and the noise levels were higher than the previous event at Flash lane due to this and the wind blowing towards this Lane. He added that although the live music was turned off promptly at 11.00 p.m., recorded music continued to 11:30 p.m. and there was additional noise created by people leaving the event.
- 4.8 Neal Pates then referred to records of calls made to the 101 Service by neighbours and correspondence he had subsequently received. He also referred to the 12 conditions which the applicant had volunteered at the meeting held in April, and stated that whilst the spirit of the conditions had been adhered to, public nuisance had still occurred. He then referred to the sound level meter data which had been recorded prior to and during the events and said that the noise during the events was significantly higher than noise levels measured on a similar evening when no event was taking place, and that the noise level was very intrusive to the human ear. He said that due to the nature of the events, it would be very difficult to control the noise.
- 4.9 In response to questions from Members of the Sub-Committee, Neal Pates stated that the conditions were that no more than 200 people were allowed to attend the one day events, and that two out of four of the neighbours resident on Flash Lane, and four residents in the locality in total had objected to the premises licence being granted. He added that there are no statutory noise levels, the Service has to consider what an acceptable level of noise is. Regarding questions relating to the proposed pop-up restaurant events, Neal Pates stated that he can only assume the noise levels at such events and would like the opportunity to monitor the event before reacting to it.

- 4.10 Mark Woodward stated that it has never been his intention to make the lives of his neighbours a misery. He said he worked hard and had had a very stressful past five months dealing with pressure from vexatious neighbours and the Environmental Protection Service, believing that the Service have behaved inappropriately towards him and is in the process of submitting a formal complaint.
- 4.11 Mark Woodward circulated a document showing a timeline. He said that initially his near neighbours had agreed to weddings taking place and in 2011 he had applied for and subsequently been granted a Temporary Event Notice (TEN) without any conditions. There had been no complaints. Due to the success of the wedding, he thought that this could be a sound business and consulted with his neighbours with a view to holding 10 similar events per year. Again in 2012 and 2013, TENs had been applied for and granted. He held a pop-up restaurant event in 2013 and again this had been very successful without any complaints from his neighbours. Similarly, he had held a large barbeque party and again no complaints were made. By February, 2014 he had taken bookings for 16 weddings to be held during 2014 and 2015 from April to September each year. Mr. Woodward then attended a Tour de France Workshop and planned a camping weekend which could potentially have more than 499 people attending. He was advised by the Licensing Service to apply for the premises licence, but after it was rejected he took advice on the conditions and has made every effort to comply with those conditions.
- 4.12 Mr. Woodward then referred to the Council's website which advertised similar events to his own, with outlying premises within 400 metres and in some cases 100 metres, but these events go ahead with no objection to them. He stated that none of the other Responsible Authorities had objected to the licence and Mr. Pates had stated his surprise at the licence being refused. Mr. Woodward, on advice, appealed against the decision of the Sub-Committee, but the Court case was adjourned and as yet no new date had been set and there was a forthcoming wedding which may not go ahead due to this.
- 4.13 Mr. Woodward produced a plan showing the location of his sitting room in comparison to neighbouring properties and the site of the Marquee. He played through his laptop, sound recordings he had made in his sitting room on the 25th and 31st May, adding that as can be seen, his sitting room is closest to the tent. The noise on each occasion was inaudible. He added that on the 31st May at 9.00 a.m., a bonfire was lit on neighbouring land and he contacted the Police. By the time the Police had arrived, the bonfire had died down, they went away and another bonfire was lit and when that died down, another was lit.
- 4.14 In response to questions, Mr. Woodward stated that he had bought his own sound recording equipment which he believed was approved by the Environmental Protection Service. In response to a question from Environmental Protection, Mr Woodward agreed that he had been advised by Mr Pates, prior to the events, not to rely on the use of a sound level meter to determine appropriate noise levels at the event and to determine levels by listening at the site boundary. He further stated that it was never his intention to hold more than 10 weddings throughout a calendar year and that there would never be more than 200 guests, apart from the Tour de France weekend which was unique. He added that the hand dryers in the

toilets could be removed; he had installed gates and put up notices asking people to leave quietly.

- 4.15 In summing up, Mark Woodward stated that there had been no issues with his neighbours prior to 2014, and that he has always acted in good faith, the problems commenced when he applied for the premises licence.
- 4.16 Clive Stephenson outlined the options open to the Sub-Committee.
- 4.17 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.
- 4.18 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.19 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.20 RESOLVED: That in the light of the information contained in the report now submitted, the additional information now circulated and the representations now made, (a) as regards the application for 12 Temporary Event Notices at Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR (Case No.61/14), the Sub-Committee issued a counter notice on the premises due to public nuisance; and
- (b) the application for Two Temporary Event Notices at Townfield Head Farm, Long Lane, Stannington, Sheffield S6 6GR for a Pop-Up Restaurant to be held from the 23rd to the 27th June, 2014 and another Pop-Up Restaurant to be held from the 23rd to the 28th June, 2015 (Case No. 62/14), be granted in the terms requested.

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

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 16 June 2014

PRESENT: Councillor David Barker (Chair)

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Jenny Armstrong.

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. 51/14 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No. 52/14 attended the hearing with a representative and they both addressed the Sub-Committee.
- 4.4 The applicant in Case No. 53/14 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>
51/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	Grant a licence for nine months, and, on the first renewal, authority be given to grant the applicant a 12 month licence and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

52/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 18 months and the licence be referred back to the Sub-Committee for review in the event that cause for concern occurs during the term of the licence.
53/14	Application to renew a Hackney Carriage and Private Hire Driver's Licence	Grant a licence for 18 months and the licence be referred back to the Sub-Committee for review in the event that cause for concern occurs during the term of the licence.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 17 June 2014

PRESENT: Councillors Geoff Smith (Chair), Olivia Blake, Neale Gibson and George Lindars-Hammond

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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. LICENSING ACT 2003 - VARIATION OF A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS A DESIGNATED PREMISES SUPERVISOR

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the variation of a Premises Licence to specify an individual as a Designated Premises Supervisor, made under Section 37 of the Licensing Act 2003 (Case No. 49/14).
- 4.2 Present at the meeting were Benita Mumby (South Yorkshire Police Licensing, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services). The Premises Licence Holder (Applicant) had been given notice of the hearing, but did not attend.
- 4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.
- 4.4 Clive Stephenson 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 'C' to the report. Mr Stephenson also circulated the application to vary a Premises Licence to specify an individual as Designated Premises Supervisor, which had been omitted from the papers published with the agenda.
- 4.5 Benita Mumby made representations on behalf of South Yorkshire Police, stating that the applicant had been found guilty of an offence in 2012, and that the

Police's objection related to Section 5 of the Rehabilitation of Offenders Act. Ms Mumby made reference to the sentence he had received and stated that, for these reasons, the Police did not believe that the applicant was a fit and proper person to hold a Premises Licence and become a Designated Premises Supervisor. Ms Mumby also responded to a number of questions raised by Members of the Sub-Committee.

- 4.6 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.9 RESOLVED: That, in the light of the conviction now reported and the representations now made, the application to vary a Premises Licence to specify an individual as a Designated Premises Supervisor, in respect of the premises now mentioned (Case No. 49/14), be refused.

(NOTE: 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 19 June 2014

PRESENT: Councillors David Barker (Chair), George Lindars-Hammond and Denise Reaney

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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 - WEST STREET OFF LICENCE, 147 WEST STREET, SHEFFIELD S1 4EW

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as West Street Off Licence, 147 West Street, Sheffield S1 4EW.

4.2 Present at the meeting were Colin Bell (Ben Davies Associates, for the Applicant), Husnu Aslan, (Applicant), Fahrettin Aslan (Designated Premises Supervisor), Metin Arslan (Personal Licence Holder) and Murat Polat (Staff Member), Patrick Robson (Solicitor representing Natalie Bryan, Objector), Natalie Bryan, Steve Lee, Peter Sephton, Linda Cooley and Nicholas Morgan (Objectors), Matt Proctor (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

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

4.4 Matt Proctor presented the report to the Sub-Committee and it was noted that representations had been received from nine members of the public, and were attached at Appendix "B" to the report.

4.5 Patrick Robson queried whether the appropriate notice had been given in respect of the application, indicating that the notice had been posted on the window of the premises, at a height of approximately 10 feet, therefore had not been easy to read. He stated that Ms. Bryan, who was of average height, had been forced to take a photograph of the notice using her mobile phone as she was not able to

read it. Ms. Bryan produced the photograph and it was viewed by the Sub-Committee. Colin Bell, for the applicant, stated the appropriate notice had been given, and the applicant also provided a photograph of the notice, which had been displayed in the window of the premises from 1st to 28th May, 2014, inclusive.

- 4.6 RESOLVED: That the public and press and attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.7 Marie-Claire Frankie reported orally, giving legal advice on the query now raised.
- 4.8 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.9 The Chair informed all the attendees involved in the application that the Sub-Committee was satisfied that the appropriate notice of the application had been given by the applicant, and that the application should proceed.
- 4.10 Patrick Robson continued his case by referring to Section 17 of the Crime and Disorder Act 1998, which referred to the responsibility of Licensing Authorities in terms of anti-social behaviour, the misuse of alcohol and criminal behaviour. It was considered that the opening of yet another outlet selling alcohol on West Street, which already had a high number of such establishments, would contribute to an increase in the afore-mentioned activities. Mr. Robson made reference to the actions and initiatives being undertaken by other local authorities in terms of dealing with problems related to the misuse of alcohol, including minimum pricing and the banning of the sale of super strength lager/beer/cider. He made specific reference to the "Reducing the Strength" campaign in Ipswich, following which, the Police had reported a 49% reduction in street drinker incidents during the first six months of the voluntary campaign. Mr. Robson referred to residents' and business owners' concerns with regard to the high concentration of outlets selling alcohol in the West Street area, as well as the close proximity of a number of the outlets to residential properties, and stressed that there was a need for the Local Authority to give serious consideration to this issue. He made reference to two other outlets in the immediate vicinity – Bargain Beers and Premier Foods – which held 24 hour licences to sell alcohol, and indicated that the opening of a further outlet with a 24 hour licence, would not only provide yet another opportunity for street drinkers and other vulnerable people to purchase alcohol for 24 hours, but could also result in a price war between the three stores, thereby exacerbating the problem even further. He concluded by questioning the appropriateness and need for a 24 hour licence and stated that if the Sub-Committee was mindful to grant the application, it should impose a number of conditions to ensure that the licensing objectives were met.
- 4.11 Linda Cooley stated that she considered that it would be socially irresponsible of the Local Authority if it was to grant the application, referring specifically to the potential harmful effect on street drinkers and other vulnerable groups of people.

- 4.12 Peter Sephton, speaking as a resident and Chair of the Glossop Road Baths Residents Association and Chair of the Sheffield City Centre Residents Action Group, stated that he had lived in the City Centre for nine years and had witnessed a steady increase in the levels of alcohol consumption, and the resultant effects of such consumption. He stated that the premises was approximately 125 yards from the Glossop Road Baths apartments, with a number of the apartments having open verandas, thereby exposing the residents to noise nuisance caused by the increasing number of street drinkers in the area. Mr. Sephton referred to the increasing number of outlets in the area selling alcohol, indicating that it was likely that such competition would result in lower prices, which would result in an increase in alcohol consumption. He stressed that there was a need for the Council to give serious consideration to the potential adverse effects the increasing number of outlets selling alcohol in this area could have. Mr. Sephton made specific reference to the four licensing objectives, indicating that there had been a murder outside the Viper Rooms two weeks ago, which had most probably been alcohol-related, and that he had recently been threatened whilst videoing a group of students urinating and vomiting on Convent Walk. With regard to the objective relating to the prevention of public nuisance, Mr. Sephton referred to the increasing problems being caused by street drinkers in the West Street area. He stated that the population in the City Centre had increased more than any other part of the City, and that there was a need for the Council to give consideration to balancing the needs of residents with the number of outlets selling alcohol. Mr. Sephton made reference to the responsibility of public health, which was now a function of the City Council, and stated that there was a need for the Sheffield Health and Wellbeing Board to give consideration to the adverse effects that the increase in the number of outlets selling cheap alcohol was having on the most vulnerable groups in society. He concluded by referring to the actions and initiatives taken by other cities to deal with the adverse effects of alcohol.
- 4.13 Steve Lee stated that he had particular concerns over the opening of yet another 24 hour off-licence in the area, referring specifically to the possible adverse effects on vulnerable people, such as street drinkers and young people. He stated that he was aware that the Police were already struggling to cope with the number of calls to the "101" number and indicated that granting a licence for yet another 24 hour off-licence could result in a price war between the different outlets, making the problem even worse.
- 4.14 In response to questions from Members of the Sub-Committee, Marie-Claire Frankie and Colin Bell, Natalie Bryan stated that she owned a fish and chip shop which was very close to the premises and that, although she had a licence to open until 05:00 hours, she would usually close at 22:00 hours due to the problems being experienced in the area. In terms of patterns regarding times when problems occurred, the objectors stated that the street drinkers were a constant problem, with the issues regarding Devonshire Green becoming considerably worse during the last three to four years. Whilst there had not been any problems directly related to the premises following the grant of the licence in June, 2011, due mainly to the fact that the premises did not actually trade, although other premises in the area reduced their prices following the grant of the licence. Natalie Bryan stated that it was someone who worked with the

Designated Premises Supervisor (DPS), and not himself, who had made reference to “selling cheap booze” to the street drinkers. She believed that the DPS purchased high strength alcohol from suppliers in London and that, due to the number of outlets selling alcohol in the area, he would be forced to lower his prices in order to compete. The objectors accepted that the issue regarding the number of off-licences and public houses in the area was not an issue for the Sub-Committee, but they considered that such a high number of establishments was contrary to the licensing objectives.

- 4.15 Colin Bell put forward the case on behalf of the applicant, referring to the previous application in respect of the premises, considered at a hearing of the Licensing Sub-Committee on 2nd June, 2011. Following a breakdown in the relationship between the applicant and his business partner, the plan to open the premises as an off-licence at that time did not materialise. In terms of the present application, Mr. Bell stated that all the staff were Personal Licence Holders, and one had received Security Industry Authority (SIA) training. Between 10:00 hours and 18:00 hours, there would be at least three members of staff on duty at the premises and the applicant had no objection to the Sub-Committee placing a further condition on the licence, requiring a Personal Licence Holder to be on duty at the premises for 24 hours a day. The premises comprised a very small shop, with reduced access, and all the alcohol and other goods on sale, were behind a glass screen. The Police and Environmental Protection Service were satisfied with the layout of the premises. The applicant did not intend to sell two litre bottles of cider or any super strength lager, but planned to focus on the sale of wine as he owned a wine merchants business. He would be operating Challenge 25, and would display relevant notices at the entrance and at the point of sale. He also planned to have a notice on the door, making it clear that alcohol would not be sold to any persons who were drunk. All members of staff had attended a training course, advising how to identify, and deal with people who were drunk. In terms of the comments raised by the objectors with regard to the possibility of price wars, Mr. Bell stated that this would not be the case as he would have to sell the alcohol at a specific price to enable him to make enough money for the business to survive. Mr. Bell stated that following discussions with officers of the City Centre Policing Team, he accepted that there were problems with the street drinkers and other alcohol-related issues in the West Street area, but commented that neither the Police nor any of the three local Councillors had raised any formal objections to the application. He concluded by stating that the number of other outlets selling alcohol in the area was not a matter for consideration by the Sub-Committee.
- 4.16 In response to questions from Members of the Sub-Committee and the objectors, Mr. Aslan stated that he had been in the wine business for six to seven months, owning a limited company, which sold good quality wine to restaurants. He stated that he made sufficient profit from the sale of the wine, so there was not likely to be any need for him to sell cheap beer/lager/cider. He purchased his wine from two suppliers in London, and he would visit restaurants to take orders. As his business was registered as a limited company, he would always pay VAT on his stock. He was aware, and had been warned about, the dangers of purchasing alcohol from un reputable dealers. Mr. Bell stated that, if the Sub-Committee deemed it necessary, Mr. Aslan would be willing to employ the member of staff

who was SIA accredited, to work on the door of the premises at weekends. In terms of the proposed business, Mr. Bell stated that Mr. Aslan's target clientele would be local residents and that whilst it was not likely that the premises would be open for 24 hours every day, Mr. Aslan would stay open initially for 24 hours in order to assess the market. Mr. Aslan was described as a very approachable person, and local residents or any other people with concerns with regard to the operation of the business, would be encouraged to approach him to discuss any concerns. In fact, Mr. Aslan had made provisional arrangements for staff members to meet the local residents who had raised the objections to discuss their concerns. There would be other food and drink for sale at the premises, as well as alcohol. Whilst it was appreciated that, due to the glass partition, customers would not be able to pick up and view bottles of wine at their leisure, arrangements would be made for them to do this on request.

- 4.17 Colin Bell summarised the case on behalf of the applicant.
- 4.18 RESOLVED: That the attendees involved in the application be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.19 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.20 At this stage in the proceedings, the meeting was re-opened to the attendees.
- 4.21 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of West Street Off-Licence, 147 West Street, Sheffield, S1 4EW, in the terms requested and, subject to the additional conditions as follows:-
- (a) there shall be a minimum of two members of staff on the premises at all times, between the hours of 23:00 and 06:00;
 - (b) Challenge 25 shall be implemented at the premises;
 - (c) a Premises Licence Holder shall be on the premises at all times when alcohol is for sale;
 - (d) a written risk assessment with regard to security shall be carried out and made available on request, and regularly reviewed;
 - (e) the Designated Premises Supervisor must be a member of Licence Watch, and maintain annual membership;
 - (f) a refusals book shall be kept on the premises and be available to the Police and authorised officers of the Council upon request; and
 - (g) no beers, lagers or ciders over AVB 7.5% shall be sold at the premises.

(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 24 June 2014

PRESENT: Councillors Geoff Smith (Chair) and Neale Gibson

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1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Vickie Priestley.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - INDIVIDUAL CASES

- 4.1 The Chief Licensing Officer submitted details in respect of three cases relating to hackney carriage and private hire licensing.
- 4.2 The applicant in Case No.55/14 attended the hearing and addressed the Sub-Committee.
- 4.3 The applicant in Case No.56/14 attended the hearing with a friend and they both addressed the Sub-Committee.
- 4.4 The applicant in Case No.57/14 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>
55/14	Application to renew a Private Hire Vehicle Licence.	Grant a licence for the shorter term of six months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case to warrant a departure from the current policy relating to the

56/14	Application to renew a Private Hire Vehicle Licence.	age limit of vehicles. Grant a licence for the shorter term of three months on the grounds that the Sub-Committee considers that there has been exceptional circumstances in the case to warrant a departure from the current policy relating to the age limit of vehicles.
57/14	Application for a new 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 and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 30 June 2014

PRESENT: Councillors David Barker (Chair), Jenny Armstrong and Denise Reaney

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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 - 58-60 WEST STREET, SHEFFIELD, S1 4EP (CHINESE BUFFET)

- 4.1 The Chief Licensing Officer submitted a report to consider an application for the granting of a premises licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Chinese Buffet, 58-60 West Street, Sheffield S1 4EP.
- 4.2 Present at the meeting were Wai Wing Lee (Applicant), Sean Gibbons (Environmental Health Officer, Objector), Clive Stephenson (Licensing Strategy and Policy Officer), Paul Barber (Solicitor to the Sub-Committee) and Jennie Skiba (Democratic Services).
- 4.3 Clive Stephenson presented the report to the Sub-Committee and it was noted that objections had been submitted by the Environmental Health Service and were attached at Appendix 'B' to the report.
- 4.4 Sean Gibbons stated that he had visited the site and referred to an amended site plan. He said that his objections were regarding the orientation of the bar and access/egress to and from the premises, and also the door orientation to the disabled toilets. Mr. Gibbons further stated that these amendments had subsequently been agreed and he expected a Building Completion Certificate to be handed over once the alterations were complete.
- 4.5 In response to questions, the applicant also agreed to amend the closing time from 12.00 p.m. to 11.00 p.m.
- 4.5 **RESOLVED:** That the application for a premises licence in respect of Chinese Buffet, 58-60 West Street, Sheffield S1 4EP be granted, subject to the change in

closing time as agreed at the meeting be implemented and the Environmental Health Officer being satisfied that the conditions have been taken into account, the objections outlined in the report, be withdrawn.

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 1 July 2014

PRESENT: Councillors Geoff Smith (Chair), Nikki Bond and Cliff Woodcraft

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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.65/14 attended the hearing with a representative and they both addressed the Sub-Committee.

4.3 The applicant in Case No.66/14 attended the hearing with a representative and they both 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>
65/14	Application for a new Hackney Carriage and Private Hire Driver's Licence	(a) Grant a licence for the shorter term of six months, in the light of the serious nature of the offences now reported and, on the first renewal, authority be given to grant the applicant a nine month licence and, 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 warned that if he commits any further offences or is the subject of any complaints or Officers have any issues with his conduct, his licence will be referred to the Sub-Committee for review straight away.

66/14

Application for a new 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 and, on any subsequent renewals, an 18 month licence, subject to there being no further cause for concern.



SHEFFIELD CITY COUNCIL

Committee Report

Report of:	Chief Licensing Officer, Head of Licensing
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Date:	21 August 2014 at 10am
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Subject:	Commons Act 2006 Fee Setting – Landowner Statements under Section 15A
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Author of Report:	Shimla Finch - 2734264
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Summary:	To set an application fee for landowner statements under section 15A of the Commons Act 2006.
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Recommendations:	That Members of the Commons Registration Committee note the contents of the report and approve the proposed new fee.
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Background Papers:	<ul style="list-style-type: none">• Growth and Infrastructure Act 2013• The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013• Guidance to Commons Registration Authorities in England on Sections 15A to 15C of the Commons Act 2006.
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Category of Report:	OPEN
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REPORT OF THE CHIEF LICENSING OFFICER, HEAD OF LICENSING TO THE LICENSING COMMITTEE (COMMONS REGISTRATION)

Ref: 80/14

COMMONS ACT 2006

Fee Setting – Landowner Statements under Section 15A

1.0 Purpose of the report

- 1.1 To set an application fee for landowner statements under section 15A of the Commons Act 2006.

2.0 Background

- 2.1 In July 2011 the Government published a consultation on the registration of new town and village greens due to increasing concerns about the impact of such applications on the planning system. The Government places great importance on the planning system to support efficiency, effectiveness and growth.
- 2.2 It was announced in October 2012 that the law on the registration of new greens under the Commons Act 2006 (“the 2006 Act”) would be amended in England only through the Growth and Infrastructure Bill, which was introduced to Parliament on 18 October 2012. On 25 April 2013 the Bill received Royal Assent and consequently became the Growth and Infrastructure Act 2013 (“the 2013 Act”).
- 2.3 Section 15 of the 2013 Act inserts sections 15A and 15B into the 2006 Act to introduce, respectively, landowner statements which bring to an end any period of recreational use ‘as of right’ over land which will protect them against the registration of land as a town or village green, and the registers in which they are to be recorded.
- 2.4 Section 13 of the 2013 Act amended the form and procedure in England for depositing statements and declarations under section 31(6) of the Highways Act 1980 in order to align it with landowner statements.
- 2.5 Sections 15 and 13, and the regulations which prescribe the rules for such applications, came into force on 1 October 2013.

3.0 Landowner Statements

- 3.1 Landowner statements deposited in accordance with section 15A of the 2006 Act bring to end any accumulated years of ‘as of right’ use of the land for lawful sports and pastimes – this essentially restarts the clock on the 20 years’ use required by the registration criteria. A new period of use ‘as of right’ can start to accumulate provided such use continues after the deposit of a landowner statement.
- 3.2 This mechanism is similar to the existing regime for making highways deposits under section 31(6) of the Highways Act 1980 (1980 Act), for the purpose of protecting land from being deemed to have been dedicated as highway.
- 3.3 Section 31(1) of the 1980 Act provides for the deemed dedication of land as a highway broadly where the page has used the land ‘as of right’ and without

interruption for at least 20 years, unless there is sufficient evidence of the landowner's intention not to dedicate it as such during that period.

- 3.4 Section 13 of the 2013 Act amends the form and procedure in England for making deposits under section 31(6) of the 1980 Act, which allows for the Regulations to align this existing regime with the new mechanism for making statements to protect against town or village green registration.
- 3.5 Sections 13 and 15 came into full effect on the 1st October 2013.
- 3.6 The Regulations provide for a combined application form which can be used by landowners to make deposits for both purposes, with the aim of minimising the administrative burden on landowners who wish to make statements to protect against registration of their land as a town or village green at the same time as protecting the land from deemed dedication as highway.
- 3.7 The Regulations provide for circumstances in which landowners can refer back to maps previously deposited with an appropriate authority, to avoid the provision of additional maps.
- 3.8 The Regulations also enable the recording of prescribed information relating to statements deposited under section 15A(1) of the 2006 Act to be incorporated into a new part of the existing register maintained by authorities for highways purposes under section 31A of the 1980 Act. This is with a view to minimising the administrative burden and cost on local authorities. The Regulations commenced on 1 October 2013.

4.0 Application Requirements and Process

- 4.1 Applicants must complete application form CA16 as prescribed by [Schedule 1 to the 2013 Regulations](#).
- 4.2 [Guidance for applicants has been published and should be read in conjunction with the notes at the beginning of form CA16.](#)
- 4.3 The application form must be signed by every owner (or by their duly authorised representative) of the land to which the application relates who is an individual, and by the secretary or some other duly authorised officer of every owner of land to which the application relates which is a body corporate or an unincorporated association.
- 4.4 The form must be accompanied by an Ordnance map at a scale not less than 1:10,560 (except where the application refers to a map which accompanied a previously deposited statement or declaration with the authority) showing the boundary of the land to which the application relates in coloured edging.
- 4.5 On receipt of the application, the Council will check whether the application has been 'duly made'. An application will be treated as having been 'duly made' if it is;
 - In the form prescribed by Schedule 1 to the 2013 Regulations
 - Signed by every owner (or by their duly authorised representative) of the land to which the application relates
 - Accompanied by an Ordnance map at a scale not less than 1:10,560 (except where the application refers to a map which accompanied a previously deposited statement or declaration with the Council) showing the boundary of the land in coloured edging

- Accompanied by the correct fee
- 4.6 If the requirements are not met, the application will be returned (the Council is under no obligation to either acknowledge the 'application' or process it further).
- 4.7 If the statement or map in question contains a material error it could invalidate the application, in whole or in part, and any entry made in the register might be removed by the Council. In this situation the Council is required to give 28 days' notice of the removal.
- 4.8 If the requirements have been complied with then the Council will;
- Accept and acknowledge the application
 - Post a notice at one entry point to each parcel of land
 - Publish the application on the authorities website
 - Send email notifications to every person/organisation who have requested to be informed of applications
 - Ensure that the application is added to the paper register at the offices of Sheffield City Council which is available for viewing
- 4.9 In the case of Statements under Section 15 A(1) of the Commons Act applicants must send the completed applications form and fees to the Commons Registration Authority.
- 4.10 In the case of Statements/Declarations under Section 31 (6) of the Highways Act applicants must send the completed application and fees to the Highways team.
- 4.11 Combined Section 15 A and Section 31(6) applications must be sent to the Commons Registration Authority together with appropriate fees.

5.0 Power to set a fee

- 5.1 Applications must be accompanied by the appropriate fee, if any is specified by the authority.
- 5.2 The 2013 Regulations do not provide any fee amounts: instead the authority has the power to set fees.
- 5.3 A fee specified by the authority must be reasonable for the application of that type. The power allows different fees for different types of application. The following are examples of why an authority may wish to consider setting different fees for different purposes:
- applications which relate to **either** highways deposits (highways statements or highways declarations) or the deposit of a green landowner statement;
 - applications which relate to deposits under **both** highways and greens regimes.
- 5.4 It is proposed that a fee is set of £320 on application for a landowners statement under section 15A of the Commons Act 2006. This fee has been derived through calculations of officer time in carrying out the procedure and places notices of the land (Appendix 1 refers).
- 5.5 The proposed fee will be reviewed to ensure that amounts are proportionate with the authority's costs.

6.0 Financial Implications

- 6.1 There are no financial implications for the Council arising from this report. Should Members agree the proposed fee as detailed in the report; the Council will recover its reasonable costs in administering the system.

7.0 Recommendation

- 7.1 That members consider all the information provided in the report and that included in any attachments before determining whether to approve the fee.

8.0 Options to the Licensing Committee (Commons Registration)

- 8.1 To approve the proposed fee.
- 8.2 To approve an alternative fee.

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

8th August 2014

Fee Setting- Landowner Statements

Item	Details	Including	fee
Process application	<p>Acknowledgement of receipt</p> <p>Checking of application, including comparison of existing records</p> <p>Preparation of notice</p> <p>Publish notice of receipt</p> <p>Publish notice of application on website</p> <p>Serve notice of application by email</p>	<p>Officer time</p> <p>General administration</p> <p>Computer update</p> <p>(4 hours *)</p>	
Post notice of application	Post notices on site	<p>Officer time</p> <p>General administration</p> <p>Travel time/expenses</p> <p>(2.5 hours)</p>	
Update registers	Add entries to relevant registers (paper and electronic)	<p>Officer time</p> <p>General administration</p> <p>Scanning/digitisation of records</p> <p>(1.5 hours)</p>	
			£320.00

*In the case of applications covering extensive areas or multiple land parcels, additional time may be involved. This time will be recorded and charged.