



# Council

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**Wednesday 2 December 2015**

**2.00 pm**

**Council Chamber, Town Hall,  
Pinstone Street, Sheffield, S1 2HH**

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

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## COUNCIL

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**Wednesday 2 December 2015, at 2.00 pm**  
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**The Press and Public are Welcome to Attend**

### MEMBERS OF THE COUNCIL

THE LORD MAYOR (Councillor Talib Hussain)  
THE DEPUTY LORD MAYOR (Councillor Denise Fox)

1	<i>Arbourthorne Ward</i> Julie Dore Mike Drabble Jack Scott	10	<i>Dore &amp; Totley Ward</i> Joe Otten Colin Ross Martin Smith	19	<i>Mosborough Ward</i> David Barker Isobel Bowler Tony Downing
2	<i>Beauchief &amp; Greenhill Ward</i> Julie Gledhill Roy Munn Richard Shaw	11	<i>East Ecclesfield Ward</i> Pauline Andrews Steve Wilson Joyce Wright	20	<i>Nether Edge Ward</i> Nasima Akther Nikki Bond Mohammad Maroof
3	<i>Beighton Ward</i> Helen Mirfin-Boukouris Chris Rosling-Josephs Ian Saunders	12	<i>Ecclesall Ward</i> Penny Baker Roger Davison Shaffaq Mohammed	21	<i>Richmond Ward</i> John Campbell Lynn Rooney Paul Wood
4	<i>Birley Ward</i> Denise Fox Bryan Lodge Karen McGowan	13	<i>Firth Park Ward</i> Sheila Constance Alan Law Garry Weatherall	22	<i>Shiregreen &amp; Brightside Ward</i> Peter Price Sioned-Mair Richards Peter Rippon
5	<i>Broomhill Ward</i> Jayne Dunn Aodan Marken Brian Webster	14	<i>Fulwood Ward</i> Sue Alston Andrew Sangar Cliff Woodcraft	23	<i>Southey Ward</i> Leigh Bramall Tony Damms Gill Furniss
6	<i>Burngreave Ward</i> Jackie Drayton Ibrar Hussain Talib Hussain	15	<i>Gleadless Valley Ward</i> Steve Jones Cate McDonald Chris Peace	24	<i>Stannington Ward</i> David Baker Katie Condliffe Vickie Priestley
7	<i>Central Ward</i> Lewis Dagnall Robert Murphy Sarah Jane Smalley	16	<i>Graves Park Ward</i> Ian Auckland Steve Ayris Denise Reaney	25	<i>Stocksbridge &amp; Upper Don Ward</i> Jack Clarkson Richard Crowther Keith Davis
8	<i>Crookes Ward</i> Rob Frost Anne Murphy Geoff Smith	17	<i>Hillsborough Ward</i> Bob Johnson George Lindars-Hammond Josie Paszek	26	<i>Walkley Ward</i> Olivia Blake Ben Curran Neale Gibson
9	<i>Darnall Ward</i> Dianne Hurst Mazher Iqbal Mary Lea	18	<i>Manor Castle Ward</i> Jenny Armstrong Terry Fox Pat Midgley	27	<i>West Ecclesfield Ward</i> John Booker Adam Hurst Zoe Sykes
				28	<i>Woodhouse Ward</i> Mick Rooney Jackie Satur Ray Satur

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John Mothersole

Chief Executive

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Contact:

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## **PUBLIC ACCESS TO THE MEETING**

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The Council is composed of 84 Councillors with one-third elected three years in four. Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them

All Councillors meet together as the Council. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and at its Annual Meeting will appoint Councillors to serve on its Committees. It also appoints representatives to serve on joint bodies and external organisations.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Members of the public have the right to ask questions or submit petitions to Council meetings and recording is allowed under the direction of the Chair. Please see the website or contact Democratic Services for further information regarding public questions and petitions and details of the Council's protocol on audio/visual recording and photography at council meetings.

Council meetings are normally open to the public but sometimes the Council may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last. 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.

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## **FACILITIES**

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

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

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**COUNCIL AGENDA  
2 DECEMBER 2015**

**Order of Business**

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**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members to declare any interests they have in the business to be considered at the meeting.

**3. MINUTES OF PREVIOUS COUNCIL MEETING**

To receive the record of the proceedings of the meeting of the Council held on 4<sup>th</sup> November 2015 and to approve the accuracy thereof.

**4. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

(a) To receive any questions or petitions from the public, or communications submitted by the Lord Mayor or the Chief Executive and to pass such resolutions thereon as the Council Procedure Rules permit and as may be deemed expedient.

(b) Petition Requiring Debate

The Council's Petitions Scheme requires that any petition containing over 5,000 signatures be the subject of debate at the Council meeting. A qualifying petition has been received as follows:-

Petition to Reverse the Changes to Buses in Sheffield from November 2015

To debate an electronic petition containing over 12,000 signatures (as at 23<sup>rd</sup> November) requesting that the changes to buses in Sheffield from November 2015 be reversed. The wording of the e-petition is as follows:-

*“The buses in Sheffield changed on 1st of November. It has been horrendous the first week of implementation. Full buses and less services are affecting all walks of life. It appears that the congestion is worse in the first week - although this is yet to be established. Please return the services that worked and allowed everyone to get to where they are going.”*

**5. MEMBERS' QUESTIONS**

5.1 Questions relating to urgent business – Council Procedure Rule 16.6(ii).

5.2 Supplementary questions on written questions submitted at this meeting – Council Procedure Rule 16.4.

5.3 Questions on the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue and Pensions – Section 41 of the Local Government Act 1985 – Council Procedure Rule 16.6(i).

(NB. Minutes of recent meetings of the two South Yorkshire Joint Authorities have been made available to all Members of the Council via the following link -

<http://sheffielddemocracy.moderngov.co.uk/ecCatDisplay.aspx?sch=doc&cat=13165&path=0>)

## **6. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

To consider any changes to the memberships and arrangements for meetings of Committees etc., delegated authority, and the appointment of representatives to serve on other bodies.

## **7. LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

Report of the Executive Director, Place.

## **8. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)**

Report of the Executive Director, Place.

## **9. NOTICE OF MOTION GIVEN BY COUNCILLOR IAN AUCKLAND**

That this Council:-

- (a) is committed to defending Sheffield's reputation as the greenest city in the country – affording our green and open spaces the protection they deserve;
- (b) recognises the importance of demonstrating a five-year economically-deliverable supply of housing within the City's Local Plan;
- (c) therefore notes with concern the current Green Belt Review taking place at the same time as the Sheffield Local Plan is being developed;
- (d) also notes with caution a number of urban green spaces, parks and recreation grounds that have been earmarked as an 'identified opportunity site' and therefore 'suitable for housing';
- (e) notes that the independent URBED report 'Sheffield: Garden City?' has much higher estimates for homes on brownfield and urban sites

than the Council's own projections, for example, through 'Urban remodelling' of the Neepsend and Attercliffe areas of the city, this could supply 8,714 homes and 14,924 respectively, but the Sheffield City Council report has only 1,900 and 2,400 homes in these areas, and believes that these higher figures would take the strain off other places and preserve our green open spaces;

- (f) notes that there is currently planning permission in Sheffield for 7,840 new dwellings that are currently not being developed or are incomplete;
- (g) notes that developers will often shun brownfield sites for development as it is often easier and more profitable to them to develop on greenfield sites;
- (h) however, believes that using the New Homes Bonus to invest in brownfield sites and bring more empty homes back into use, could avoid the need to concrete over greenfield and Green Belt land;
- (i) regrets that in the last financial year only £0.3m of the New Homes Bonus was spent on enhancing hard to develop sites and bringing long term empty houses back into use, whilst £0.8m was spent on building a cycle path from Park Square to Norfolk Park and £0.6m improving local centres in what is believed to be the Administration's favoured areas;
- (j) notes that developers will often 'sit' on undeveloped land until its value rises and believes the Liberal Democrat policy of a Site Value Rating tax would discourage this;
- (k) furthermore, hopes the Administration will re-investigate density and height requirements within the inner ring-road to help protect important green spaces;
- (l) hopes the Administration will not use the Green Belt Review to remove any of the 125 sites either wholly or partly in the green belt, suggested by developers in the 'Call for Housing', from the green belt so they can be developed;
- (m) opposes a wholesale Green Belt review until more innovative ways of delivering Sheffield's five-year housing supply have been exhausted;
- (n) calls on the Administration to do more to encourage development, such as using the New Homes Bonus to enhance hard to develop sites; and
- (o) calls on the Administration to commit to protecting our parks and urban green spaces, affirming that no parkland will be developed for housing in the next 5 years.

**10. NOTICE OF MOTION GIVEN BY COUNCILLOR TERRY FOX**

That this Council:-

- (a) recalls cuts made under the Coalition Government for funding bus services, including the Bus Services Operators Grant and the Rural Bus Subsidy Grant, which have put pressure on bus services across the country;
- (b) recognises that the bus partnership, implemented in 2012, has improved the reliability of the network and reduced fares for many passengers, despite Government cuts, thereby helping to improve the sustainability of bus services;
- (c) however, believes that bus companies have a duty to provide an effective bus route network across the city, and notes that from 1 November, when the bus companies implemented their changes to Sheffield's bus network, this has not been demonstrated;
- (d) demands that the bus companies swiftly address the problems that have occurred on several routes in recent weeks, and ensure that improvements are put in place as soon as possible; and
- (e) welcomes the action taken by Cabinet Member for Environment and Transport to call in the bus companies to answer for these problems.

**11. NOTICE OF MOTION GIVEN BY COUNCILLOR LEIGH BRAMALL**

That this Council:-

- (a) recalls the introduction of the National Planning Policy Framework (NPPF) under the Coalition Government, which requires local authorities to have a local plan in place to meet their local housing need over the next 20 years;
- (b) notes that the NPPF requires local authorities to allocate a five-year supply of immediately and economically deliverable sites, which, with severe cuts made by the Coalition Government to brownfield remediation, have made it increasingly difficult to build on brownfield land;
- (c) notes that despite these challenges, the current Administration does not want to build on the green belt and is committed to maximizing building on brownfield land and protecting green spaces;
- (d) further notes that the national planning practice guidance issued by the Coalition Government, which sets out how a Strategic Housing Land Availability Assessment (SHLAA) should be undertaken,

states that 'sites, which have particular policy constraints, should be included in the assessment for the sake of comprehensiveness';

- (e) recalls that a SHLAA was published in March 2011, when the main opposition group was in control of the Council, and that this included a list of 17 green belt sites, including one on Baslow Road, Totley;
- (f) therefore believes the main opposition group is displaying breathtaking hypocrisy and a wilful intention to mislead the public on this issue;
- (g) notes that if a local plan isn't in place, when a developer applies for planning permission on sensitive sites, the Council's power to refuse is increasingly weakened;
- (h) understands therefore that Sheffield needs to have a local plan in place that complies with the NPPF introduced by the Coalition Government; and
- (i) looks forward to hearing local residents' views on options for the nature and scale of growth in their areas over the next 20 years, following the publication of the Sheffield Plan: Citywide Options for Growth to 2034.

## **12. NOTICE OF MOTION GIVEN BY COUNCILLOR SHAFFAQ MOHAMMED**

That this Council:-

- (a) notes with horror recent attacks worldwide by Daesh (ISIL) terrorists, including, but not exclusive to, the murder of 130 innocent civilians in Paris, the 224 killed when a plane from Egypt to Russia was bombed, the many hundreds more murdered or injured in bombings in Beirut, Turkey, Iraq and elsewhere, and those murdered on the beach in Tunisia;
- (b) notes with sadness the millions of people displaced from their homelands in Daesh controlled areas;
- (c) believes the use of force in defeating Daesh as a territorial power to be justified under the terms of the NATO Treaty and by the recent UN Security Council resolution;
- (d) believes, however, that bombing alone has proven ineffective in similar scenarios, and that ground troops from allies in the region will be needed;
- (e) supports calls for co-operation between NATO powers, Iraq, Russia, Saudi Arabia and Iran in taking action against Daesh;



- (f) recognises that while foreign policy mistakes in the past may have contributed to instability in the region, responsibility for Daesh outrages lies entirely with the perpetrators of those outrages;
- (g) believes that we should hold fast to the values of democracy, freedom, tolerance, inclusivity and human rights in defiance of Daesh;
- (h) notes that Daesh's primary focus is the conquest and control of territory in the Middle East, to which end they have killed, raped and enslaved large numbers of Muslims and non-Muslim minorities;
- (i) believes Daesh to be a threat to the safety and security of peoples of all faiths and none, many of whom have lived peacefully side by side in the region for centuries, and that division between Muslims and non-Muslims is what Daesh is trying to achieve;
- (j) welcomes efforts of the Council to promote peace and understanding between the diverse communities in this city; and
- (k) resolves that a copy of this motion be sent to Sheffield's six MPs and to the United Nations.

### **13. NOTICE OF MOTION GIVEN BY COUNCILLOR JAYNE DUNN**

That this Council:-

- (a) is concerned that, if passed, the Government's Housing and Planning Bill would threaten the provision of affordable homes through:-
  - (i) forcing 'high-value' council homes to be sold;
  - (ii) extending the right-to-buy to housing association tenants; and
  - (iii) undermining requirements on private developers to provide affordable homes;
- (b) notes that there is no commitment in the Bill that affordable homes will be replaced on a like-for-like basis in the local area;
- (c) further notes that, whilst measures to help first-time-buyers are welcome, the 'starter homes' proposals in the Bill will:-
  - (i) be unaffordable to families and young people on ordinary incomes in most parts of the country; and
  - (ii) be built at the expense of genuinely affordable homes to rent

and buy; and

- (d) believes that the Bill undermines localism by providing new wide and open-ended powers to the Secretary of State over councils, including the ability to mandate rents for council tenants, and, in effect, to impose a levy on stock-holding councils, violating the terms of the housing revenue account self-financing deal.

#### **14. NOTICE OF MOTION GIVEN BY COUNCILLOR BRIAN WEBSTER**

That this Council:-

- (a) believes in the fundamental principle of the NHS - that quality healthcare should be accessible by all, and free at the point of access - and understands that this would not be possible without the contributions made every day by the dedicated and highly skilled professionals who work in the health service;
- (b) notes that Sheffield is privileged to be the location of a number of world-class NHS hospitals, which not only help to keep people healthy and save lives, but are also major employers in this city;
- (c) believes that junior doctors are a vital part of the healthcare team that keeps hospitals in Sheffield and across the country functioning at their best, and believes that without their efforts the NHS would be unable to function;
- (d) believes it is only fair that those who are working hard to protect the health and wellbeing of the people of Sheffield should be fairly rewarded for their efforts, with appropriate compensation and with adequate safeguards to prevent staff being required to work excessive hours;
- (e) notes the nearly unanimous (98%) support from junior doctors balloted for strike action in response to the proposed new junior doctors' contract, on a turnout of 76%;
- (f) respects this result, fully supports the right of junior doctors to take industrial action, and agrees with the British Medical Association's (BMA) assessment that the proposed new contract is "unsafe for patients and unfair for doctors";
- (g) welcomes the commitment of the BMA to take steps to ensure that urgent and essential care can be provided by other doctors and NHS staff in the event of a strike;
- (h) hopes that strike action by junior doctors can be avoided by a fair and mutually agreeable deal being reached between the BMA and the Secretary of State for Health, and therefore urges the Secretary of State to accept the BMA's offer of going to the Acas mediation

service for further negotiations to reach such a deal;

- (i) believes that if a fair resolution to this dispute cannot be found, the Secretary of State risks driving many junior doctors out of the profession, or even out of the country entirely, in search of fair pay and employment conditions, and believes that this would be a regrettable outcome and deeply damaging to Sheffield's hospitals and to the NHS in general;
- (j) calls upon all Members to support junior doctors in their ongoing fight for a fair contract, including in the event of industrial action; and
- (k) requests officers to send a copy of this motion to the Secretary of State for Health, and to the Yorkshire Regional Junior Doctor Committee.

## **15. NOTICE OF MOTION GIVEN BY COUNCILLOR JOHN BOOKER**

That this Council:-

- (a) believes the Common Fisheries Policy (CFP) has been an economic, social and environmental disaster for the UK, with the result that, we, a once great sea-faring nation with the greatest trading seaborne empire the world has ever seen, are reduced to importing two thirds of the fish we consume;
- (b) regrets that the British political class are seemingly unconcerned about this perceived betrayal, and that the Liberal Democrat, Labour and Conservative parties seem to believe that the perceived vast waste of taxpayers' money and the plundering of our waters with no thought for the future, are a price worth paying for EU membership;
- (c) further regrets that, when former Prime Minister, Edward Heath, two weeks after his election victory in 1970, signed the CFP deal, this led to what amounted to an invasion of British coastal waters – whilst having almost 80% of Europe's fishing grounds, the UK has only 13% of Europe's fishing quota;
- (d) agrees with the late Labour politician, Aneurin (Nye) Bevan, when he described Great Britain as an "island made of coal, surrounded by a sea of fish", and regrets that these jewels in our crown have seemingly been abandoned and surrendered;
- (e) places on record the facts that, in 1970, 948,000 tonnes of fish were landed from British vessels and by 2015 it was 405,000 tonnes, the reduction of fishermen over that period was from 20,751 to 12,450, and we now import £2.66 billion worth of fish annually; and

- (f) further, states we must put a stop to what this Council believes to be a scandal, and the only way to do so is to leave the EU and reclaim our seas.

## **16. NOTICE OF MOTION GIVEN BY COUNCILLOR ROGER DAVISON**

That this Council:-

- (a) notes the cross-party support for the Coalition Government policy to cap care costs following the Dilnot Commission, and that the Conservative Party was elected to Government with a clear and unambiguous promise in their manifesto to cap care costs from 2016 onwards;
- (b) notes that the Chancellor of the Exchequer, the Rt. Hon. George Osborne MP's emergency budget in July 2015 provided no extra funding for social care;
- (c) notes with concern the recent Government announcement to shelve plans for a cap on care costs, with an estimated £100m of public money spent on preparation set to be wasted and uncertainty for the future of those who will be needing these care services;
- (d) notes that social care has suffered from chronic underfunding and, unlike the NHS, has not enjoyed any protection and that an underfunded social care system simply increases costs in the NHS;
- (e) therefore calls on the Government to ensure that social care is sustainably funded to ensure that people receive the right care in the right place at the right time and that no one faces catastrophic care costs;
- (f) calls on the Government to cancel the increase in the allowance threshold for inheritance tax and use the saving to support these reforms, thereby protecting the homes of those in need of care; and
- (g) requests that a copy of this motion be sent to the Secretary of State for Health.

## **17. NOTICE OF MOTION GIVEN BY COUNCILLOR RICHARD SHAW**

That this Council:-

- (a) notes that 20<sup>th</sup> November was the International Transgender Day of Remembrance, a day to remember transgender people who have lost their lives through hate-fuelled violence;
- (b) notes that transgender and intersex individuals experience similar levels and types of discrimination within society, including, but not limited to, hate crime, health discrimination, and difficulty obtaining

documents in the correct gender;

- (c) notes that the transgender and intersex communities are too often marginalised, with little or no emphasis on their needs from government or third sector organisations;
- (d) notes transgender and intersex people are at a higher risk of mental health issues and suicidal ideation than the general population and the rest of the LGBT+ population, especially among BME transgender and intersex people;
- (e) notes current practices in data collection make it difficult for a transgender person to have their gender recorded accurately under the terms of the Data Protection Act 1998, and that, without a gender recognition certificate, their transgender status is not guaranteed to be treated as protected or sensitive data;
- (f) notes with regret the recent death of Vicky Thompson, a transgender woman who had been living as a woman for 4 years, who committed suicide after she was sent to a male prison as she did not possess a gender recognition certificate;
- (g) believes that variations in sex and gender, however they manifest, are a simple fact of human physiology and psychology, and neither the state nor society should pass judgement on people who deviate from what is considered the norm;
- (h) welcomes the Liberal Democrat campaign to introduce 'X' gender markers on UK passports;
- (i) calls on the Administration to introduce an 'X' gender option and 'Mx.' title option on all its forms for non-binary gendered individuals as a small move towards acceptance; and
- (j) calls on the Government to introduce a 'X' gender option for UK passports and requests that a copy of this motion be sent to the Home Secretary.

## **18. NOTICE OF MOTION GIVEN BY COUNCILLOR AODAN MARKEN**

That this Council:-

- (a) believes that full Council meetings are an important mechanism for demonstrating the Council's accountability to Sheffield residents;
- (b) recognises that all Councillors want to represent their constituents and the city well, and that a great deal of this work inevitably takes place outside of the full Council meeting;
- (c) believes that full Council meetings could run better than they have

done in the past, and that the best way to achieve that is via mutual respect on the part of all Members and dialogue between Council political groups;

- (d) notes the comments from the Leader of the Council, following the July full Council meeting, stating that 'we can improve the way the Council meeting operates', comments which were supported by the leaders of opposition groups;
- (e) believes that heckling Members from other parties is a sign of disrespect to the voters who chose their Councillor to represent them;
- (f) notes with disappointment the actions taken in adding to the recommendations of the Interim Director of Public Health for Sheffield's annual 2015 report at the November full Council meeting, and believes that these additions were made with little regard for normal procedure;
- (g) notes that Green Councillors have previously called for audio-broadcasting of meetings, to allow wider public access;
- (h) is pleased that the recording of full Council meetings is being explored, and believes that this should be expedited for the purposes of local democracy and transparency;
- (i) calls on the leaders of all political groups on the Council to hold a publicly accessible meeting to discuss how best to improve full Council meetings; and
- (j) proposes that an annual survey of Council Members should be used to improve and assess progress in improving the conduct of all public Council meetings.

**19. NOTICE OF MOTION GIVEN BY COUNCILLOR ANDREW SANGAR**

That this Council: -

- (a) notes the 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21) is scheduled to take place in Paris, France from 30 November to 11 December 2015;
- (b) believes this will be a crucial conference, as it needs to achieve a new international agreement on the climate, applicable to all countries, with the aim of keeping global warming within 2 degrees Celsius above pre-industrial levels;
- (c) notes the achievements of Liberal Democrats in government from 2010 to 2015 in maintaining momentum towards a new global treaty

on climate change, working constructively with other EU member states for more ambitious action on green growth and making progress towards decarbonising the UK economy;

- (d) condemns the Government for what this Council believes is an ideologically-motivated decision to end support for onshore wind power, which can only serve to increase the cost of the low-carbon transition while at the same time losing jobs and investment and harming the UK's international competitiveness;
- (e) therefore calls upon the Government to:-
  - (i) play a leading political and diplomatic role as part of the EU negotiating effort to secure agreement on a fair, effective and legally binding new global climate treaty at the conference; and
  - (ii) ensure that the UK meets its own targets to reduce greenhouse gas emissions and plays a leadership role within Europe and internationally on efforts to combat climate change; and
- (f) requests that a copy of this motion be sent to the Prime Minister and the Secretary of State for Energy and Climate Change.



Chief Executive

Dated this 24 day of November 2015

**The next ordinary meeting of the Council will be held on 6 January 2016 at the Town Hall**

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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# Agenda Item 3

Minutes of the Meeting of the Council of the City of Sheffield held in the Council Chamber, Town Hall, Pinstone Street, Sheffield, S1 2HH, on Wednesday 4 November 2015, at 2.00 pm, pursuant to notice duly given and Summonses duly served.

## PRESENT

THE LORD MAYOR (Councillor Talib Hussain)  
THE DEPUTY LORD MAYOR (Councillor Denise Fox)

- |   |   |    |   |    |  |
|---|---|----|---|----|--|
| 1 | <i>Arbourthorne Ward</i><br>Julie Dore<br>Mike Drabble<br>Jack Scott                    | 10 | <i>Dore &amp; Totley Ward</i><br>Joe Otten<br>Colin Ross<br>Martin Smith          | 19 | <i>Mosborough Ward</i><br>David Barker<br>Tony Downing   |
| 2 | <i>Beauchief &amp; Greenhill Ward</i><br>Julie Gledhill<br>Roy Munn<br>Richard Shaw     | 11 | <i>East Ecclesfield Ward</i><br>Pauline Andrews<br>Steve Wilson<br>Joyce Wright   | 20 | <i>Nether Edge Ward</i><br>Nasima Akther<br>Mohammad Maroof                                    |
| 3 | <i>Beighton Ward</i><br>Helen Mirfin-Boukouris<br>Chris Rosling-Josephs<br>Ian Saunders | 12 | <i>Ecclesall Ward</i><br>Penny Baker<br>Shaffaq Mohammed                          | 21 | <i>Richmond Ward</i><br>John Campbell<br>Lynn Rooney<br>Paul Wood                              |
| 4 | <i>Birley Ward</i><br>Denise Fox<br>Bryan Lodge<br>Karen McGowan                        | 13 | <i>Firth Park Ward</i><br>Sheila Constance<br>Alan Law<br>Garry Weatherall        | 22 | <i>Shiregreen &amp; Brightside Ward</i><br>Peter Price<br>Sioned-Mair Richards<br>Peter Rippon |
| 5 | <i>Broomhill Ward</i><br>Jayne Dunn<br>Aodan Marken<br>Brian Webster                    | 14 | <i>Fulwood Ward</i><br>Sue Alston<br>Andrew Sangar<br>Cliff Woodcraft             | 23 | <i>Southey Ward</i><br>Leigh Bramall<br>Tony Damms<br>Gill Furniss                             |
| 6 | <i>Burngreave Ward</i><br>Jackie Drayton<br>Ibrar Hussain<br>Talib Hussain              | 15 | <i>Gleadless Valley Ward</i><br>Steve Jones<br>Cate McDonald<br>Chris Peace       | 24 | <i>Stannington Ward</i><br>David Baker<br>Katie Condliffe<br>Vickie Priestley                  |
| 7 | <i>Central Ward</i><br>Lewis Dagnall<br>Robert Murphy<br>Sarah Jane Smalley             | 16 | <i>Graves Park Ward</i><br>Steve Ayris<br>Denise Reaney                           | 25 | <i>Stocksbridge &amp; Upper Don Ward</i><br>Jack Clarkson<br>Richard Crowther<br>Keith Davis   |
| 8 | <i>Crookes Ward</i><br>Rob Frost<br>Anne Murphy<br>Geoff Smith                          | 17 | <i>Hillsborough Ward</i><br>Bob Johnson<br>George Lindars-Hammond<br>Josie Paszek | 26 | <i>Walkley Ward</i><br>Olivia Blake<br>Ben Curran<br>Neale Gibson                              |
| 9 | <i>Darnall Ward</i><br>Mazher Iqbal<br>Mary Lea   | 18 | <i>Manor Castle Ward</i><br>Jenny Armstrong<br>Terry Fox<br>Pat Midgley           | 27 | <i>West Ecclesfield Ward</i><br>John Booker<br>Adam Hurst<br>Zoe Sykes                         |
|   |   |    |   | 28 | <i>Woodhouse Ward</i><br>Mick Rooney<br>Jackie Satur<br>Ray Satur                              |

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Ian Auckland, Nikki Bond, Isobel Bowler, Roger Davison, Gill Furniss and Dianne Hurst.

**2. DECLARATIONS OF INTEREST**

Councillors Josie Paszek and Adam Hurst declared personal interests in item 6 on the Summons (Representation, Delegated Authority and Related Issues), as they were appointed to the Sheffield Health and Social Care NHS Foundation Trust Council of Governors.

**3. MINUTES OF PREVIOUS COUNCIL MEETING**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Peter Rippon, that the minutes of the meeting of the Council held on 7<sup>th</sup> October 2015 be approved as a true and accurate record.

**4. PUBLIC QUESTIONS AND PETITIONS AND OTHER COMMUNICATIONS**

**4.1 Petitions**

**4.1.1 Petition Objecting to Planning Application – Residential Development on Land at the Rear of Pleasant Road**

The Council received a petition containing 76 signatures objecting to the planning application regarding residential development at the rear of Pleasant Road.

Representations on behalf of the petitioners were made by David Walker. Mr Walker informed the Council that parking and access on Pleasant Road was already difficult and that the proposed development would worsen this situation. The proposal would also involve the removal of mature trees, which the petitioners believed should be preserved. He commented that some detail on the drawings submitted as part of the planning application appeared to be incorrect and invited planning officers to visit the site.

The Council referred the petition to Councillor Jayne Dunn, the Cabinet Member for Housing. Councillor Dunn stated that the petition would be submitted to the Planning and Highways Committee, which judged each application on its merits.

**4.1.2 Petition Requesting Double Yellow Lines on Norton Church Road**

The Council received an electronic petition containing 21 signatures requesting double yellow lines on Norton Church Road.

Representations on behalf of the petitioners were made by Mike Farbrother. Mr

Farbrother stated that Norton Church Road led to a vicarage and 25 other properties. There were parking problems and difficulties for vehicular access, including refuse vehicles and emergency vehicles and the road was also used to access Graves Park. The petition requested double yellow lines at entrance points to alleviate the problems regarding access to people's homes and that it was done when the road was resurfaced.

The Council referred the petition to Councillor Terry Fox, the Cabinet Member for Environment and Transport. Councillor Fox requested that Mr Farbrother provide his contact details and said that he would speak with him further regarding the petition and issues on Norton Church Road.

#### 4.1.3 Petition Requesting Help in Connection with the 83/83A Bus Service Route Diversions

The Council received a petition containing six signatures requesting help in connection with the 83/83A bus service route diversions.

Representations on behalf of the petitioners were made by Mary Fraser who referred to changes to the 83 and 83A bus service, which resulted in people needing to change buses and walking further, particularly affecting the journeys of older people who wished to go to the doctors, do their shopping or use other services in Burngreave. Many elderly people in Firs Hill did not have cars and she personally had recently waited 25 minutes for a bus to travel home. She asked for the Council's help on behalf of people in Firs Hill.

The Council referred the petition to Councillor Terry Fox, the Cabinet Member for Environment and Transport. Councillor Fox stated that the Council had received a number of enquiries about changes to the bus network and these matters were being referred to the South Yorkshire Passenger Transport Executive and local councillors would also raise issues of concern relating to bus services. Councillor Fox stated that he would speak further with the petitioners about the matters they had raised.

#### 4.1.4 Petition Requesting the Repainting of the Markings in the Middle of Sandygate Road

The Council received an electronic petition containing 200 signatures requesting the repainting of the markings in the middle of Sandygate Road.

Representations on behalf of the petitioners were made by Adam Hanrahan. Mr Hanrahan stated that the petitioners wished for the road markings on Sandygate Road to be repainted. People were not consulted regarding the changes to the position of road markings and vehicles now had to straddle the central line markings to pass parked cars. The repositioned markings meant that drivers coming downhill would always be on the wrong side of the road and he queried the potential implications for car insurance.

The Council referred the petition to Councillor Terry Fox, the Cabinet Member for Environment and Transport. Councillor Fox said that he did not have information

concerning any consultation regarding the road markings but stated that he would reply to the petitioners.

4.2 Public Questions

4.2.1 Public Questions Concerning School Places, Holt House and Carter Knowle Schools

Matthew Genn asked if the Council could guarantee that no 3-18 years through school was proposed at Carter Knowle Road and about related evidence.

Diana Barlos asked what arrangements were in place whilst building work was carried out in and would this cause significant disruption for current pupils and will it affect their education, health and wellbeing?

Liz Cross asked whether there would be minutes available of a recent meeting which had taken place concerning school places.

Jacqueline Howarth asked why the former HSBC site at Dore had not been proposed as a site for a through school and why there had been no proposal on integrated resource units in the proposed new schools.

Emma Holley asked why outstanding infants and junior schools with a brilliant ethos would be destroyed and replaced with a through school.

Teresa Dodds asked a question concerning the Abbeydale site and Amanda Fletcher asked why both the Abbeydale and Bannerdale sites were proposed for housing when it was known that a secondary school was needed.

Nagina asked what would be done regarding congestion on Bannerdale Road and Abbeydale Road and concerns relating to the health and safety.

Ruksana Kosar stated that whilst people were aware that a secondary school was required, there was concern that existing schools were not destroyed in the process. She also expressed concern that the site for a new school should be large enough to properly accommodate children.

Rala Barlos asked why it was felt acceptable to propose that the space per pupil be reduced to 5 square metres.

Shahid Ali asked whilst parents of Holt House and Carterknowle schools were being consulted, when would the wider community also be consulted?

Sarah Tinsley asked why the capacity of High Storrs School and King Ecbert's School, which were outstanding schools, could not be increased to provide a greater number of school places.

A comment was made that Holt House school location should be retained and, whilst Carterknowle school might be merged, there should not be a secondary school on the same site.



Reference was made to the closure of Abbeydale Grange School in recent years because few local people were using the school and it being used by children from other areas in Sheffield and the question asked as to why this might not occur again?

A comment was made that children should not be taken from their existing catchment, which included High Storrs and King Ecbert's Schools and that the Council should consider developing a 16-18 academy on the Bannerdale site to leave extra places for children.

Councillor Jackie Drayton, the Cabinet Member for Children, Young People and Families, responded to the questions and thanked people for attending the Council meeting and for becoming involved in the consultation process. She stated that the school places consultation concerned the options for school places and the Council wanted other options to come forward as a result of the consultation. The Council would consider all of the options against the criteria and then make a decision on that basis.

Workshops had taken place and more were going to happen. There was also a website, which included Frequently Asked Questions and the website was also a place where people would be able to put their views as to their preferred options. There had been a (national) birth rate increase of 25% and two areas of Sheffield, the South West and North East, were particularly affected by increases in child population.

Some primary and secondary aged children did not get into their local school and the consultation and related proposals were about increasing the number of available school places in primary and secondary schools. Whilst there were related issues and proposals for several schools, including Holt House Infant, Ecclesall Infant and Clifford school, the context for the consultation on school places was as outlined above. The Council was listening to people's views. The Council had proposed a fourth option during consultation suggesting the use of the Bannerdale Centre site, which would be considered along with any other options put forward during the consultation.

The ambition for the South West was to develop new housing and a new secondary school, protect existing green space, address traffic congestion and air quality, ensure value for money and create something which was excellent in educational terms. The Council wanted to create outstanding schools. There was considerable research regarding the proposal for 3-18 provision (e.g. paper by the National College for School Leadership outlined the opportunities presented by 3-18 provision) and some people argued it was a better model for children's education.

The impact of construction works relating to the development of a school would depend upon the extent of building works that took place. The consultation workshops were not formally minuted. However, questions and points raised were noted and captured using 'Post-it' notes and were also included on the consultation webpage.

In reference to the question concerning the HSBC site at Dore, whilst that site was not necessarily in the right place, it would be assessed along with the other options in the consultation.

No decision had been made as regards the provision of school places and it was not intended that either the outstanding leadership which was already in place or existing schools themselves should be lost as a result of any proposals being made. The Council wanted to have more, not less, outstanding schools in the City.

As regards potential traffic congestion and traffic management associated with a new school, a further consultation would need to take place regarding any planning and highways proposals.

Councillor Drayton outlined the demographic changes over time, which had to be understood when considering primary and secondary school places for the future.

In relation to the sustainability of any newly created school and the circumstances in relation to Abbeydale Grange School, Councillor Drayton commented that, at the end, parents did not opt to send their children there. Whatever option was chosen for new school provision, a school would need to have the confidence of parents. Work would be done in partnership with existing schools to create a new school that people wished for their children to go to.

Councillor Drayton stated that there was no reason that an integrated education resource could not be considered in the new school but this would have to be part of the city wide strategy for provision for children with Special Educational Needs and Disabilities (SEND). She encouraged people to take the opportunity of attending workshops on the South West and North East consultation on school places and to put their points of view on the consultation webpage.

#### 4.2.2 Public Question Concerning Smithywood

Nigel Slack referred to the rejection of an application to change the status of Smithywood into a village green. He stated that the ancient woodland was now at risk from the developers of a motorway service station. He commented that a piece of Sheffield heritage may be destroyed for corporate profits and based on shaky economic benefits and an alleged prize of minimum wage employment for the likes of McDonalds, Starbucks and so on.

He referred to a statement by developer concerning the need for a service area on the grounds of road safety, which he stated was inflammatory and was not supported by statistics, including that in 2014 only 48 fatalities were attributed to fatigue on all roads throughout the UK. (RoSPA)

Mr Slack asked if the Council would undertake to ensure that any planning application based on suggested safety benefits was independently verified rather than relying on statements from the applicant; and following the decision on village green status, what is the expected decision date for the planning

application?

Councillor Jayne Dunn, the Cabinet Member for Housing, stated that the planning submission would be assessed by the Council's planning officers and no date had as yet been set for the Planning and Highways Committee at which this matter would be considered. This information would be made available on the Council website.

#### 4.2.3 Public Questions Concerning Investment in the Sheffield Retail Quarter

Nigel Slack stated that following the Chancellor and his entourage of civic leaders visiting China recently, there had been suggestions that the investment for Sheffield's New Retail Quarter may come from that country.

He commented that China's poor record on human rights was well known and referred to a recent Guardian article, concerning the Chinese President's visit. Mr Slack asked if the City would temper support for human rights and state oppression for an expedient investment in the New Retail Quarter.

Councillor Leigh Bramall, the Cabinet Member for Business Skills and Development and Deputy Leader of the Council, stated that a number of parties had expressed an interest in investing in the Sheffield Retail Quarter. Sheffield had sister city relationship with two cities in China, which was a place with diverse communities and China as a whole should not be judged only by the actions of its government.

Councillor Julie Dore, the Leader of the Council, stated that the pretext for the visit to China by the Chancellor and others (including herself) was in promoting opportunities for investment in the North of England, including in Sheffield, which was a major contributor to the concept of a 'Northern Powerhouse', together with Leeds and Manchester. The Sheffield Retail Quarter (SRQ) was among other potential investment opportunities, and it did not necessarily follow that the SRQ would be chosen by a potential investor following that visit. However, she considered that there was a duty to take such opportunities to promote Sheffield.

#### 4.2.4 Public Questions Concerning Devolution Deal

Nigel Slack stated that, at the last City Region Combined Authority meeting there was a report, to the meeting but not the public, on the proposed Sheffield City Region Combined Authority (SCRCA) consultation in respect of the new 'devolution' deal. He said that he had concerns over this consultation proposal. The consultation was intended to happen during November and December, though details are still sketchy as to exactly when.

He stated that this was a period when most people are completely distracted and absorbed by preparations and celebrations for Christmas, which was not the best time to engage the public in the complex issues around devolution.

Mr Slack said that the consultation itself seemed designed to promote a positive spin on the 'deal' with comments like "good deal", "supported by the private

sector”, “City Region at the forefront of the Northern Powerhouses”, “leading the way”, “new money – new powers”, “protects sovereignty of Councils”, “residents and businesses well served by negotiations”.

He asked: should consultations be neutral or biased; and would Council be conducting its own consultation, in addition to this flawed SCRCA consultation, before they present the 'devolution' proposal to Council for a vote? If so, will Council ensure this is neutral and balanced?

Councillor Julie Dore, the Leader of the Council, stated that with reference to the Sheffield City Region Combined Authority (SCRCA) meeting, she did not recall a part of that meeting that was not held in public and following clarification by Mr Slack, it was made clear that he had referred to the pre-meeting.

The City Region believed it had achieved the best outcomes from the negotiations with Government on a deal for the Region. The proposals would be presented to elected members for consideration and would be the subject of consultation with the public and other stakeholders. What needed to be considered was how the consultation should be undertaken. Councillor Dore stated that she would put the recommendations made by Sheffield to the City Region as to how (as a region) consultation might take place with stakeholders, including business and public sector organisations.

The consultation period was short and the timetable had been set by the Government as being from November to January. The consultation should be informed and factual. Information made available during the consultation should also make it clear what was being signed up to and include anything that was being given away. The matter would be considered by the Council following, and informed by, the consultation process. The issue of devolution was to be considered by the Council’s Overview and Scrutiny Management Committee and Councillor Dore said that she would also attend that Committee meeting.

#### 4.2.5 Public Question Concerning Trees

Nigel Slack asked whether the Council had seen the article from Sheffield Hallam University entitled “6 reasons to stop the ‘Sheffield Chainsaw Massacre’”, which involved the academic, Professor Ian Rotherham, an expert whose views the Council used to take note of and whose analysis had been used in answers to his questions in the past. He asked why the Council was no longer listening to Professor Rotherham and whether it could be that Amey’s profits make it expedient to find an expert that agrees with their decisions on felling. He asked if the independent review panel would take evidence just from Council sources or from outside the Council and the contractor?

Councillor Terry Fox, the Cabinet Member for Environment and Transport, stated that there were a number of experts in relation to trees. It would be a decision of the Chair and Independent Panel as to the evidence that they wished to consider and the Council would not have input into that issue. He was confident that the Council policy and procedure with regard to highways trees was correct.

#### 4.2.6 Public Questions Concerning Devolution

Martin Brighton stated that last Sunday, Labour's John Healey said 'No mayor', but would 'swallow' imposition. Then Tory Julian Sturdy said he was 'not sure' that an elected executive mayor was the right way to go, but would 'swallow' imposition. Then, a film was shown of Mr Osborne saying that an elected executive mayor would not be enforced, which echoed what had been voted upon during the previous week in Parliament. He asked why the Council was going ahead with an elected executive mayor.

Mr Brighton stated that in answer to a previous question about devolving democracy, the Council wrote to him claiming that the current Northern Powerhouse deal would enhance citizen democracy. He asked given that the people have already said 'No' to an elected executive mayor, how can such a statement be sustained?

Mr Brighton stated that the fourth principle of the Northern Powerhouse states that it shall be 'involving the local people in how the Northern Region is run'. He asked, given this Council's track record of the past two decades and its intransigence over the elected executive mayor issue, how does this Council propose to genuinely engage in meaningful consultation with local people in the decision-making processes that affect their lives and their neighbourhoods?

Mr Brighton asked: where is the democratic boundary between imposed decisions made by the Council without citizen consultation, or even despite the expressed contrary decision of citizens, and the Council's respect for and compliance with the will of those citizens?

Councillor Julie Dore, the Leader of the Council, referred to answers which she had given in response to questions earlier in the meeting concerning devolution. The Council was not currently going ahead with implementing an elected mayor. The decision regarding an elected mayor for the City Region and proposals for devolution would depend upon the outcome of consultation and was subject to a decision by Council.

The Northern Powerhouse 'deal' was about investment in the North of the country and could enhance democracy in so far as powers would be devolved from Westminster to a local level. The consultation process was yet to be determined. Decision making and democracy was not an exact science. The boundary as to whether or not consultation should take place was not precise and in some circumstances consultation was mandatory, whilst in others, it might be said to be expected. Where consultation was mandatory or expected, the Council would make sure that such consultation happened and where the Council believed that consultation was appropriate, it would consult accordingly. Councillor Dore confirmed that there would be consultation regarding the proposals for devolution in the City Region.

#### 4.2.7 Public Question Concerning Accountability

Martin Brighton asked whether this Council's Cabinet was accountable to this chamber, either through a claimed collective responsibility or individually. He said that this was asked because Council documents were revealed showing that the FOI (Freedom of Information) department was encouraging the Housing department to break the FOI Act. "The Cabinet's written response was to follow the policy of Deny and Lie about the existence of its own documents, followed by attacking this citizen, instead of immediately investigating such a serious crime."

Mr Brighton asked: does this Chamber support such behaviour by the Cabinet?

Councillor Julie Dore, the Leader of the Council, stated in response that she would refute the statements which Mr Brighton had made in his question.

## **5. MEMBERS' QUESTIONS**

### **5.1 Urgent Business**

There were no questions relating to urgent business under the provisions of Council Procedure Rule 16.6(ii).

### **5.2 Questions**

A schedule of questions to Cabinet Members, submitted in accordance with Council Procedure Rule 16, and which contained written answers, was circulated and supplementary questions under the provisions of Council Procedure Rule 16.4 were asked and were answered by the appropriate Cabinet Members.

### **5.3 South Yorkshire Joint Authorities**

There were no questions relating to the discharge of the functions of the South Yorkshire Joint Authorities for Fire and Rescue or Pensions under the provisions of Council Procedure Rule 16.6(i).

## **6. REPRESENTATION, DELEGATED AUTHORITY AND RELATED ISSUES**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Peter Rippon, that (a) approval be given to the following changes to the memberships of Boards, etc.

Cabinet Highways Committee	-	Councillor Sioned-Mair Richards to replace Councillor Isobel Bowler
Safer and Stronger Communities Scrutiny and Policy Development Committee	-	Councillor Peter Rippon to fill a vacancy
Audit Committee	-	Councillor Josie Paszek to replace Councillor Sioned-Mair Richards
Senior Officer Employment Committee	-	Councillor Sioned-Mair Richards to fill a vacancy
Corporate Joint Committee with Trade Unions	-	Councillor Sioned-Mair Richards to replace Councillor Isobel Bowler
Communities Portfolio Joint Consultative Committee	-	Councillor Sioned-Mair Richards to replace Councillor Isobel Bowler

(b) representatives be appointed to serve on other bodies, as follows:-

Ecclesall Bierlow Poors' Land Charity	-	Councillor Shaffaq Mohammed to fill a vacancy
Sheffield Carers and Young Carers Board	-	Councillor Olivia Blake to replace Councillor Jenny Armstrong
Sheffield Safer and Sustainable Communities Partnership	-	Councillor Sioned-Mair Richards to replace Councillor Isobel Bowler

(c) Councillor Mary Lea is appointed as the Council's Mental Health Champion.

(d) Councillor Leigh Bramall is nominated to serve as a Non-Executive Director of the Sheffield Health and Social Care Trust.

## **7. DIRECTOR OF PUBLIC HEALTH REPORT FOR SHEFFIELD (2015)**

The Council received a presentation by the Interim Director of Public Health, Stephen Horsley, concerning the Director of Public Health Annual Report 2015, entitled *Transforming Public Health*.

The Annual Report provided a profile of health and wellbeing in Sheffield and reviewed how Sheffield compared to other core cities and the rest of England. It identified areas for improvement. Examples were provided of how Council

resources as a whole were being used to achieve the City's aspiration of improving health and wellbeing in Sheffield to be amongst the best in England. The report described a number of priorities for action during the next 12 months and made a further three recommendations to improve the health of the local population.

National indicators produced by Public Health England were used to provide a detailed picture of how long people live and how healthy they were in comparison with other core cities and the England average.

Life expectancy was improving and the gender gap was narrowing. For women, average life expectancy at birth (2011-13) was 82.4 years and for men it was 78.8 years. However, life expectancy in Sheffield fell short of the England average of 83.1 and 79.4 years respectively but it was amongst the best of the major cities in England. Inequality in life expectancy between the most and least deprived (women and men) remained unchanged in the last ten years.

The presentation looked at the wider determinants of health, which were social-economic factors which influenced health and which included poverty, employment, environment, housing and crime and safety. Improvement was required in areas including child poverty, school readiness, pupil absence, 16 to 18 year olds not in education, employment or training, violent crime and fuel poverty.

The presentation outlined areas of health improvement or healthy lifestyle choices and mental wellbeing including teenage conceptions, where the City had seen a sustained reduction in the rate of conceptions in girls aged under 18 years, although it remained higher than the national average.

In relation to health protection, the incidence of Tuberculosis in Sheffield had increased and was higher than the England average. Sheffield was seeking to develop a Tuberculosis screening programme.

The rate of premature mortality from cancer at 159.9 per 100,000 population in 2011-13 was significantly higher than the national average of 144.4 per 100,000. Approximately 58% of those deaths were considered to be preventable, either by changes in lifestyle or screening programmes and early detection and treatment.

A number of public health programmes and initiatives were identified, which it was believed had the potential to transform health and wellbeing in Sheffield and for which there was evidence that a local authority can have a major impact on the population's health. Detailed priorities for action were provided within the following broad areas:

- More children ready for learning and life
- Improved mental and emotional wellbeing
- Better housing conditions
- Tackling the underlying causes of health inequalities
- Helping people who face barriers to get a job



- Maintaining a healthy weight throughout life

Stephen Horsley concluded by setting out the following three recommendations:

- The Health and Wellbeing Board should establish a local baseline measure of wellbeing for the City and use this to track change over time and variation across the different communities in Sheffield
- The Council should provide products which assist residents to reduce the cost of their home energy and the amount they use
- The Health and Wellbeing Board should ensure schools in Sheffield give all children the opportunity to participate in appropriate exercise.

Members of the Council asked questions and commented upon issues raised by the Director of Public Health's Annual Report and presentation.

**Question** Is there evidence that what was being done in relation to obesity was working and do we need to be doing more or implementing other initiatives; and how might physical activity be built into people's lives.

**Answer** There was evidence to suggest that some programmes relating to reducing obesity worked effectively, but this was not the case for all existing programmes. The public health review, which was being undertaken at present, would give consideration to alternative initiatives or programmes. There was evidence that sufficient exercise at age 45 to 60 may result in increased mobility later in life at age 60 to 70 and also improved people's quality of life.

**Question** There was pressure on people to eat the wrong type of foods, but also pressure to be thin, which might have a negative effect on a person's self - image and mental wellbeing and it could be that someone of a certain weight was healthy at that weight.

**Answer** Attention should also be given to people who were underweight. There were a number of health conditions associated with being obese or overweight, including diabetes and obesity was a significant problem in the adult and child population. Nearly 60% of the adult population were overweight or obese. People needed to be supported to live healthy lifestyles or lose weight.

**Question** In relation to obesity, was enough being done to influence national policy and what more could be done to provide people with advice on foods which were bad for them? Reference was made to the idea of a tax on sugar.

**Answer** It was the responsibility of the public sector to influence others and many things associated with healthier lifestyles were not necessarily expensive. For instance, it cost less to stop smoking and to eat less or consume less alcohol. Some forms of exercise could also be free. It was possible to build upon work

already being done in communities and alternative approaches would also be considered.

Question How much Public Health funding is spent on prevention and what level of shift in the allocation of such spend would be desirable?

Answer The public health budget had moved from the former Primary Care Trusts to local authorities and this included a number of treatment elements, such as sexual health. The budget was divided approximately equally between prevention and treatment. Ideally, a greater proportion would be spent on prevention. However, the Council also used other components of its budget in ways which supported health and wellbeing and contributed to prevention, such as the City's parks and swimming facilities. There was a need to look at preventative work to ascertain that it was effective.

Question What might the Council do to influence national government to change legislation in relation to things such as the obesogenic environment and other policy levers that can really help people to change behaviours relating to diet and smoking, for example.

Answer Legislative change was required as regards the prevalence of smoking. There might be reluctance to apply a tax to foods containing sugar and there were also commercial pressures to consider. Directors of Public Health and Public Health England were in a position to engage government to bring about support for change and there were also things which could be done locally.

Question What was the extent of confidence that the Community Wellbeing Programme and others were supporting the most vulnerable people, for example older people; and in relation to GP Practice Champions, was this proving successful?

Answer Work had been done in Sheffield communities and GPs attended community meetings and there might be an extension of such practice. However, it was not certain that all vulnerable people were being supported at a neighbourhood level. There was also evidence that the act of volunteering was good for people's health and wellbeing and it was desirable to increase volunteering activity in communities. GPs wished to have more Health Champions. The Community Wellbeing Programme was a good base, upon which to build and local Councillors also had an important role to play in local areas as community leaders.

Question With regards young people's mental health, which was affected by factors including economic austerity and poverty, how might young people be encouraged to participate in community development and actively engage in volunteering?

Answer The Council was working on a project jointly with the Department of Work and Pensions to help people and especially those who were long term unemployed, into work and such activity could be resourced and built into community programmes.

- Question Despite reductions in some areas, inequalities in health were not really changing. How will the outcomes of programmes and initiatives be measured to make sure these were effective and were having impact and can there be greater precision in relation to measuring and targeting?
- Answer There had been targeting of activity, for example, stop smoking programmes had been targeted at manual workers and pregnant women. There was also a significant counter effort to encourage people to smoke. Particular wards in the City had also been targeted in relation to smoking cessation. However, the City had not been as successful in reducing health inequalities as people may have liked and there was a similar national trend. There was a need to examine in what ways the public health budget linked to other areas of the Council's work.
- Question Was there evidence of the effects of poverty and inequality on early life and related implications of the welfare reforms and would it be possible to produce a half-yearly progress report on the action plan?
- Answer Reductions in the available resources affected all aspects of the Council's work and the effects of budget cuts would need to be monitored. Progress reports on actions would be provided to Members. There was useful information at ward level in relation to smoking, obesity and alcohol and further information could be provided for Members, who could play a vital role in their respective wards.
- Question Was there evidence about the amount of time children and young people spend on computer games at the expense of physical activity and the relationship this may have with weight and health. The cost of some gym memberships was also high, whilst it was acknowledged that Activity Sheffield was doing a very good job.
- Answer The increased use of computers or similar devices and the effect on physical activity was something which could be examined.
- Question Average life expectancy continued to follow the national trend of increase. How might improvements continue? The number of children walking to school was low, and was something which might be investigated.
- Answer The public health review was in progress and this would look at whether resources were being used in the best way possible. It was important that the Council and the Clinical Commissioning Group develop a joint strategy in order to tackle issues together. The Clinical Commissioning Group wished to review how it interacted with the City Council. It was necessary to concentrate on a smaller number of initiatives to improve people's health and wellbeing. There were actions that the Council might take which would help improve health and wellbeing by introducing bylaws, encouraging walking to school and reducing parking around schools and in other areas such as licensing.
- Question Some school based programmes such as sports coaches had ceased in

recent years. In terms of changing lifestyle choices and behaviours, there could be a greater emphasis on children and young people, especially in terms of exercise in the school curriculum and this could be followed through by Ofsted. There were still marked inequalities between areas of the City.

Answer There were contrasts in health and wellbeing between different areas of Sheffield. Much had been done in relation to giving children a better start. There was evidence of successful outcomes if certain actions were taken with regard to children at an early age and the Council would need to examine whether resources should be used to support children earlier in their lives.

Question What was happening in relation to young people's mental and emotional health and what was the effect of government cuts? There were particular issues regarding the health of people in black and minority ethnic communities.

Answer Particular strategic areas would be examined, but together with the circumstances for the whole City. The Council tried to make sure that children had access to services for their health and more could be done specifically regarding mental health and emotional wellbeing.

The Lord Mayor, on behalf of the Council, thanked Stephen Horsley for presenting his report and for answering Members' questions.

RESOLVED: On the Motion of Councillor Mazher Iqbal, seconded by Councillor Peter Price, that this Council:

- (a) notes the information contained in the Interim Director of Public Health's report, expresses support for the three specific recommendations on improving the health of the local population, and thanks the Interim Director for his presentation;
- (b)
  - (i) believes that this report provides further evidence on the link between deprivation and ill health;
  - (ii) therefore opposes the Government's cuts to public health funding and the continuation of the approach under the Coalition Government that cuts are being experienced by areas with the highest levels of deprivation at the same time as some of the healthiest and wealthiest areas of the country receive no cuts at all; and
  - (iii) therefore requests that a copy of this resolution be forwarded to the Secretary of State for Health and to the six Sheffield MPs.

The votes on the Motion were ordered to be recorded and were as follows:

- For Paragraph (a) of the Motion (71) - The Lord Mayor (Councillor Talib Hussain), The Deputy Lord Mayor (Councillor Denise Fox) and Councillors Julie Dore, Mike Drabble, Jack Scott, Julie Gledhill, Roy Munn, Richard Shaw, Helen Mirfin-Boukouris, Chris Rosling-Josephs, Ian Saunders, Bryan Lodge, Karen McGowan, Jayne Dunn, Aodan Marken, Brian Webster, Jackie Drayton, Ibrar Hussain, Lewis Dagnall, Robert Murphy, Sarah Jane Smalley, Rob Frost, Geoff Smith, Mazher Iqbal, Mary Lea, Joe Otten, Colin Ross, Martin Smith, Pauline Andrews, Steve Wilson, Penny Baker, Shaffaq Mohammed, Alan Law, Garry Weatherall, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Jones, Cate McDonald, Chris Peace, Steve Ayris, Denise Reaney, Bob Johnson, George Lindars-Hammond, Josie Paszek, Jenny Armstrong, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, John Campbell, Lynn Rooney, Paul Wood, Peter Price, Sioned-Mair Richards, Peter Rippon, Leigh Bramall, Tony Damms, David Baker, Richard Crowther, Keith Davis, Olivia Blake, Ben Curran, John Booker, Adam Hurst, Zoe Sykes, Mick Rooney, Jackie Satur and Ray Satur.
- Against Paragraph (a) of the Motion (0) - Nil
- Abstained on Paragraph (a) of the Motion (0) - Nil
- For Paragraph (b) of the Motion (53) - The Lord Mayor (Councillor Talib Hussain), The Deputy Lord Mayor (Councillor Denise Fox) and Councillors Julie Dore, Mike Drabble, Jack Scott, Julie Gledhill, Roy Munn, Helen Mirfin-Boukouris, Chris Rosling-Josephs, Ian Saunders, Bryan Lodge, Karen McGowan, Jayne Dunn, Jackie Drayton, Ibrar Hussain, Lewis Dagnall, Geoff Smith, Mazher Iqbal, Mary Lea, Pauline Andrews, Steve Wilson, Alan Law, Garry Weatherall, Steve Jones, Cate McDonald, Chris Peace, Bob Johnson, George Lindars-Hammond, Josie Paszek, Jenny Armstrong, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, John Campbell, Lynn Rooney, Paul Wood, Peter

Price, Sioned-Mair Richards, Peter Rippon, Leigh Bramall, Tony Damms, Richard Crowther, Olivia Blake, Ben Curran, John Booker, Adam Hurst, Zoe Sykes, Mick Rooney, Jackie Satur and Ray Satur.

Against Paragraph (b) of the Motion (0)

Abstained on Paragraph (b) of the Motion (18)

Councillors Richard Shaw, Aodan Marken, Brian Webster, Robert Murphy, Sarah Jane Smalley, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Ayriss, Denise Reaney and David Baker and Keith Davis.

**8. NOTICE OF MOTION GIVEN BY COUNCILLOR GEORGE LINDARS-HAMMOND**

**Tax Credits**

It was moved by Councillor George Lindars-Hammond, seconded by Councillor Adam Hurst, that this Council:-

- (a) is appalled by the Government's decision to cut tax credits which will reduce the incomes of over 3 million working families, including 27,000 in Sheffield, by an average of £1,300 a year from April 2016;
- (b) believes the Government's decision to cut tax credits clearly shows that the Conservatives are not on the side of working people, and that attempts to rebrand themselves as the 'workers' party' are nothing more than empty rhetoric;
- (c) notes that there was no mention of cutting tax credits in the Conservative Party manifesto and recalls that the Prime Minister explicitly ruled out cuts to tax credits in the run up to the General Election on BBC Question Time on 30th April 2015;
- (d) notes research from the Resolution Foundation which found that the proposed cuts to tax credits will immediately push a further 200,000 children into poverty;
- (e) further notes comments made by Paul Johnson, Director of the Institute for Fiscal Studies, who said it was "arithmetically impossible" for the increase in the minimum wage to compensate for the loss in tax credits;
- (f) believes that these cuts to the income of working families on low wages are unjustifiable, particularly given cuts to inheritance tax and to the top rate of

income tax; and

- (g) calls on the Government to heed the House of Lords' opposition to these cuts and to reverse in full the proposed reductions to tax credits.

Whereupon, it was moved by Councillor Shaffaq Mohammed, seconded by Councillor Steve Ayris, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) regrets the Government's plan to slash Tax Credits from 1st April 2016;
- (b) notes that despite massive public opposition, and opposition from Conservative backbenchers, the Government attempted to press ahead with these unnecessary ideological cuts that will hit the working poor hardest;
- (c) notes that if the proposed changes to Tax Credits were implemented:-
  - (i) 25,000 families in Sheffield are set to lose out an average £750 a year in Tax Credits; and
  - (ii) 40,000 children in our area would be forced to live in poorer households, reducing their life chances and making it harder for their parents to make ends meet;
- (d) notes that cutting Tax Credits was not in the Conservative Party manifesto, and the Prime Minister explicitly ruled them out during the General Election campaign, meaning the Government does not have a mandate to carry this out;
- (e) regrets that these Government proposals have got to this stage after the Welfare Reform and Work Bill passed through the House of Commons, which 184 Labour MPs failed to oppose, including 4 of the 5 Sheffield Labour MPs;
- (f) notes that the Labour Party has repeatedly wavered on their position on tax credit cuts and two Shadow Cabinet Ministers, MPs Diane Abbott and Seema Malhotra, have been unable to say that the Labour Party would reverse the cuts;
- (g) believes the Labour Lords amendment which was passed on Monday 26th October 2015 to delay the cuts by three years and implement 'transitional measures' is a step in the right direction but it does not go far enough and will be of little solace to hardworking people on low incomes when the Government's proposals are implemented in three years' time;
- (h) notes that the Liberal Democrat peers tabled a 'fatal motion' to kill off Tax Credit changes for good but this was defeated because Labour members in the House of Lords did not support it; and

- (i) therefore, calls on the Council to write to The Baroness Smith of Basildon, Shadow Leader in the House of Lords, regretting the decision of Labour Peers to only delay Tax Credit cuts.

On being put to the vote, the amendment was negated.

(Note: Councillors Pauline Andrews, John Booker and Keith Davis voted for paragraphs (a) to (f) and (i) and abstained on paragraphs (g) and (h) of the above amendment and asked for this to be recorded.)

It was then moved by Councillor Brian Webster, seconded by Councillor Aodan Marken, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (g) and (h) as follows, and the re-lettering of original paragraph (g) as a new paragraph (i):-

- (g) agrees with comments made by the Green Peer, Jenny Jones, that the Government's cuts to tax credits are "unthinking, uncaring and cruel", and commends Baroness Jones and all other members of the House of Lords who opposed these cuts;
- (h) further, agrees with Baroness Jones' comments that, "It is regrettable that it falls upon an unelected body to hold this Government to account – but until we have a fully elected second chamber, Peers must continue to properly scrutinise this kind of deeply damaging legislation".

On being put to the vote, the amendment was negated.

Following a Right of Reply by Councillor George Lindars Hammond, the original Motion was then put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) is appalled by the Government's decision to cut tax credits which will reduce the incomes of over 3 million working families, including 27,000 in Sheffield, by an average of £1,300 a year from April 2016;
- (b) believes the Government's decision to cut tax credits clearly shows that the Conservatives are not on the side of working people, and that attempts to rebrand themselves as the 'workers' party' are nothing more than empty rhetoric;
- (c) notes that there was no mention of cutting tax credits in the Conservative Party manifesto and recalls that the Prime Minister explicitly ruled out cuts to tax credits in the run up to the General Election on BBC Question Time on 30th April 2015;
- (d) notes research from the Resolution Foundation which found that the proposed cuts to tax credits will immediately push a further 200,000 children into poverty;



- (e) further notes comments made by Paul Johnson, Director of the Institute for Fiscal Studies, who said it was “arithmetically impossible” for the increase in the minimum wage to compensate for the loss in tax credits;
- (f) believes that these cuts to the income of working families on low wages are unjustifiable, particularly given cuts to inheritance tax and to the top rate of income tax; and
- (g) calls on the Government to heed the House of Lords’ opposition to these cuts and to reverse in full the proposed reductions to tax credits.

**9. NOTICE OF MOTION GIVEN BY COUNCILLOR TERRY FOX**

**UK Steel Industry (1)**

It was moved by Councillor Terry Fox, seconded by Councillor Tony Downing, that this Council

- (a) notes with sadness the announcement of the closure of the Redcar blast furnace and the news that Tata Steel is to cut 1,200 jobs across the UK, including many within Sheffield City Region;
- (b) further notes:
  - (i) the huge contribution the steel industry makes to the UK economy, employing 34,500 people across the sector and countless more in supply chains, and achieving exports worth £6bn in 2014;
  - (ii) the challenging global steel market, in particular an over-supply of steel on the international market, which has pushed prices down; and
  - (iii) that UK Steel, trade unions and Members of Parliament have been calling for months for the Government to act to protect the industry;
- (c) condemns the Government for their inaction and their willingness to let British industry bear the brunt of global economic headwinds without protection;
- (d) believes the Government’s inaction shows they lack an industrial strategy and have no interest in supporting strategic national industries like steel; and
- (e) calls on the Secretary of State for Business, Innovation and Skills to intervene directly to save steel plants at risk of closure in the short term, and to develop an active industrial strategy to support the UK steel industry over the long term.

Whereupon, it was moved by Councillor Andrew Sangar, seconded by Councillor Colin Ross, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words.

- (a) notes the loss of over 4,000 jobs in the steel industry during this year, most recently due to cuts from Tata Steel, which axed 1,200 jobs last week, including 550 in South Yorkshire, and the closure of the SSI plant in Redcar which meant 1,700 job losses;
- (b) notes the UK steel industry is in crisis due to a number of factors, including the influx of cheap steel from China, rising energy costs, and a strong pound;
- (c) notes the British steel industry's close relationship with Sheffield, renowned as the 'Steel City' due to its historic role in the development of the manufacturing of steel, and that jobs in the steel industry are still important to the City Region;
- (d) notes that during the Coalition, the Government got permission from the European Commission to compensate steel companies for high energy costs, and further notes the comments of the former Business Secretary, Vince Cable, on 21st October 2015 that 'The Treasury is sitting on [this] money.';
- (e) believes that if the UK is to maintain its strategic capacity to manufacture steel, the Government must act fast;
- (f) regrets the lack of action by the Government in recent months and believes that the recent announcement of a £3 million contribution towards re-training workers laid off by Tata Steel in Scunthorpe and £80 million towards redundancy and re-training for steel workers in Redcar is tokenistic and will do nothing to prevent further closures;
- (g) believes that Labour Shadow Chancellor, John McDonnell MP's proposal to nationalise the steel industry is ideological, irresponsible and unnecessary, and that efforts to help the steel industry should be focussed on levelling the playing field for the UK steel industry to compete internationally;
- (h) calls on the Government to:-
  - (i) use the UK's diplomatic relationship with China to address the issue of over production of steel; and
  - (ii) pass on the money agreed with the European Commission to compensate steel companies for high energy costs to alleviate some of the pressure on the industry; and
- (i) requests that a copy of this motion be forwarded to the Chancellor of the

Exchequer, the Rt. Hon. George Osborne MP.

On being put to the vote, the amendment was negatived.

Following a Right of Reply by Councillor Terry Fox, the original Motion was put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) notes with sadness the announcement of the closure of the Redcar blast furnace and the news that Tata Steel is to cut 1,200 jobs across the UK, including many within Sheffield City Region;
- (b) further notes:
  - (i) the huge contribution the steel industry makes to the UK economy, employing 34,500 people across the sector and countless more in supply chains, and achieving exports worth £6bn in 2014;
  - (ii) the challenging global steel market, in particular an over-supply of steel on the international market, which has pushed prices down; and
  - (iii) that UK Steel, trade unions and Members of Parliament have been calling for months for the Government to act to protect the industry;
- (c) condemns the Government for their inaction and their willingness to let British industry bear the brunt of global economic headwinds without protection;
- (d) believes the Government's inaction shows they lack an industrial strategy and have no interest in supporting strategic national industries like steel; and
- (e) calls on the Secretary of State for Business, Innovation and Skills to intervene directly to save steel plants at risk of closure in the short term, and to develop an active industrial strategy to support the UK steel industry over the long term.

The votes on the Motion were ordered to be recorded and were as follows:

- For the Motion (69)
- The Lord Mayor (Councillor Talib Hussain), The Deputy Lord Mayor (Councillor Denise Fox) and Councillors Julie Dore, Mike Drabble, Jack Scott, Julie Gledhill, Roy Munn, Richard Shaw, Helen Mirfin-Boukouris, Chris Rosling-Josephs, Bryan Lodge, Karen McGowan, Jayne Dunn, Aodan Marken, Brian

Webster, Jackie Drayton, Ibrar Hussain, Lewis Dagnall, Robert Murphy, Sarah Jane Smalley, Rob Frost, Anne Murphy, Geoff Smith, Mazher Iqbal, Mary Lea, Joe Otten, Colin Ross, Martin Smith, Pauline Andrews, Steve Wilson, Joyce Wright, Penny Baker, Shaffaq Mohammed, Alan Law, Garry Weatherall, Andrew Sangar, Cliff Woodcraft, Steve Jones, Cate McDonald, Chris Peace, Steve Ayris, Denise Reaney, Bob Johnson, George Lindars-Hammond, Josie Paszek, Terry Fox, Pat Midgley, David Barker, Tony Downing, Nasima Akther, Mohammad Maroof, John Campbell, Paul Wood, Peter Price, Sioned-Mair Richards, Peter Rippon, Leigh Bramall, Tony Damms, David Baker, Richard Crowther, Keith Davis, Olivia Blake, Ben Curran, Neale Gibson, John Booker, Adam Hurst, Zoe Sykes, Jackie Satur and Ray Satur.

Against the Motion (0) - Nil

Abstained on the Motion (0) - Nil

**10. NOTICE OF MOTION GIVEN BY COUNCILLOR SHAFFAQ MOHAMMED**

**Tax Credits (2)**

It was moved by Councillor Shaffaq Mohammed, seconded by Councillor Steve Ayris, that this Council:-

- (a) regrets the Government's plan to slash Tax Credits from 1st April 2016;
- (b) notes that despite massive public opposition, and opposition from Conservative backbenchers, the Government attempted to press ahead with these unnecessary ideological cuts that will hit the working poor hardest;
- (c) notes that if the proposed changes to Tax Credits were implemented:-
  - (i) 25,000 families in Sheffield are set to lose out an average £750 a year in Tax Credits; and
  - (ii) 40,000 children in our area would be forced to live in poorer households, reducing their life chances and making it harder for their parents to make ends meet;
- (d) notes that cutting Tax Credits was not in the Conservative Party manifesto,

and the Prime Minister explicitly ruled them out during the General Election campaign, meaning the Government does not have a mandate to carry this out;

- (e) regrets that these Government proposals have got to this stage after the Welfare Reform and Work Bill passed through the House of Commons, which 184 Labour MPs failed to oppose, including 4 of the 5 Sheffield Labour MPs;
- (f) notes that the Labour Party has repeatedly wavered on their position on tax credit cuts and two Shadow Cabinet Ministers, MPs Diane Abbott and Seema Malhotra, have been unable to say that the Labour Party would reverse the cuts;
- (g) believes the Labour Lords amendment which was passed on Monday 26th October 2015 to delay the cuts by three years and implement 'transitional measures' is a step in the right direction but it does not go far enough and will be of little solace to hardworking people on low incomes when the Government's proposals are implemented in three years' time;
- (h) notes that the Liberal Democrat peers tabled a 'fatal motion' to kill off Tax Credit changes for good but this was defeated because Labour members in the House of Lords did not support it; and
- (i) therefore, calls on the Council to write to The Baroness Smith of Basildon, Shadow Leader in the House of Lords, regretting the decision of Labour peers to only delay Tax Credit cuts.

Whereupon, it was moved by Councillor George Lindars-Hammond, seconded by Councillor Adam Hurst, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) is appalled by the Government's decision to cut tax credits which will reduce the incomes of over 3 million working families, including 27,000 in Sheffield, by an average of £1,300 a year from April 2016;
- (b) believes the Government's decision to cut tax credits clearly shows that the Conservatives are not on the side of working people, and that attempts to rebrand themselves as the 'workers' party' are nothing more than empty rhetoric;
- (c) notes that there was no mention of cutting tax credits in the Conservative Party manifesto and recalls that the Prime Minister explicitly ruled out cuts to tax credits in the run up to the General Election on BBC Question Time on 30 April 2015;
- (d) notes research from the Resolution Foundation which found that the proposed cuts to tax credits will immediately push a further 200,000 children into poverty;

- (e) further notes comments made by Paul Johnson, Director of the Institute for Fiscal Studies, who said it was “arithmetically impossible” for the increase in the minimum wage to compensate for the loss in tax credits;
- (f) believes that these cuts to the income of working families on low wages are unjustifiable, particularly given cuts to inheritance tax and to the top rate of income tax; and
- (g) calls on the Government to heed the House of Lords’ opposition to these cuts and to reverse in full the proposed reductions to tax credits.

On being put to the vote, the amendment was carried.

It was then moved by Councillor Brian Webster, seconded by Councillor Robert Murphy, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (i) and (j) as follows, and the relettering of original paragraph (i) as a new paragraph (k):-

- (i) agrees with comments made by the Green Peer, Jenny Jones, that the Government’s cuts to tax credits are “unthinking, uncaring and cruel”, and commends Baroness Jones and all other members of the House of Lords who opposed these cuts;
- (j) further, agrees with Baroness Jones’ comments that, “It is regrettable that it falls upon an unelected body to hold this Government to account – but until we have a fully elected second chamber, Peers must continue to properly scrutinise this kind of deeply damaging legislation”.

On being put to the vote, the amendment was negatived.

The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) is appalled by the Government’s decision to cut tax credits which will reduce the incomes of over 3 million working families, including 27,000 in Sheffield, by an average of £1,300 a year from April 2016;
- (b) believes the Government’s decision to cut tax credits clearly shows that the Conservatives are not on the side of working people, and that attempts to rebrand themselves as the ‘workers’ party’ are nothing more than empty rhetoric;
- (c) notes that there was no mention of cutting tax credits in the Conservative Party manifesto and recalls that the Prime Minister explicitly ruled out cuts to tax credits in the run up to the General Election on BBC Question Time on 30 April 2015;

- (d) notes research from the Resolution Foundation which found that the proposed cuts to tax credits will immediately push a further 200,000 children into poverty;
- (e) further notes comments made by Paul Johnson, Director of the Institute for Fiscal Studies, who said it was “arithmetically impossible” for the increase in the minimum wage to compensate for the loss in tax credits;
- (f) believes that these cuts to the income of working families on low wages are unjustifiable, particularly given cuts to inheritance tax and to the top rate of income tax; and
- (g) calls on the Government to heed the House of Lords’ opposition to these cuts and to reverse in full the proposed reductions to tax credits.

## **11. NOTICE OF MOTION GIVEN BY COUNCILLOR LEIGH BRAMALL**

### **Outdoor Economy**

It was moved by Councillor Leigh Bramall, seconded by Councillor Steve Wilson, that this Council:-

- (a) welcomes this Administration’s efforts to develop Sheffield’s outdoor economy, including The Outdoor City Strategy currently out for public consultation;
- (b) is proud that Sheffield hosted the European Outdoor Summit at the City Hall between 13<sup>th</sup> to 15th October 2015, attended by more than 300 delegates from across the globe;
- (c) recognises the potential of the outdoor economy to help to attract and retain people with the knowledge and skills to drive our key industries, including advanced manufacturing;
- (d) believes that:
  - (i) Sheffield has the potential to establish itself as a leader in outdoor recreation, given its unique natural assets, high rate of participation in outdoor activities, and high number of outdoor businesses; and
  - (ii) developing the ‘Outdoor City’ brand will help to boost tourism and attract people to the city; and
- (e) notes research carried out last year by the Sport Industry Research Centre at Sheffield Hallam University which found that outdoor recreation in Sheffield generates more than £53m in economic output a year, in addition to engaging people in outdoor activity and generating significant health benefits.

Whereupon, it was moved by Councillor Steve Ayris, seconded by Councillor Penny Baker, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (f) and (g) as follows

- (f) believes that, despite the Administration's 'Outdoor City' rhetoric, their recent actions have put green spaces in the city at risk and are a cause for concern, noting such actions as:-
  - (i) the Council's Planning and Highways Committee approving the decision to expand school provision in Tinsley by building a new school on Tinsley Green Recreational Ground despite this being the only green open space in the Tinsley area;
  - (ii) allowing what is believed to be 117 green belt sites to be at risk of development as part of the 'Call for Housing Sites', and refusing to disclose the locations of these sites;
  - (iii) selling off Cobnar Cottage, part of Graves Park – gifted to the people of Sheffield by J. G. Graves back in 1925;
  - (iv) allowing Amey to fell many mature, healthy highway trees as part of the Streets Ahead programme;
  - (v) the Council's Planning and Highways Committee granting permission for a coal-cleaning operation at Hesley Wood, resulting in hundreds of trees being destroyed; and
  - (vi) declaring green land within the Beauchief Abbey Conservation Area as surplus, risking development; and
- (g) therefore calls on the Administration to:
  - (i) reconsider more sympathetic engineering solutions to preserve highway tree stock;
  - (ii) publish the list of 117 sites in the Green Belt at risk from development;
  - (iii) do more to encourage development on brownfield sites; and
  - (iv) reassure the public that no more park land will be sold off or developed.

(Note: With the agreement of Council, and at the request of Councillor Steve Ayris (the mover of the amendment), paragraph (f) (ii) above as published in the "List of Amendments Received by the Chief Executive" circulated at the meeting, was altered, in accordance with Council Procedure Rule 17.9, by the addition of the words "what is believed to be" after the word "allowing".)

On being put to the vote, the amendment was negatived.



It was then moved by Councillor Sarah Jane Smalley, seconded by Councillor Aodan Marken, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (f) to (k) as follows

- (f) welcomes the Administration's recognition that action needs to be taken to make Sheffield a more pleasant city in which to spend time outdoors and to enable people to be active;
- (g) recognises the potential of a more pleasant urban environment and better mobility for both residents and visitors to Sheffield;
- (h) believes that a true 'Outdoor City' should be a Sheffield where people enjoy spending time outdoors as part of daily life, not only as part of sport and recreation;
- (i) believes that enabling people to undertake physical exercise as part of daily life by walking and cycling for transport will deliver far-reaching benefits over and above those that can be achieved by an 'Outdoor City' focused on recreation alone;
- (j) believes that a true 'Outdoor City' must be a place where ordinary people can walk and cycle safely and that, to enable this to happen, a high quality cycle network should be built to give people a genuine choice to cycle instead of driving and to allow ordinary people to cycle protected from motor traffic, and that this must be designed to be usable by all; and
- (k) stresses that planning and delivering a high quality cycle network must be progressed as a priority in order to meet the Council's aims of increasing the percentage of journeys made by bicycle to 10% in 2025.

On being put to the vote, the amendment was negatived.

The original Motion was then put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) welcomes this Administration's efforts to develop Sheffield's outdoor economy, including The Outdoor City Strategy currently out for public consultation;
- (b) is proud that Sheffield hosted the European Outdoor Summit at the City Hall between 13<sup>th</sup> to 15th October 2015, attended by more than 300 delegates from across the globe;
- (c) recognises the potential of the outdoor economy to help to attract and retain people with the knowledge and skills to drive our key industries, including advanced manufacturing;
- (d) believes that:

- (i) Sheffield has the potential to establish itself as a leader in outdoor recreation, given its unique natural assets, high rate of participation in outdoor activities, and high number of outdoor businesses; and
  - (ii) developing the 'Outdoor City' brand will help to boost tourism and attract people to the city; and
- (e) notes research carried out last year by the Sport Industry Research Centre at Sheffield Hallam University which found that outdoor recreation in Sheffield generates more than £53m in economic output a year, in addition to engaging people in outdoor activity and generating significant health benefits.

## **12. NOTICE OF MOTION GIVEN BY COUNCILLOR JACKIE DRAYTON**

### **Adult Education Funding**

It was moved by Councillor Jackie Drayton, seconded by Councillor Anne Murphy, that this Council:-

- (a) notes with regret that the Government has cut adult education spending by 24% this year, and that this is on top of a £1bn reduction in real terms between 2013/14 and 2009/10 under the Liberal Democrat Secretary of State for Business, Innovation and Skills, which resulted in 17% fewer adult learners;
- (b) believes that:
  - (i) adult education and skills is life-changing for many people; as well as helping people into employment, it improves health and wellbeing, contributes to social inclusion, and helps to build more resilient communities;
  - (ii) strategic, long-term investment in adult education and skills is needed to improve the skills base to drive productivity growth;
  - (iii) by making further cuts to adult education and skills, the Government would be closing the door in the face of people trying to improve their prospects; and
  - (iv) further cuts in post-16 education will have a disproportionate impact on disadvantaged groups, which will increase disadvantage and undermine equality of opportunity;
- (c) is concerned that the cuts suggested for the Department for Business, Innovation and Skills of between 25-40% as part of the Government's upcoming Comprehensive Spending Review will have a serious impact on the sustainability of adult education in Sheffield and across the UK; and

- (d) calls on the Government to protect the adult education budget, in particular Adult and Community Learning, from further cuts.

Whereupon, it was moved by Councillor Colin Ross, seconded by Councillor Vickie Priestley, as an amendment, that the Motion now submitted be amended by:

1. the deletion in paragraph (a) of all the words after the words "by 24% this year"; and
2. the addition of new paragraphs (b) and (c) as follows, and the relettering of original paragraphs (b) to (d) as new paragraphs (d) to (f):-
  - (b) recognises that adult education has been underfunded for too long by successive Governments;
  - (c) notes Liberal Democrat manifesto pledges to:-
    - (i) establish a cross-party commission to secure a long-term settlement for the public funding of reskilling and lifelong learning;
    - (ii) set up a review into the VAT treatment of Sixth Form Colleges and FE Colleges to ensure fair treatment in relation to the schools sector; and
    - (iii) extend the current UK budget protection for education to include 16-19 provision.

On being put to the vote, the amendment was negatived.

(Note: Councillors Aodan Marken, Brian Webster, Robert Murphy and Sarah Jane Smalley voted for Paragraphs 1 and 2(b) and abstained on Paragraph 2(c) of the above amendment and asked for this to be recorded.)

It was then moved by Councillor Aodan Marken, seconded by Councillor Robert Murphy, as an amendment, that the Motion now submitted be amended by the addition of a new sub-clause (v) in paragraph (b) as follows:-

(b)(v) funding the teaching of English as a Second Language (ESOL) is a particularly cost-effective way of integrating communities and removing inequalities and that cuts to this area of funding significantly increase disadvantage and undermine equality of opportunity;

On being put to the vote, the amendment was carried.

The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes with regret that the Government has cut adult education spending by 24% this year, and that this is on top of a £1bn reduction in real terms between 2013/14 and 2009/10 under the Liberal Democrat Secretary of State for Business, Innovation and Skills, which resulted in 17% fewer adult learners;
- (b) believes that:
  - (i) adult education and skills is life-changing for many people; as well as helping people into employment, it improves health and wellbeing, contributes to social inclusion, and helps to build more resilient communities;
  - (ii) strategic, long-term investment in adult education and skills is needed to improve the skills base to drive productivity growth;
  - (iii) by making further cuts to adult education and skills, the Government would be closing the door in the face of people trying to improve their prospects;
  - (iv) further cuts in post-16 education will have a disproportionate impact on disadvantaged groups, which will increase disadvantage and undermine equality of opportunity; and
  - (v) funding the teaching of English as a Second Language (ESOL) is a particularly cost-effective way of integrating communities and removing inequalities and that cuts to this area of funding significantly increase disadvantage and undermine equality of opportunity;
- (c) is concerned that the cuts suggested for the Department for Business, Innovation and Skills of between 25-40% as part of the Government's upcoming Comprehensive Spending Review will have a serious impact on the sustainability of adult education in Sheffield and across the UK; and
- (d) calls on the Government to protect the adult education budget, in particular Adult and Community Learning, from further cuts

(Note: Councillors Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Ayris, Denise Reaney, David Baker and Vickie Priestley voted for Paragraphs (b) to (d) and against Paragraph (a) of the Substantive Motion and asked for this to be recorded.)

**13. NOTICE OF MOTION GIVEN BY COUNCILLOR ANDREW SANGAR**

## **UK Steel Industry (2)**

It was moved by Councillor Andrew Sangar, seconded by Councillor Colin Ross, that this Council:-

- (a) notes the loss of over 4,000 jobs in the steel industry during this year, most recently due to cuts from Tata Steel, which axed 1,200 jobs last week, including 550 in South Yorkshire, and the closure of the SSI plant in Redcar which meant 1,700 job losses;
- (b) notes the UK steel industry is in crisis due to a number of factors, including the influx of cheap steel from China, rising energy costs, and a strong pound;
- (c) notes the British steel industry's close relationship with Sheffield, renowned as the 'Steel City' due to its historic role in the development of the manufacturing of steel, and that jobs in the steel industry are still important to the City Region;
- (d) notes that during the Coalition, the Government got permission from the European Commission to compensate steel companies for high energy costs, and further notes the comments of the former Business Secretary, Vince Cable, on 21st October 2015 that 'The Treasury is sitting on [this] money.';
- (e) believes that if the UK is to maintain its strategic capacity to manufacture steel, the Government must act fast;
- (f) regrets the lack of action by the Government in recent months and believes that the recent announcement of a £3 million contribution towards re-training workers laid off by Tata Steel in Scunthorpe and £80 million towards redundancy and re-training for steel workers in Redcar is tokenistic and will do nothing to prevent further closures;
- (g) believes that Labour Shadow Chancellor, John McDonnell MP's proposal to nationalise the steel industry is ideological, irresponsible and unnecessary, and that efforts to help the steel industry should be focussed on levelling the playing field for the UK steel industry to compete internationally;
- (h) calls on the Government to:-
  - (i) use the UK's diplomatic relationship with China to address the issue of over production of steel; and
  - (ii) pass on the money agreed with the European Commission to compensate steel companies for high energy costs to alleviate some of the pressure on the industry; and
- (i) requests that a copy of this motion be forwarded to the Chancellor of the Exchequer, the Rt. Hon. George Osborne MP.

Whereupon, it was moved by Councillor Terry Fox, seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by:-

- (a) notes with sadness the announcement of the closure of the Redcar blast furnace and the news that Tata Steel is to cut 1,200 jobs across the UK, including many within Sheffield City Region;
- (b) further notes:
  - (i) the huge contribution the steel industry makes to the UK economy, employing 34,500 people across the sector and countless more in supply chains, and achieving exports worth £6bn in 2014;
  - (ii) the challenging global steel market, in particular an over-supply of steel on the international market, which has pushed prices down; and
  - (iii) that UK Steel, trade unions and Members of Parliament have been calling for months for the Government to act to protect the industry;
- (c) condemns the Government for their inaction and their willingness to let British industry bear the brunt of global economic headwinds without protection;
- (d) believes the Government's inaction shows they lack an industrial strategy and have no interest in supporting strategic national industries like steel; and
- (e) calls on the Secretary of State for Business, Innovation and Skills to intervene directly to save steel plants at risk of closure in the short term, and to develop an active industrial strategy to support the UK steel industry over the long term.

On being put to the vote, the amendment was carried.

The original Motion, as amended, was then put as a Substantive Motion and carried, as follows:-

RESOLVED: That this Council:-

- (a) notes with sadness the announcement of the closure of the Redcar blast furnace and the news that Tata Steel is to cut 1,200 jobs across the UK, including many within Sheffield City Region;
- (b) further notes:
  - (i) the huge contribution the steel industry makes to the UK economy, employing 34,500 people across the sector and countless more in supply chains, and achieving exports worth £6bn in 2014;

- (ii) the challenging global steel market, in particular an over-supply of steel on the international market, which has pushed prices down; and
- (iii) that UK Steel, trade unions and Members of Parliament have been calling for months for the Government to act to protect the industry;
- (c) condemns the Government for their inaction and their willingness to let British industry bear the brunt of global economic headwinds without protection;
- (d) believes the Government's inaction shows they lack an industrial strategy and have no interest in supporting strategic national industries like steel; and
- (e) calls on the Secretary of State for Business, Innovation and Skills to intervene directly to save steel plants at risk of closure in the short term, and to develop an active industrial strategy to support the UK steel industry over the long term.

#### **14. NOTICE OF MOTION GIVEN BY COUNCILLOR BRIAN WEBSTER**

##### **Sheffield City Region Elected Mayor**

It was moved by Councillor Brian Webster, seconded by Councillor Robert Murphy, that this Council:-

- (a) notes that on 2nd October, 2015 the Leader of the Council joined other local authority leaders from South Yorkshire, and the Chancellor of the Exchequer, in signing a 'devolution deal' for the Sheffield City Region;
- (b) notes that among the reported benefits of this deal is a pledge of an extra £900m over 30 years from central government for the Sheffield City Region, equating to £30m per year, but notes that this amount is not nearly enough to offset the substantial cuts that central government has imposed on Sheffield and other local authorities in the SCR over the past five years;
- (c) notes that as part of the 'devolution deal', it is proposed that there will be an elected Mayor for the Sheffield City Region from 2017, and believes that this is regrettable and a backwards step for local democracy;
- (d) recalls that in a 2012 referendum the people of Sheffield voted decisively against having an elected Mayor for Sheffield City Council, and believes that this demonstrates strong public feeling in this city against the centralisation of executive powers in the hands of a single individual;
- (e) notes comments by the Labour Shadow Secretary of State for Communities and Local Government (reported in the Yorkshire Post on 13<sup>th</sup>

October 2015) that the imposition of a Mayor on the Sheffield City Region and other areas is “what you would imagine in a dictatorship, not a democracy”, and agrees with the sentiment that elected Mayors should not be imposed on either local authorities or cross-authority areas without clear public support, for example via referenda;

- (f) therefore considers it disappointing that local authorities across the Sheffield City Region, including those that are Labour-led, are failing to stand up to what this Council believes to be the Chancellor of the Exchequer’s unreasonable demands with respect to the imposition of a City Region Mayor;
- (g) believes that while radical devolution of power to local authorities and cross-authority areas is necessary to counter the traditional concentration of power at Westminster, the current proposals for Sheffield City Region represent a step in the wrong direction both for the future of the local area and for local democracy;
- (h) welcomes the ‘Democracy Matters’ initiative of the Electoral Reform Society and a number of UK universities, including the University of Sheffield, which will see two pilot ‘Citizens’ Assemblies’ “[debating] a range of options for Britain’s constitutional future”, is proud that Sheffield has been chosen to host one of these two pilot Assemblies, and believes that these provide a far more positive model for future discussions over devolution than the negotiations that the Administration conducted behind closed doors in agreeing the Sheffield City Region devolution deal with central government; and
- (i) therefore:
  - (i) calls upon the Administration to rethink its plans to accept the imposition of a City Region Mayor without a further referendum having established this as the will of the people of Sheffield;
  - (ii) calls upon central government to ensure that, wherever devolution deals with local authorities call for the establishment of elected Mayors, central government funding is provided to cover the costs of holding referenda to determine whether this has the support of local people; and
  - (iii) given the significant and far-reaching implications that this deal is likely to have on the development of Sheffield’s economy and governance for decades to come, urges all political groups on Sheffield City Council to demonstrate their commitment to democracy by giving Members a free vote on the Sheffield City Region devolution deal when that deal comes before this Council for debate and approval.

Whereupon, it was moved by Councillor Julie Dore, seconded by Councillor Leigh Bramall, as an amendment, that the Motion now submitted be amended by:-



1. the addition in paragraph (a) of the word “proposed” before the words “devolution deal”; and
2. the deletion of paragraphs (b) to (i) and the addition of new paragraphs (b) to (f) as follows:-
  - (b) notes that the current Administration has campaigned against cuts to the Council’s budget and will continue to do so, but notes that severe cuts to local government have been imposed irrespective of devolution and therefore does not believe that ruling out receiving powers and funding currently held at Whitehall would benefit the city;
  - (c) understands that:-
    - (i) investment is still heavily directed towards London and the South East at the expense of the North and that if the Government is to genuinely deliver on their rhetoric we need to see the Spending Review rebalance this; and
    - (ii) the devolution proposal is just one part of the jigsaw, and that we can only create a strong northern economy with accompanying meaningful investment in the pan- northern transport programmes such as Transport for the North;
  - (d) notes that the 2012 mayoral referendum was based on an elected mayor replacing the Council Leader but with no new powers or funding and covering a geography limited to Sheffield, whereas in contrast, the current proposal is fundamentally different with a mayor covering the wider city region geography, and importantly it is only about taking powers down from the Government, not taking powers up from local councils;
  - (e) notes that the Chancellor has made it clear that any devolution of powers and funding down from Whitehall to local government is dependent upon an elected mayor as proposed, so whilst locally we have made it clear that a mayor is not what we want, it would be irresponsible to dismiss it out of hand and risk leaving the city behind; and
  - (f) further notes that the public will be consulted on the proposal and that the proposal is also subject to final agreement and approval by each Council within Sheffield City Region.

On being put to the vote, the amendment was carried.

It was then moved by Councillor Colin Ross, seconded by Councillor Penny Baker, as an amendment, that the Motion now submitted be amended by the deletion of paragraphs (h) and (i) and the addition of new paragraphs (h) to (j) as follows:-

- (h) fails to see what direct benefits a directly elected mayor will bring for the Sheffield City Region, given the complex governance of the City Region;
- (i) regrets the determination of the Chancellor of the Exchequer to impose a directly elected mayor on any city that wishes to pursue further devolution; and
- (j) is concerned that accepting the condition of a City Region mayor at this stage of negotiations may have weakened our position to bargain for additional powers.

On being put to the vote, the amendment was negated.

It was then moved by Councillor Brian Webster, seconded by Councillor Robert Murphy, as an amendment, that the Motion now submitted be amended by the addition of a new paragraph (j) as follows:-

- (j) believes that establishing the role of an elected Sheffield City Region Mayor without taking steps such as a further referendum and a free vote for Members would risk undermining the democratic legitimacy of any elected Mayor in the eyes of their constituents even before they took office.

On being put to the vote, the amendment was negated.

The original Motion, as amended, was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) notes that on 2nd October, 2015 the Leader of the Council joined other local authority leaders from South Yorkshire, and the Chancellor of the Exchequer, in signing a proposed 'devolution deal' for the Sheffield City Region;
- (b) notes that the current Administration has campaigned against cuts to the Council's budget and will continue to do so, but notes that severe cuts to local government have been imposed irrespective of devolution and therefore does not believe that ruling out receiving powers and funding currently held at Whitehall would benefit the city;
- (c) understands that:-
  - (i) investment is still heavily directed towards London and the South East at the expense of the North and that if the Government is to genuinely deliver on their rhetoric we need to see the Spending Review rebalance this; and
  - (ii) the devolution proposal is just one part of the jigsaw, and that we can only create a strong northern economy with accompanying

meaningful investment in the pan-northern transport programmes such as Transport for the North;

- (d) notes that the 2012 mayoral referendum was based on an elected mayor replacing the Council Leader but with no new powers or funding and covering a geography limited to Sheffield, whereas in contrast, the current proposal is fundamentally different with a mayor covering the wider city region geography, and importantly it is only about taking powers down from the Government, not taking powers up from local councils;
- (e) notes that the Chancellor has made it clear that any devolution of powers and funding down from Whitehall to local government is dependent upon an elected mayor as proposed, so whilst locally we have made it clear that a mayor is not what we want, it would be irresponsible to dismiss it out of hand and risk leaving the city behind; and
- (f) further notes that the public will be consulted on the proposal and that the proposal is also subject to final agreement and approval by each Council within Sheffield City Region.

(Note: Councillors Aodan Marken, Brian Webster, Robert Murphy and Sarah Jane Smalley voted for Paragraphs (a), (b) and (c) and against paragraphs (d), (e) and (f) of the Substantive Motion and asked for this to be recorded.)

## **15. NOTICE OF MOTION GIVEN BY COUNCILLOR JOHN BOOKER**

### **Energy Policy**

It was moved by Councillor John Booker, seconded by Councillor Keith Davis, that this Council

- (a) regrets that, over the last two decades, consecutive governments have seemingly conspired to support failing energy policies that do nothing to reduce global emissions, but bring hardship to British families, and that their "green" agenda does not make them friends of the earth, but enemies of the people;
- (b) further regrets Britain's major global competitors - USA, China, India - are switching to low-cost fossil fuels, while we are forced to close perfectly good coal-fired power stations to meet unattainable targets for renewable capacity;
- (c) notes the 2008 Climate Change Act drives up costs, undermines competitiveness, hits jobs and growth, and that this is the most expensive piece of legislation in British history, with the Government's own figures putting the cost of the Act at £18 billion a year over 40 years, or £720 billion between 2010 and 2050;

- (d) further notes the European Union's Large Combustion Plant Directive and the planned Medium Combustion Plant Directive both have the effect of closing down secure, reliable and economical electricity generation;
- (e) also notes that the British coal industry once employed one million miners, yet now all three remaining deep coal mines are set to close by 2016, at a cost of 2,000 jobs, despite having many years of productive life left and regardless of Britain's continuing need for coal, and further notes that 30 per cent of our electricity is still produced from coal and we will be dependent on fossil fuels for many more years to come;
- (f) believes a commission should be set up to investigate ways to assist and rejuvenate the coal industry and seek to secure the survival and expansion of Britain's indigenous coal industry in the form of deep, opencast, and drift mining, and that the carbon floor tax should be abolished on the basis that production for coal-fired power stations is combined with carbon capture and storage;
- (g) recalls that in 2014, the Government forced energy companies to add nearly £3.2 billion onto energy bills to finance their energy and climate change policies, and notes that these costs are expected to increase to a staggering £9.8 billion by 2020, amounting to an extra £197 going onto our average domestic fuel bills;
- (h) demands that the Government finds a fairer way of paying our bills, by stopping energy companies charging extra for customers who use prepayment meters; and
- (i) further believes Britain is sleepwalking into an energy crisis, that political doctrines, ideologies and party before the people policies will not keep the lights on, and that we all have a duty to avert this real problem and work towards a sustainable solution to our country's energy needs.

Whereupon, it was moved by Councillor Terry Fox, seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) believes that climate change poses an existential threat to mankind;
- (b) believes that cooperation with other nations rather than isolation is needed to tackle shared global challenges like climate change and that Britain should be looking outwards and showing international leadership in the transition to clean energy;
- (c) condemns the Government's decision to scrap subsidies for renewable sources of energy and agrees with John Cridland, Director General of the CBI, that "these changes send a worrying signal about the UK as a place for low-carbon investment";

- (d) is deeply concerned that the plan to build a prototype plant to capture carbon from a coal-fired power station in North Yorkshire is under threat after Drax Group plc - a key shareholder - pulled out blaming Government cuts in renewable energy subsidies, and calls on the Government to deliver on their manifesto pledge to commit £1bn in carbon capture and storage technology;
- (e) believes that Britain needs to reduce its dependence on imported fuel by investing in a new clean energy system to reduce energy bills and create the skilled jobs our economy needs, and does not think that achieving lower bills and protecting the environment are mutually exclusive goals; and
- (f) further believes that energy should be democratised and welcomes the Administration's plans to explore options to set up a local energy company to tackle unfair fuel prices and bring down bills.

On being put to the vote, the amendment was carried.

It was then moved by Councillor Brian Webster, seconded by Councillor Sarah Jayne Smalley, as an amendment, that the Motion now submitted be amended by the deletion of all the words after the words "That this Council" and the addition of the following words:-

- (a) regrets that successive UK governments have failed to bring forward long-term policies to deal with the related problems of energy price, security and environmental impact;
- (b) further regrets that the UK has not followed the example of European partners such as Germany, which in 2014 benefited from increases in renewable energy and falls in fossil fuel generation, energy consumption and energy prices;
- (c) believes reducing energy consumption through widespread energy efficiency measures is the best way to combat fuel poverty by reducing bills and increasing comfort;
- (d) notes that onshore wind is now the cheapest form of electricity in the UK, according to research by Bloomberg, and further notes comments from Seb Henbest of Bloomberg that, "There's still a tendency for the general public to believe that renewables are really expensive, while coal and gas are really cheap ... This is how it used to be not so long ago, but over the past five years technology costs have come down significantly, along with financing costs."
- (e) notes that coal is the most damaging of all fossil fuels in terms of carbon emissions, air and water pollution;
- (f) notes that while the UK currently subsidises renewable energy by approximately £3.5 billion the International Monetary Fund (IMF) has

estimated that the UK will subsidise fossil fuels by £26 billion in 2015, or £400 per person, and that the IMF further stated that eliminating this subsidy would reduce fossil fuel related deaths by 50%, reduce carbon emissions by one fifth and generate revenue; and

- (g) believes this Council has a very poor record regarding renewable energy generation, which may have cost the city millions of pounds in loss of investment and potential fuel savings, and calls on the Cabinet Member for Environment and Transport to bring forward plans for an immediate improvement.

On being put to the vote, the amendment was negated.

(Note Councillors Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Ayris, Denise Reaney, David Baker and Vickie Priestley voted for Paragraphs (c) to (g) and against Paragraphs (a) and (b) of the amendment and asked for this to be recorded.)

The original Motion was then put as a Substantive Motion in the following form and carried:-

RESOLVED: That this Council:-

- (a) believes that climate change poses an existential threat to mankind;
- (b) believes that cooperation with other nations rather than isolation is needed to tackle shared global challenges like climate change and that Britain should be looking outwards and showing international leadership in the transition to clean energy;
- (c) condemns the Government's decision to scrap subsidies for renewable sources of energy and agrees with John Cridland, Director General of the CBI, that "these changes send a worrying signal about the UK as a place for low-carbon investment";
- (d) is deeply concerned that the plan to build a prototype plant to capture carbon from a coal-fired power station in North Yorkshire is under threat after Drax Group plc - a key shareholder - pulled out blaming Government cuts in renewable energy subsidies, and calls on the Government to deliver on their manifesto pledge to commit £1bn in carbon capture and storage technology;
- (e) believes that Britain needs to reduce its dependence on imported fuel by investing in a new clean energy system to reduce energy bills and create the skilled jobs our economy needs, and does not think that achieving lower bills and protecting the environment are mutually exclusive goals; and

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|--|
| (f) further believes that energy should be democratised and welcomes the Administration's plans to explore options to set up a local energy company to tackle unfair fuel prices and bring down bills. |
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**16. NOTICE OF MOTION GIVEN BY COUNCILLOR NASIMA AKTHER**

**Small Business Saturday**

It was moved by Councillor Nasima Akther, seconded by Councillor Mohammad Maroof, that this Council

- (a) notes the enormous contribution that local, small independent businesses make to our economy and understands that small businesses are at the heart of local communities;
- (b) welcomes the steps the current Administration is taking to support small businesses in Sheffield, including the Re: New scheme, and investment to revamp and improve the London Road area;
- (c) believes that in the critical Christmas period, small businesses will benefit from the support of Small Business Saturday - a national campaign to encourage people to buy local and support small and independent businesses; and
- (d) encourages Elected Members to support Small Business Saturday on 5th December 2015, which is expected to be the busiest shopping day of the year, by attending a celebratory event in the Sheffield Moor Market at 2.30pm on that day.

Whereupon, it was moved by Councillor Joe Otten, seconded by Councillor Shaffaq Mohammed, as an amendment, that the Motion now submitted be amended by the addition of a new paragraph (e) as follows:-

- (e) calls on the Administration to repeat the success of last year and offer free parking in the city centre and local district centres in the run up to Christmas in order to help local business.

On being put to the vote, the amendment was negated.

Whereupon, it was moved by Councillor Sarah Jane Smalley, seconded by Councillor Aodan Marken, as an amendment, that the Motion now submitted be amended by the addition of new paragraphs (e) to (h) as follows:-

- (e) further, encourages Elected Members and the people of Sheffield to show their support for local and independent businesses throughout the whole year;
- (f) recognises the particular importance of supporting sole traders and micro businesses, as well as those organisations focussed on social impact

rather than wealth creation, which this Council believes are key to the wellbeing of community economies, and is committed to improving and expanding the help we offer to such businesses and organisations;

- (g) will continue to develop its policies on procurement, with a particular focus on:
  - (i) developing its capacity for procuring goods and services from local and independent businesses wherever practicable; and
  - (ii) ensuring that all businesses, including local and independent businesses, are given the support they need to access and navigate the tendering process; and
- (h) believes that the economy is skewed unfairly in favour of large and multinational businesses, and that this is detrimental not only to small businesses but also to the local economy, and so will endeavour to work to rebalance the local economy in favour of small local businesses.

On being put to the vote, the amendment was negated.

(Note: Councillors Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Ayris, Denise Reaney, David Baker and Vickie Priestley voted for Paragraphs (e) to (g) and against Paragraph (h) of the above amendment and asked for this to be recorded.)

The original Motion was then put to the vote and carried, as follows:-

RESOLVED: That this Council:-

- (a) notes the enormous contribution that local, small independent businesses make to our economy and understands that small businesses are at the heart of local communities;
- (b) welcomes the steps the current Administration is taking to support small businesses in Sheffield, including the Re:New scheme, and investment to revamp and improve the London Road area;
- (c) believes that in the critical Christmas period, small businesses will benefit from the support of Small Business Saturday - a national campaign to encourage people to buy local and support small and independent businesses; and
- (d) encourages Elected Members to support Small Business Saturday on 5th December 2015, which is expected to be the busiest shopping day of the year, by attending a celebratory event in the Sheffield Moor Market at 2.30pm on that day.



**17. NOTICE OF MOTION GIVEN BY COUNCILLOR PAT MIDGLEY**

**City of Sanctuary Anniversary**

RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Penny Baker, that this Council:-

- (a) celebrates the 10th anniversary of the City of Sanctuary movement, which was founded in Sheffield in October 2005;
- (b) is proud that Sheffield became the UK's first 'City of Sanctuary' for asylum-seekers and refugees in September 2007 with the support of the City Council and over 70 local community organisations;
- (c) believes we are a city that takes pride in welcoming people in need of safety; and
- (d) is committed to improving the experiences and opportunities of refugees and asylum seekers living in Sheffield, and enabling them to make a positive contribution to their local neighbourhoods and the city.

**18. NOTICE OF MOTION GIVEN BY COUNCILLOR JOE OTTEN**

**Free Christmas Parking Incentives**

It was moved by Councillor Joe Otten, seconded by Councillor Richard Shaw, that this Council

- (a) believes thriving high streets across Sheffield's communities are vital to both the City's economy and its wellbeing;
- (b) welcomes the actions taken by the previous Administration to support local high streets through the Thriving Local and District Centres programme;
- (c) recognises the vital importance to local retail business in the City Centre and District Shopping Centres, of the Christmas Trading period;
- (d) notes nearby competing shopping centres such as Rotherham and Chesterfield are offering free car parking incentives in the run up to Christmas;
- (e) recalls the main opposition group's 2015/16 budget amendment, which, if passed, would have provided funding for reduced parking charges and investment in district centres; and
- (f) therefore calls on the Administration to offer free Christmas Parking incentives applicable to the City Centre and district centres, during the forthcoming Festive Season.

Whereupon, it was moved by Councillor Terry Fox, seconded by Councillor Tony Downing, as an amendment, that the Motion now submitted be amended by the deletion of paragraph (f) and the addition of a new paragraph (f) as follows:-

- (f) welcomes the Administration's commitment to offer free Christmas Parking incentives during the forthcoming festive season.

On being put to the vote, the amendment was carried.

The original Motion, as amended was put as a Substantive Motion in the form set out below:

That this Council:

- (a) believes thriving high streets across Sheffield's communities are vital to both the City's economy and its wellbeing;
- (b) welcomes the actions taken by the previous Administration to support local high streets through the Thriving Local and District Centres programme;
- (c) recognises the vital importance to local retail business in the City Centre and District Shopping Centres, of the Christmas Trading period;
- (d) notes nearby competing shopping centres such as Rotherham and Chesterfield are offering free car parking incentives in the run up to Christmas;
- (e) recalls the main opposition group's 2015/16 budget amendment, which, if passed, would have provided funding for reduced parking charges and investment in district centres; and
- (f) welcomes the Administration's commitment to offer free Christmas Parking incentives during the forthcoming festive season.

In being put to the vote, paragraphs (a), (c), (d) and (f) were carried and Paragraphs (b) and (e) were negatived, and the remaining paragraphs renumbered accordingly, resulting in the following resolution:-

RESOLVED: That this Council:-

- (a) believes thriving high streets across Sheffield's communities are vital to both the City's economy and its wellbeing;
- (b) recognises the vital importance to local retail business in the City Centre and District Shopping Centres, of the Christmas Trading period;
- (c) notes nearby competing shopping centres such as Rotherham and Chesterfield are offering free car parking incentives in the run up to

Christmas; and

- (d) welcomes the Administration's commitment to offer free Christmas Parking incentives during the forthcoming festive season.

(Note: Councillors Aodan Marken, Brian Webster, Robert Murphy and Sarah Jane Smalley voted for Paragraphs (a) to (c) and against Paragraph (d) of the Substantive Motion and asked for this to be recorded.)

## **19. NOTICE OF MOTION GIVEN BY COUNCILLOR MARTIN SMITH**

### **Freedom of Information**

It was moved by Councillor Martin Smith, seconded by Councillor Cliff Woodcraft, that this Council

- (a) believes that the Freedom of Information Act is an essential part of our democracy and enables citizens to hold local and national government to account;
- (b) agrees that Freedom of Information laws should be extended to cover private companies delivering public services and major contracts;
- (c) believes that the Freedom of Information Act is under threat from the Government, with proposals to:-
  - (i) introduce charges for requests;
  - (ii) make it easier to refuse requests on cost grounds; and
  - (iii) strengthen Ministers' powers to veto disclosures;
- (d) notes that Sheffield City Council issued refusals, either wholly or partially, on 22% of FOI requests in 2014/15, compared to 11% by Bristol City Council and 18% by both Leeds City Council and Manchester City Council;
- (e) notes Sheffield City Council's refusal to answer its own Opposition Councillors' Freedom of Information requests and reveal the 117 sites either wholly or partially in the Green Belt that were submitted as part of the Call for Housing Sites;
- (f) notes that unlike other Councils, such as Leeds, Sheffield City Council does not publish FOI data on a regular basis including the number of requests received and refused;
- (g) regrets that Sheffield City Council has been refusing to answer tree-related FOI requests, many from people who have never previously made a request under the Freedom of Information Act, instead branding the topic

as 'vexatious'; and

- (h) therefore calls on the Council to:-
  - (i) publish data on FOI requests on a monthly basis;
  - (ii) answer tree-related FOI requests; and
  - (iii) write to the six Sheffield MPs requesting that they resist any attempt by the Government to water-down the provisions within the Freedom of Information Act.

Whereupon, it was moved by Councillor Ben Curran, seconded by Councillor Leigh Bramall, as an amendment, that the Motion now submitted be amended by the deletion of paragraphs (d) to (h) and the addition of new paragraphs (d) to (h) as follows:-

- (d) notes that:-
  - (i) the Council deals with each Freedom of Information request on a case by case basis and in line with the Freedom of Information Act; and
  - (ii) for the 2014/15 financial year, less than 1% of refusals were referred to the Information Commissioner;
- (e) notes that the information relating to the main opposition group's Freedom of Information requests on housing sites was not completed at the time the request was received, and that this information will be made available on 11th November, 2015 when the public consultation on Phase 1 of the Sheffield Local Plan is published;
- (f) welcomes the Council's intention to publish FOI data on a regular basis;
- (g) notes that the Council has answered tree-related FOI requests, and is committed to continuing to work hard to respond to as many requests as is feasible, given the resources available; and
- (h) will write to the six Sheffield MPs requesting that they resist any attempt by the Government to water-down the provisions within the Freedom of Information Act.

(Note: With the consent of Council and at the request of Councillor Ben Curran (the mover of the amendment), paragraph (e) above as published in the "List of Amendments Received by the Chief Executive" circulated at the meeting, was altered, in accordance with Council Procedure Rule 17.9, by the substitution of the word "completed" for the word "available".)

On being put to the vote, the amendment was carried.

The original Motion, as amended, was then put as Substantive Motion in the following form and carried:-

- RESOLVED: That this Council:-
- (a) believes that the Freedom of Information Act is an essential part of our democracy and enables citizens to hold local and national government to account;
  - (b) agrees that Freedom of Information laws should be extended to cover private companies delivering public services and major contracts;
  - (c) believes that the Freedom of Information Act is under threat from the Government, with proposals to:-
    - (i) introduce charges for requests;
    - (ii) make it easier to refuse requests on cost grounds; and
    - (iii) strengthen Ministers' powers to veto disclosures;
  - (d) notes that:-
    - (i) the Council deals with each Freedom of Information request on a case by case basis and in line with the Freedom of Information Act; and
    - (ii) for the 2014/15 financial year, less than 1% of refusals were referred to the Information Commissioner;
  - (e) notes that the information relating to the main opposition group's Freedom of Information requests on housing sites was not completed at the time the request was received, and that this information will be made available on 11<sup>th</sup> November, 2015 when the public consultation on Phase 1 of the Sheffield Local Plan is published;
  - (f) welcomes the Council's intention to publish FOI data on a regular basis;
  - (g) notes that the Council has answered tree-related FOI requests, and is committed to continuing to work hard to respond to as many requests as is feasible, given the resources available; and
  - (h) will write to the six Sheffield MPs requesting that they resist any attempt by the Government to water-down the provisions within the Freedom of Information Act.

(Note: 1. Councillors Richard Shaw, Rob Frost, Joe Otten, Colin Ross, Martin Smith, Penny Baker, Shaffaq Mohammed, Sue Alston, Andrew Sangar, Cliff Woodcraft, Steve Ayris, Denise Reaney, David Baker and Vickie Priestley voted

for Paragraphs (a), (b), (c), (f) and (h) and against Paragraphs (d), (e) and (g) of the Substantive Motion and asked for this to be recorded.

2. Councillors Aodan Marken, Brian Webster, Robert Murphy and Sarah Jane Smalley voted for Paragraphs (a) to (f) and (h) and against Paragraph (g) of the Substantive Motion and asked for this to be recorded.)

## **LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

At its meeting on 11 November 2015, the Cabinet considered a report of the Executive Director, Place setting out the details of the revised Statement of Licensing Policy to be published under the Licensing Act 2003 and details of the consultation process that had been undertaken.

Approval of the Statement of Licensing Policy under the Licensing Act 2003 is a function reserved to full Council.

The resolution passed by the Cabinet is set out below:-

“RESOLVED: That Cabinet approves the Statement of Licensing Policy for referral to Full Council on 2nd December 2015.”

### **Recommendation**

That the Council approves the Statement of Licensing Policy under the Licensing Act 2003, as set out in the attached report.

(NOTE: The report submitted to the Cabinet is attached for circulation to all Members of the Council, and an electronic version of the report has been published with this agenda.)

Simon Green  
Executive Director, Place

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# SHEFFIELD CITY COUNCIL

## Cabinet Report

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**Report of:** Executive Director, Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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

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

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**Key Decision:** YES

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**Reason Key Decision:** Affects 2 or more wards

---

**Summary:** The report sets out the details of the revised Statement of Licensing Policy to be published under the 2003 Act and details of the consultation process that has been undertaken.

The report also seeks approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refers to Full Council

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**Reasons for Recommendations:**

To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and support the Council's Vision.

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**Recommendations:**

That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2<sup>nd</sup> December 2015.

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**Background Papers:** None

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by: Anna Sanderson
<b>Legal Implications</b>
YES Cleared by: Marie-Claire Frankie
<b>Equality of Opportunity Implications</b>
NO Cleared by: Annemarie Johnston
<b>Tackling Health Inequalities Implications</b>
NO Cleared by: N/A
<b>Human Rights Implications</b>
NO Cleared by: N/A
<b>Environmental and Sustainability implications</b>
NO Cleared by: N/A
<b>Economic Impact</b>
NO Cleared by: N/A
<b>Community Safety Implications</b>
NO Cleared by: N/A
<b>Human Resources Implications</b>
NO Cleared by: N/A
<b>Property Implications</b>
NO Cleared by: N/A
<b>Area(s) Affected</b>
Whole of the City
<b>Relevant Cabinet Portfolio Lead</b>
Councillor Leigh Bramall
<b>Relevant Scrutiny Committee</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO

# REPORT OF THE EXECUTIVE DIRECTOR, PLACE

## THE LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY - APPROVAL

### 1.0 SUMMARY

1.1 The Licensing Act 2003 states at Section 5 (1):

“Each licensing authority must in respect of each five year period –

- (a) Determine its policy with respect to the exercise of its licensing functions, and
- (b) Publish a statement of that policy before the beginning of the period.”

1.2 This report is to seek approval on the final draft of the Statement of Licensing Policy under the Licensing Act 2003 and refer the matter to Full Council for determination.

### 2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE

2.1 The Statement of Licensing Policy will assist the Licensing Service in administering and enforcing the Licensing Act system in accordance with the promotion of the four statutory licensing objectives:

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

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

2.2 The Licensing Service will work with potential applicants to understand how we can enable their ideas to happen in line with our vision for the city to be attractive to a wide range of activities, visitors and residents. The service recognises that the best cities in the world offer a wider variety of choices around night time leisure uses, including later opening hours where this is appropriate.

2.3 It will provide developers looking to come to Sheffield, new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process in the city.

2.4 The Licensing Service will work with the Corporate Policy, Performance and Communications Team to create a single, coherent information resource for the full range of licensing activities that we undertake, making space somewhere where the policies can be located and searched easily, easily understood by the use of a simple guide and this can be referred to when people need assistance.

2.5 The Licensing Service will develop a “City Wide Licensing Strategy” that will sit above all the service policies and a vision of what the Council wants for the City in terms of Licensing. The strategy will be an excellent link between our policies, the Corporate Plan and other key policies / strategies.

2.4 The Statement of Licensing Policy will assist the Council in achieving the priorities outlined in Our Plan 2015-18 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:-

2.4.1 **An in touch organisation**

How the Licensing Service will contribute:

We will listen and be responsive, and endeavour to meet the increasingly diverse needs of the individuals of Sheffield by working in partnership with our customers, partners and stakeholders.

- Intelligent – make full use of information we receive to inform decision making and drive service improvement. Pro-actively using our policies to help shape the City and what it has to offer.
- Efficient – continually strive to provide value for money by looking to improve quality and outcomes through “education” and “enforcement”.

2.4.2 **Strong economy**

How the Licensing Service will contribute:

We will help achieve our economic potential, be well connected, with skilled individuals and assist businesses.

- Vibrant City – work with potential investors to assist them when setting up new businesses in Sheffield by using the Corporate Plan (Vision), other Council Policies and this Policy to help get the right mix of business leisure and retail.
- Distinctive cultural and sporting assets – continue to work with our major venues and assist in delivering and maintaining an excellent cultural and sporting offer to those who live, work, and visit our city.

2.4.3

**Thriving neighbourhoods and communities**

How the Licensing Service will contribute:

Assist people to have a good quality of life and feel proud of where they live and have great local amenities.

- Assist in improving community safety by reducing antisocial behaviour in partnership with the Police etc.
- Help local businesses provide well run and appropriately licensed activities.
- Investigate complaints and enforce against those that choose to operate in breach of the law and/or their licence conditions

2.4.4

**Better health and wellbeing**

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health.

- Provide information and education around the impact of alcohol and gambling.
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health.
- Work with the Safeguarding Children Board to raise awareness and tackle any issues around CSE and Child / Adult Safeguarding

2.4.5

**Tackling inequalities**

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help

themselves.

- Though licensing help promote equality, diversity and inclusion.
- Continue to work with Schools, Colleges and Universities to deliver education around licensing.
- Work in partnership with other services to create and provide a resource / information around how licensed premises can operate and promote equality, diversity and inclusion

### **3.0 OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes of the report are that:

- Sheffield City Council will have an up-to-date and effective policy under the Licensing Act 2003;
- Applicants will be provided with a clear, consistent basis for submitting applications and notices in Sheffield;
- A clear, consistent basis will be provided for determining licence applications in Sheffield;
- The relevant views of those affected by licensed premises will be taken into consideration;
- The wider strategies of the City Council are supported;
- Local communities and businesses are supported to ensure that licensed premises are properly managed and integrated in to the local community;
- The responsible sale of alcohol is promoted in a partnership approach; and
- The promotion of successful working partnerships between all agencies, local communities and other organisations involved the Licensing Act 2003 and the Night Time Economy.

### **4.0 BACKGROUND**

4.1 Section 5 (1) of the 2003 Act states:

“Each Licensing Authority must in respect of each five year period –

- a) Determine its policy with respect to the exercise of its licensing functions, and
- b) Publish a statement of that policy before the beginning of the period.”

4.2

The current Statement of Licensing Policy was published in January 2011, therefore the amended policy must be published in/before January 2016.

4.3

The proposed policy has changed entirely from the one that was published five years ago and has been produced in accordance with the 2003 Act and the Guidance issued under Section 182 of the Act.

### **5.0 WHAT DOES THE POLICY DEAL WITH**

5.1 The policy deals with the sale of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late night refreshment.

5.2 The policy covers all types of applications that can be made under the Act.

The policy will guide the Licensing Committee when determining applications and

- 5.3 assists the Licensing Authority in administering and enforcing the Licensing Act system in accordance with the promotion of the four licensing objectives.
- 5.4 It provides developers looking to come to Sheffield, new businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Licensing Act process and how applications are dealt with in Sheffield.

## **6.0 CONSULTATION**

- 6.1 All responsible authorities under the Act and relevant internal partners were consulted with prior to formal consultation in order to ensure the final consultation draft was as comprehensive as possible.
- 6.2 The formal consultation period began on Thursday, 11<sup>th</sup> June 2015 and concluded at 5:00pm on Friday 14<sup>th</sup> August 2015.
- 6.3 Section 5 (3) of the 2003 Act sets out who the licensing authority must consult before determining its policy, they are: -
- the chief officer of police for the licensing authority's area;
  - the fire authority for that area;
  - such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority;
  - such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority; and
  - such persons as the Licensing Authority considers to be representative of businesses and residents in its area.
- 6.4 Over 5000 letters and emails regarding the consultation were distributed to premises licence holders, club premises certificate holders, personal licence holders, responsible authorities, elected members, and many other groups; information was published on the Licensing Service webpages and officers attended a public meeting for the Central Area with local residents and Councillors.
- 6.5 The Licensing Authority received 9 responses to the consultation and amendments have been made where appropriate.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The work on the revision of the Statement of Licensing policy is a statutory duty placed upon us as the Licensing Authority and the work has been undertaken within the current resources of the Licensing Service and is fully recovered through licence fees, therefore there are no additional financial and resource implications to the Council arising from this report.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Failure to formally review the Statement of Policy in accordance with Section 5 of the Licensing Act 2003, the Regulations and Associated Guidance would mean that the Council would not be able to comply with its statutory duty and would leave it open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December 2015 then the Council as the Licensing Authority have fulfilled its statutory duties.

## **9.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

- 9.1 There are no adverse equality of opportunity implications arising from this report.
- 9.2 An Equality Impact Assessment has been prepared and retained.

## **10.0 REASONS FOR RECOMMENDATIONS**

- 10.1 To comply with the statutory obligations and in doing so promote the core objectives under the Licensing Act, the Councils Corporate Plan and supports the Council's Vision.

## **11.0 RECOMMENDATIONS**

- 11.1 That Cabinet approve the Statement of Licensing Policy for referral to Full Council on 2<sup>nd</sup> December 2015.

Steve Lonnia  
Head of Licensing  
October 2015

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**SHEFFIELD CITY COUNCIL'S**  
**STATEMENT OF LICENSING POLICY**

**Under the Licensing Act 2003**

**2016**

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# PART 1 - FOREWORD

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

In Sheffield, we use our Licensing Policy to guide the licensed business sector when making applications under the Licensing Act, to assist councillors in reaching decisions on those applications that they consider, and to help residents voice their views and concerns in appropriate ways.

We believe this is a robust policy. We always have to strike a balance between the need to welcome and support those delivering licensable activities that are important to parts of our city with the need to ensure a high quality of life for all those who live, work in or visit Sheffield. We have, in our view, created a fair and proportionate balance.

When we see well managed premises and proposals that support the positive contribution that can be made to the economy and vibrancy of our city, then we will be supportive. However, when we see the need to be firm we will do so.

We know the licensed business sector and our communities support us in this, and none of us will tolerate premises and businesses that might damage our communities, who compromise safety and who do not properly control their activities.

We are committed to building on the current partnership approach and will continue to look at new ways of working with the licensed trade, residents, businesses and other stakeholders in the community to ensure that Sheffield remains a safe place to visit and enjoy your leisure time without the fear of violence, intimidation or disorder.

## Introduction

The policy builds on the experience we have gained by administering the 2003 Act, particularly when addressing issues that impact on the safety and well-being of our residents, visitors to the city and those working in the leisure and entertainment industry.

We are very grateful to all the premises operators, managers, residents and partner organisations that have worked so hard to make the system work. Through continued partnership working we can improve the leisure and entertainment provision even more and make Sheffield the place to be.

Those who manage their premises well and play a purely positive role will have nothing to fear from this policy.

The Licensing Authority will continue to tackle those who fail to uphold the licensing objectives, breach their conditions or operate outside their licence. The council see licensing as a key means of controlling nuisance and anti-social behaviour from licensed premises, and part of the holistic approach to the management of the evening and night time economy.

We want to promote Sheffield as a city of cultural and sporting excellence, increase engagement in cultural activities and encourage vibrant, safe and strong communities. We want to celebrate cultural diversity and respect and provide for the needs of all users of our city and not just for the young adult population. We want to encourage a wide range of different types and styles of premises, particularly in the city centre, to attract a wide range of users from families with children through to older people as well as people with special needs.

We would particularly like to see the cultural hub of the city centre, focussed around Tudor Square, the Winter Gardens and the Peace Gardens, remain as an attractive destination for every visitor to our city and to this end we would encourage premises that serve the needs of all visitors to this area, with an emphasis on the European café culture, rather than a late night drinking destination, which is already well catered for in other areas of the city centre.

## Part 2 - OVERVIEW

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

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

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

The licensing authority will strive to achieve balance between developing and enabling businesses and regulating and applying sanctions to those same businesses for the safety of premises users and the protection of local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.

### LEGISLATIVE BACKGROUND

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

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

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

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

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

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

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

**Temporary event notices:** - authorising short term, ad-hoc events with less than 500 people attending.

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

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

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

## KEY DEFINITIONS

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

<b>‘the Licensing Authority’</b>	refers to Sheffield City Council which carries out its function as Licensing Authority under the Licensing Act 2003 in the Sheffield city boundary.
<b>‘the Council’</b>	refers to Sheffield City Council.
<b>‘the Act’</b>	refers to the Licensing Act 2003.
<b>‘the Licensing Committee’</b>	refers to the committee of Sheffield City Council established under s7(1) of the Act.
<b>‘the Licensing Sub-Committee’</b>	refers to three members of the Licensing Committee with sub-delegation of functions.
<b>‘the Guidance to the Act’</b>	refers to the most current Guidance issued by the Secretary of State under Section 182 of the Act.
<b>‘Licensing Policy’</b>	refers to this document, Sheffield City Councils Statement of Licensing Policy.
<b>‘authorisation’</b>	refers to all licences, certificates, temporary event notices and any other permission which can be given under the Act.
<b>‘Responsible Authorities’</b>	refers to public bodies that must be notified of new licence applications, reviews and other licensing functions. They are entitled to make relevant representations to the licensing authority in relation to the application for the grant, variation or review of such a licence. See contact details at page 41.

Please refer to the glossary at page 43 for further definitions.

## SCOPE OF LICENSING POLICY

All licensing authorities must publish a statement of licensing policy promoting the licensing objectives:

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

The purpose of the licensing policy is to:

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

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

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

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

Current definitions of the above activities can be found in the glossary at page 41. Note: changes to legislation may amend these definitions at any time.

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

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

## PROCESS OF APPLYING FOR A LICENCE

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

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

### Applying

All applications made under the Licensing Act 2003 must contain as much detail as possible.

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

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

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



### Processing

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



### Determining

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

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

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

The sub-committee must, having regard to the representations, take steps as it considers appropriate to promote the licensing objectives. These may include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.

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

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

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

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

## SUPPORTING AND INTEGRATING STRATEGIES

Many strategies deal in part with the leisure economy, and the licensing authority has considered other relevant strategies when developing this policy.

Other plans, policies and strategies that have a bearing on this one are:

### • Sheffield City Council Corporate Plan 2015-2018

The corporate plan sets our direction and priorities for the next three years.

#### **Priority 1: An in touch organisation**

How the Licensing Service will contribute:

Listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield

- Intelligent – make full use of information to inform decision making and drive service improvement
- Efficient – continually strive to provide value for money improving quality and outcomes

#### **Priority 2: Strong economy**

How the Licensing Service will contribute:

Help achieve our economic potential, be well connected, with skilled individuals and assist businesses

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues

#### **Priority 3: Thriving neighbourhoods and communities**

How the Licensing Service will contribute:

Assist people to have a good quality of life and feel proud of where they live and have great local amenities

- Deliver an efficient and safe taxi licensing system that provides an efficient mode of transport
- Assist in improving community safety by reducing antisocial behaviour
- Help local businesses provide well run and appropriate licensed activity

#### **Priority 4: Better health and wellbeing**

How the Licensing Service will contribute:

Promote good health, and assist in preventing and tackling ill health

- Provide information and education around the impact of alcohol and gambling
- Work in partnership with Public Health and the NHS to tackle issues around licensing and ill health

#### **Priority 5: Tackling inequalities**

How the Licensing Service will contribute:

Help invest in the most deprived communities and support individuals to help themselves

- Though licensing help promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities deliver education around licensing

### • Sheffield City Strategy – Sheffield 2020

Sheffield 2020 has a vision to be a great city where people from across the world want to live, learn, work, invest and visit. To achieve the vision, 5 key ambitions have been agreed:

- Distinctive
- Successful
- Inclusive
- Vibrant
- Sustainable

Licensing feeds into the vibrancy ambition; the city has the largest regional theatre complex outside of London and has over 12 major festivals that are supported by our Safety Advisory Group each year.



## • Safer and Sustainable Communities Partnership Plan 2014-2017 (Draft at the time of writing this policy)

Written by the city's Community Safety Partnership the strategy is in place to tackle crime, anti-social behaviour and drug and alcohol misuse.

Licensing Service representatives sit on the Safer Communities Performance Planning and Resources Group.

The majority of people use the night-time economy safely and responsibly. However, a small number of people misuse alcohol and are involved in violent and other crime. The Partnership will promote a responsible drinking culture, where alcohol is a positive part of the city night-time entertainment offer and where harm caused by alcohol is minimised. Although the level of violent crime in Sheffield is low for a major city, we want to reduce further the level of violence in the night-time economy to make it a safe and enjoyable environment for everyone.

The partnership has prioritised victims, vulnerable people, re-offending, cohesion and crime and antisocial behaviour with specific key areas of work covering:

- the provision of alcohol treatment places for those who wish to receive treatment to stop drinking harmfully, and
- the provision of targeted information on alcohol abuse support services to those with mental health issues via pharmacies.

## • The Government's Alcohol Strategy (Published March 2012)

The Government's alcohol strategy sets out proposals to crackdown on the 'binge drinking' culture, cut alcohol fuelled violence and disorder, and slash the number of people drinking to damaging levels.

The strategy includes commitments to:

- consult on a minimum unit price for alcohol
- consult on a ban on the sale of multi-buy alcohol discounting
- introduce stronger powers for local areas to control the density of licensed premises including making the impact on health a consideration for this
- pilot innovative sobriety schemes to challenge alcohol-related offending

Following consultation on delivering the strategy, a document was published setting out the next steps the Government will be taking in three areas:

- Targeted national action – including direct action from Government and our ambition for further voluntary commitments by the alcohol industry to tackle alcohol-related crime and health harms;
- Joining up at the local level – including how the Government will support local areas with high levels of alcohol-related harms to deliver change, in particular maximising the contribution from industry to support local action, for instance through business-led best practice schemes such as Best Bar None;
- Promoting growth and supporting responsible businesses – how the Government will free business and community groups from unnecessary red tape while maintaining the integrity of the licensing system.

The strategy and next steps documents were published under the 2010 to 2015 Conservative and Liberal Democrat coalition government.

## • Sheffield Alcohol Strategy 2016-2020 (being consulted on at the time of writing this policy)

The 2010-2014 Sheffield Alcohol Strategy had three over-arching themes that shaped the approach to alcohol in Sheffield; the presence of a responsible drinking culture, alcohol as a positive part of Sheffield's entertainment offer, and reduction of alcohol related harm. The majority of the actions from the strategy were achieved, and significant progress was made towards providing an effective city-wide response to alcohol.

The 2016-2020 Strategy will build on the previous achievements and address five distinct themes relating to alcohol in order to provide a wide reaching approach to alcohol use and misuse in the city. The five themes are:

1. Alcohol and health
2. Alcohol, Treatment and Recovery
3. Licensing and the night time economy
4. Alcohol and Crime
5. Community responses and vulnerable groups.

The strategy identifies a need for more joint work between the Licensing Service and the Sheffield Drugs and Alcohol Coordination Team (DACT) as current processes for management of the night time economy are not joined up adequately. A joint working protocol is actioned in the Sheffield Alcohol Strategy and will be useful in the long term in addressing alcohol harm issues associated with Sheffield's night time economy.



## • **Action Plan to Protect Communities from the Harm associated with Illegal Tobacco and Alcohol 2012-2015**

The aims of the action plan are to improve the health of the population of Sheffield by reducing the availability and supply of illegal tobacco and alcohol and to reduce health inequalities associated with the availability and supply of illegal tobacco and alcohol.

## • **Sheffield Joint Health and Wellbeing Strategy – 2013 - 2018**

This Joint Health and Wellbeing Strategy is a plan to improve the health and wellbeing of Sheffield people. It identifies things that will directly make a difference to people's health and wellbeing, such as investing in cancer services or tobacco control, but it also looks at the health and wellbeing system in Sheffield and its ways of working.

The Strategy is divided into ten principles and five outcomes, and is supported by five work programmes; alcohol features in each of these sections.

## • **A Culture Strategy for Sheffield 2011, 2012 and 2013**

Sheffield's culture strategy is a direct follow-on from Sheffield's UK City of Culture 2013 bid, which took place in 2010 and is a call to action for the people of the city to get involved and participate in cultural activity.

## • **Accessible Sheffield**

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

The partnership is supporting the development and delivery of an exciting new city Access Guide and Access Card scheme.

Inclusive information is an integral part of tourism, disabled people nationwide are accountable for an £80billion annual spend so promoting accessibility is part of building a vibrant economy for the city and ensuring that all of the city's attractions are promoted and well used.

Through working in partnership the project aims to:

- Promote good practice in terms of access and service provision via the CredAbility Quality Assurance Systems
- Encourage providers and businesses within the city to use the Access Card scheme to offer discounts via the card.

For further information, please contact The Centre for Independent Living Tel: 0114 253 6750.

## • **Safety Certification / Safety Advisory Group Policy Document**

The Policy sets out the approach of the Safety Advisory Group in relation to designated stands and stadiums but also for concerts, festivals and other events where the group is engaged.

The main objective of the policy is to ensure spectator safety is of the highest attainable standard.

The Safety Advisory Group is a multi-agency group and is chaired by the Chief Licensing Officer or nominated deputy.

## Relationship with Planning

While there is no obligation for an applicant to have planning permission in place before applying for a premises licence, provisional statement or for a variation of a licence, it is nevertheless strongly recommended that the proposed use of the premises has planning permission first so that proper consideration can be given to the impact that the use of the premises will have on the locality, particularly to ensure that it is compatible with the character of the area and will not harm the living conditions of any nearby residents.

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

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

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

Applicants are encouraged to indicate, when applying for a licence under the 2003 Act, whether they have also applied for planning permission or that they intend to do so. This gives licensing and planning officers the opportunity to discuss applications prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

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

### The Sheffield Local Plan

This will be the statutory development plan for Sheffield. It will set out the overall spatial strategy for Sheffield and contain development management policies to help achieve these aims. Until the Local Plan is adopted in 2018, the strategic and development management policies are those in the Core Strategy and Unitary Development Plan, respectively.

### Night Time Uses – Interim Planning Guidance

#### Guideline 1: Controlled Areas

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

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

#### Guideline 2: City Centre and Neighbourhoods

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

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

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

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

### Guideline 11

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

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

Applications will be encouraged for night time economy uses that complement the established and developing communities at Devonshire, St. Vincent's, Kelham, Wicker, Riverside and Park Hill, but with limited late night opening. The Heart of the City and the Cathedral Quarter would suit applications such as those for seated eating and drinking that complement the "cultural" offer of the area, but again with limited late night opening. The more vibrant West Street is close to saturation and we would discourage applications in this area and encourage applications for later opening on The Moor, Sheaf Valley and Castlegate areas.

## **Part 3 – SHEFFIELD CITY COUNCIL'S STATEMENT OF LICENSING POLICY**

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

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

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

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

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

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

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

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

## THE LICENSING OBJECTIVES

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

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

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

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

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

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

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

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

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

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

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

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

- The Crime Mapping website ([www.police.uk](http://www.police.uk));
- Neighbourhood Statistics websites ([www.neighbourhood.statistics.gov.uk](http://www.neighbourhood.statistics.gov.uk));
- Websites or publications by local responsible authorities (see contact details at page 41);
- Websites or publications by local voluntary schemes and initiatives; and
- On-line mapping tools.

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

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

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

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

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



# THE PREVENTION OF CRIME AND DISORDER

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

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

## CRIME AND DISORDER POLICY

### Applications

#### CCTV

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

South Yorkshire Police (SYP) Licensing Officers are able to visit your premises to discuss CCTV requirements.

#### Crime Reduction Radio Schemes

Three radio schemes are run in the city by the Sheffield Crime Reduction Partnership:

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

These schemes allow businesses to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering staff and customers on the premises.

If your proposed business is in any of these areas, it is recommended that you consider becoming a member of the crime reduction scheme. See page 41 for contact details.

#### Management Practices

Applicants are required to include information in the operating schedule of effective and responsible management, best practice and procedures.

On-going risk assessments are encouraged to minimise risks to staff and customers.

#### Drugs

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

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

Applicants are encouraged to consider accessing training on drugs for their staff from Drugs and Alcohol Co-ordination Team (DACT) commissioned services.

Consideration should be given to sign posting individuals to intervention or referral policies.

More information on intervention and referral can be sought from DACT – see contact details at page 41.

Displaying posters in the premises to notify customers of any zero tolerance drugs policies is encouraged.

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

## **Door Supervisors**

Applicants are required to consider the use of Security Industry Authority registered door supervisors and evidence such consideration in the application form. Unregistered staff must not be used.

Should registered door staff be utilised, a written record must be kept of each including name, badge number, time on and off duty and location whilst on the premises.

## **Sale of Illicit Goods**

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

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

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

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

Trading Standards are also very likely to submit a review of the premises licence where illicit goods are discovered (see Review Application Policy at page 32).

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

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

## **Winding Down Time**

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

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

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

## **Use of Glassware**

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

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

## **Determining an Opposed Application**

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

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

Where an applicant has omitted information on the above subjects, the committee will ask questions of the applicant on such and will consider attaching appropriate conditions.

# PUBLIC SAFETY

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

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

## PUBLIC SAFETY POLICY

### Applications

### Risk Assessments

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

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

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

### Specified Uses of the Building

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

### Plans

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

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

### Ensuring Safe Departure of those using the premises

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

Consideration should be given to:

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

### Venue Safety

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

Applicants will be expected to consult fully with the responsible authorities before and / or during the process.

### Drugs

A zero tolerance policy towards the use of drugs, including New Psychoactive Substances is required and should be enforced. Applicants will be expected to demonstrate that staff are fully trained and aware of the issues in relation to illegal drugs.

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

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

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



## **Alcohol Harm**

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

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

Consideration should be given to sign posting individuals to intervention or referral policies.

More information on intervention and referral can be sought from the Drugs and Alcohol Co-ordination Team (DACT) – see contact details at page 41.

## **Determining an Opposed Application**

The licensing authority (sub-committee) will consider South Yorkshire Fire and Rescue and Sheffield City Council's Health Protection Service as the main source of advice on public safety.

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

**DRAFT**

# PREVENTION OF PUBLIC NUISANCE

The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance.

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

Issues with noise, smells, light pollution and litter that result from the operation of licensed premises unreasonably affecting persons living or working nearby must be reported to the licensing authority and/or relevant responsible authority.

## PUBLIC NUISANCE POLICY

### Applications

#### Noise Breakout from Regulated Entertainment

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

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

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

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

#### Closing Times

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

The implementation of policies to manage customer dispersal at closing times should be considered, especially in areas with residential premises.

#### Light Pollution

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

#### Outside Areas and Smoking Shelters

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

## **Tables and Chairs**

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

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

Please contact the planning service and the licensing service for further information.

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

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

To this end, a responsible licensee is required to take all reasonable steps and exercise due diligence to ensure advertising of licensable activities does not cause nuisance, annoyance or which results in a criminal offence.

Applicants should outline in their operating schedules the steps to be taken to make sure that advertising of licensable activities does not cause nuisance, annoyance or result in criminal offences.

## **Determining an Opposed Application**

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

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

# PROTECTION OF CHILDREN FROM HARM

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

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

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

## PROTECTION OF CHILDREN FROM HARM POLICY

### Applications

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

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

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

A risk assessment template is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

#### Access for Children to Licensed Premises

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

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

A code of practice for children living at licensed premises is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

#### Proof of Age / Age Verification Scheme

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

- Proof of age must be requested if staff suspect that the customer is under the age of 18 years. To assist staff, rules such as 'Challenge 21', 'Challenge 25' or similar should be applied.
- A refusals register must be maintained and made available for inspection at reasonable request. Records should include the date and time of the refusal, the product the young person attempted to buy or the reason for refusal/ejection, a physical description of the customer and any other significant comments;
- Signage must be displayed throughout the premises to promote the scheme;
- Staff training records must be maintained and made available for inspection at reasonable request.



Steps must be in place to ensure that staff involved in the delivery of alcohol to residential addresses are made fully aware of their responsibilities to ensure no alcohol is sold to persons underage. Delivery staff must be trained to comply with the Code of Good Safeguarding Conduct which is available download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

Further information and a refusals register template is available to download at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

## Underage Sales

Sheffield has a multi-agency working group named the 'Underage Sales Group' which concentrates specifically on under age sales and tackling issues with licensed premises in the city selling alcohol to underage children.

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

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

### **Test Purchase Strategy Process**

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

Option of:

- Fixed Penalty Notice (£90); **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course (approx. £60); **Plus**
- Expected to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)

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

- Consider prosecution/discuss voluntary closure/review licence
- Expected to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)

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

Option of:

- Fixed Penalty Notice (£90); **Or**
- Disposal if offender enrolls and pays to attend responsible retail of alcohol course (approx. £60); **Plus**
- **Expected** to attend multi-agency training "Safeguarding Children at Licensed Premises" workshop (free)
- Consider voluntary closure dependent on premises history

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

- **Automatic review application**

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

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

## Responsible Retailer Scheme

This is a free scheme run by Sheffield Trading Standards. The aim of the scheme is to educate retail staff about legislation and other issues connected with underage sales, and get them into the habit of always asking for proof of age when selling alcohol, tobacco or other age restricted products to young people. A very useful information and training pack on underage sales legislation is available from Trading Standards and is issued free of charge to all relevant businesses.

Further information can be obtained by contacting the scheme co-ordinator on 0114 2736241.

## Child Sexual Exploitation

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

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

- Undertake a written children and young people's risk assessment and use it to inform your operating policy and staff training;
- Train staff to recognise indicators of child sexual exploitation and how to report concerns;
- Train staff to operate an age verification scheme;
- Maintain staff training records;
- Monitor activity at the premises using CCTV or regular patrols;
- Report suspicious activity to the police and record.

Further information and templates can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

## Events

The Licensing Authority recommends that event organisers plan their events with reference to the good practice guidance published by the Sheffield Safeguarding Children Board which can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk)

## Proxy Sales

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

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

## Children's Safeguarder

At premises where children are allowed, the Licensing Authority suggests at least one member of staff or management to be designated to take a lead on issues relating to safeguarding children ('Children's Safeguarding Co-ordinator').

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

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

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

The Safeguarding Children Board provides advice and free training to support staff designated to this role. Further information on the role of the Children's Safeguarding Co-ordinator can be downloaded at [www.safeguardingsheffieldchildren.org.uk](http://www.safeguardingsheffieldchildren.org.uk).

## Determining an Opposed Application

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

It will consider the Sheffield Safeguarding Children Board as the main source of advice on child protection.

Conditions restricting access will be considered in the following circumstances:

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

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

## REPRESENTATIONS MADE BY 'OTHER PERSONS'

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

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

### REPRESENTATIONS MADE BY 'OTHER PERSONS' POLICY

#### Making a representation

Representations must be submitted in writing or by email to the licensing service within the relevant period for comments.

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

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

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

#### Responsible Authorities

It is worth contacting the relevant responsible authority/s if you are planning on submitting a representation as they may have addressed your concerns by way of mutually agreed conditions.

It will also highlight your concerns to that authority if they are not already aware.

Contact details for the responsible authorities are available at page 41.

#### Petitions

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

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

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

#### Processing a representation

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

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

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

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

#### Petitions

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

## **Determining an Opposed Application**

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

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

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

A third party may attend on behalf of anyone making a representation, such as a friend or a ward councillor. The licensing authority must be satisfied that such a person has been given authority to act on their behalf.

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

### **Petitions**

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



## **APPLICATIONS FOR: PREMISES LICENCES, CLUB PREMISES CERTIFICATES and PROVISIONAL STATEMENTS**

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

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

### **PREMISES LICENCES / CLUB PREMISES CERTIFICATES / PROVISIONAL STATEMENTS APPLICATION POLICY**

#### **Applications**

##### **Considering the Local Community**

Applicants are expected to consider the needs and benefits of the community that their business will operate in.

Consideration to the local community when setting out an operating schedule must be evidenced in the application.

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

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

#### **Processing**

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

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

#### **Determining an Opposed Application**

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

- a) The intended use of the premises;
- b) The times applied for;
- c) The licensable activities applied for;
- d) The character of the area in which the premises is situated and the applicants knowledge of such;
- e) Whether the premises is located in an area nearing stress (see page 36);
- f) Whether the operating schedule and any agreed conditions adequately address the licensing objectives;
- g) The volume of customers;
- h) The intended demography of customers and the applicants knowledge of such;
- i) The nature and frequency of any proposed entertainment;
- j) Evidence of responsible management of the premises, e.g. safety management plans, training and supervision of staff, opening and closing records, use of best industry practice, etc.;
- k) Any relevant representations.

The licensing authority will give appropriate weight to:

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

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

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

### PERSONAL LICENCE APPLICATION POLICY

#### Applications

In order to apply for a personal licence you must:

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

#### Processing

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

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

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

#### Determining an Opposed Application

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

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

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

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

## DESIGNATED PREMISES SUPERVISORS

Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder. The only exception is for community premises which have successfully made an application to remove the usual mandatory conditions set out in the 2003 Act.

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

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

### DESIGNATED PREMISES SUPERVISOR POLICY

#### Applications

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

#### Processing

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

#### Determining an Opposed Application

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

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

The need for a temporary event notice (TEN) may arise where a premises licence or club premises certificate is not held or can be used to extend the permissions on an existing licence or certificate for a temporary period.

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

### TEMPORARY EVENT NOTICE POLICY

#### Applications

The Guidance to the Act encourages licensing authorities to publicise preferences in terms of advance notice of events planned, however, TENs can cover a huge variety of events, some requiring more consultation than others.

Event organisers are advised to informally contact the licensing authority at the earliest opportunity when planning events. Officers will be able to sign post organisers to relevant services that can provide specialist advice.

#### Processing

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

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

It is advisable that event organisers contact each of these authorities for advice prior to submitting a notice. See contacts at page 41.

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

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

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

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

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

Proposed activities that exceed the limits will require a premises licence or a club premises certificate.

#### Determining an Opposed Application

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

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



## APPLICATIONS FOR: EVENTS TO BE HELD ON COUNCIL LAND

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

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

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

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

### **EVENTS TO BE HELD ON COUNCIL LAND POLICY**

#### **Applications**

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

All events within the city centre boundary (see map at Appendix C) must go through the City Centre licensee's detailed events application procedure before use of the site is granted.

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

#### **Processing**

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

Larger events will engage the Safety Advisory Group (SAG) (see Large Scale Events Policy at page 30).

#### **Determining an Application**

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

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

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

## APPLICATIONS FOR: LARGE SCALE EVENTS

Where large scale events are planned, it is recommended that a premises licence application should be submitted *at least 3 months* before the event as, in most cases, large events will engage the Safety Advisory Group (SAG), a group established to provide specialist advice and guidance in relation to safety at designated stadiums, regulated stands, concerts, festivals and other events.

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

### LARGE SCALE EVENTS POLICY

#### Applications

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

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

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

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

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

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

#### Processing

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

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

#### Determining an Application

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

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

## APPLICATIONS FOR: MINOR VARIATIONS

A minor variation is defined as one that could not impact adversely on any of the four licensing objectives.

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

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

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

### MINOR VARIATION APPLICATION POLICY

#### Applications

Minor variations generally fall into four categories:

- Minor changes to the structure or layout of the premises;
- Small adjustments to licensing hours;
- The removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions; and
- The addition of certain licensable activities.

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

#### Processing

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

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

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

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

#### Determining an Opposed Application

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

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



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

The licensing authority has considered reviews of many premises licences that have failed to promote the licensing objectives and licences have been revoked, suspended, designated premises supervisors have been removed and tighter conditions imposed. These reviews were not taken lightly. Operators of licensed premises were given a mark of trust when granted a premises licence. The licensing authority will continue to ensure that this trust is upheld and local communities are not made to suffer because of badly managed premises.

### **REVIEW APPLICATION POLICY**

#### **Applications by Responsible Authorities**

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

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

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

#### **Applications by 'Other Persons'**

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

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

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

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

#### **Applications – General**

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

#### **Processing**

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

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

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



## Determination of a Review Application

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

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

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

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

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

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

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

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

### SUMMARY REVIEW APPLICATION POLICY

#### Processing

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

#### Determining Interim Steps

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

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

The steps available to the sub-committee are:

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

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

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

#### Making Representations against the Interim Steps

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

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

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

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

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

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

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

#### Determination of a Review Application

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

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

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

## CUMULATIVE IMPACT

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

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

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

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

At the time of writing this policy, Sheffield does not have any cumulative impact policy however, there are some areas of concern (see information on Areas Nearing Levels of Stress, page 36) and the need for the designation of Cumulative Impact Areas will be kept under review.

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

## OTHER METHODS FOR CONTROLLING CUMULATIVE IMPACT

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

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

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

## AREAS NEARING LEVELS OF STRESS IN SHEFFIELD

In some areas of Sheffield, a concentration of licensed premises or activities exist which are leading to problems of public nuisance and disorder and causing 'stress' but are not yet, in the opinion of the licensing authority, at the level where we have adopted a formal cumulative impact policy.

### AREAS NEARING LEVELS OF STRESS IN SHEFFIELD

The licensing authority is particularly concerned about the following areas:

<b>Area</b>	<b>Reason for concern</b>
<b>West Street and Division Street</b>	The concentration of late night alcohol licensed premises and levels of crime and disorder, as well as the proximity to residential properties in some cases.
<b>West Street, Devonshire Street and Division Street</b>	The number of off licences and the related problem with street drinking and public nuisance in this area.
<b>Broomhill</b>	The number of late night refreshment premises in close proximity with patrons causing noise and disturbance when migrating between destinations.
<b>Ecclesall Road</b>	The number of liquor licensed premises, especially those with outside drinking areas, and late night refreshment premises in close proximity to residential dwellings causing noise and disturbance.

Applicants making applications for premises licences in these areas are advised to carefully think about the licensing objectives and the above areas of concern.

Applications for late night premises in any area of the city are expected to demonstrate a commitment to a very high standard of management and ensure that the operation of the premises will not create a public nuisance nor result in additional crime, disorder and antisocial behaviour in the area.

The licensing authority continues to monitor the areas it considers are nearing levels of stress, and will consider implementing a cumulative impact policy should the evidence show a major problem that cannot be tackled any other way.

In determining any applications for these areas, the licensing authority (sub-committee) will still take care to ensure the Guidance to the Act is applied and consider the merits of all individual cases.



## EARLY MORNING RESTRICTION ORDERS (EMROs)

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

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

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

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

## PART 4 - LICENSING COMMITTEE

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

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

### HEARINGS

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

Each case will be considered on its own individual merits.

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

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

### DELEGATION OF FUNCTIONS

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

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

### APPEALS

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

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

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

On determining an appeal the court may:

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

## **PART 5 - EQUALITY, DIVERSITY AND INCLUSION**

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

### **The Equality Act 2010**

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

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2012.

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

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

### **Equality Impact Assessment (EIA)**

An EIA is the chosen vehicle for Sheffield City Council to assess equality impacts. It is a systematic way of assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the licensing service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy (EIA number 666). If you are interested in viewing this document, please contact the licensing service.

## Part 6 PARALLEL CONSENT SCHEMES

### Planning

The Council's licensing functions will be discharged separately from its functions as the "Local Planning Authority".

It is preferred that applicants for premises licences and variations should have already obtained any necessary planning consent before making their application under the Licensing Act 2003 however a licence application can and will be considered in the absence of planning.

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

Applicants for premises licences should have regard to the relevant planning policies when determining the nature of the activities proposed and consider their impacts on the local environment and community in which the premises are situated.

### Weights and Measures

There are legal requirements for the licensed trade concerning the quantities and measurement of alcoholic drinks and how they are described, as well as on informing customers about the prices they will be charged. There are also mandatory licensing conditions, which include minimum quantities.

### Gambling

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the licensing authority of their intention to make gaming machines available for use.

In addition to their automatic entitlement, pubs and other alcohol licensed premises may apply to their local licensing authority for a gaming machine permit which allows the provision of additional machines. The number of machines allowed will be specified on the permit.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

### Sexual Entertainment Venues

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

Please contact the licensing service if you intend to have adult performances at your premises or seek your own legal advice.

### Pavements Café Licences

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

Please contact the licensing service for further information.

### Door Staff

Section 21 of the Act states that if a premises licence is granted with a condition that there must be door/security staff present, the staff must be licensed by the Security Industry Authority (SIA).

See page 42 for details of how to contact the SIA.

### Duplication

The Council recognises the need to avoid so far as possible duplication with other regulatory regimes. However, some regulations do not cover the unique circumstances of certain entertainments and, in appropriate circumstances, the Council will attach Conditions to premises licences and club premises certificates where these are necessary for the promotion of the licensing objectives and are not already provided for in any other legislation. Any such conditions imposed may be tailored to the individual premises and the type of activities expected to take place there.



## PART 7 - CONTACT DETAILS

### Responsible Authorities

Licensing Service		
Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	<b>Telephone</b>	0114 2734264 / 0114 2734880
	<b>Email</b>	general.licensing@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/licensing

South Yorkshire Police – Licensing Team		
South Yorkshire Police Licensing Dept Force Headquarters Carbrook House 5 Carbrook Hall Road Sheffield, S9 2EH	<b>Telephone</b>	0114 2529617
	<b>Email</b>	sheffield.liquor-licensing@southyorks.pnn.police.uk
	<b>Website</b>	www.southyorks.police.uk

South Yorkshire Fire and Rescue – Licensing		
Sheffield Fire Safety Office 197 Eyre Street Sheffield S1 3FG	<b>Telephone</b>	0114 2727202
	<b>Website</b>	www.syfire.gov.uk

Sheffield Safeguarding Children Board		
Floor 2, Redvers House Union Street Sheffield S1 2JQ	<b>Telephone</b>	0114 2734450
	<b>Email</b>	sscb@sheffield.gov.uk
	<b>Website</b>	www.safeguardingsheffieldchildren.org.uk

Environmental Protection Service (Noise Nuisance)		
Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	<b>Telephone</b>	0114 2734651
	<b>Email</b>	epsadmin@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/environment

Health Protection Service (Health and Safety)		
Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	<b>Telephone</b>	0114 2734616
	<b>Email</b>	healthprotection@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/environment

Planning		
Licensing Applications Howden House 1 Union Street Sheffield S1 2SH	<b>Telephone</b>	0114 2039183
	<b>Email</b>	planningdc@sheffield.gov.uk
	<b>Website</b>	www.sheffield.gov.uk/planning

Trading Standards		
5 <sup>th</sup> Floor, Howden House 1 Union Street Sheffield S1 2SH	<b>Telephone</b>	0114 2736291
	<b>Email</b>	trading_standards@sheffield.gov.uk
	<b>Website</b>	www.tradingstandards.gov.uk/sheffield

Public Health		
The Public Health Officer Office of the Director of Public Health Sheffield City Council Town Hall Pinstone Street Sheffield S1 2HH		

## Other useful contacts

### Ward Councillors

Councillors are democratically accountable to the residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

For contact details of your Ward Councillor, please refer to

[www.sheffield.gov.uk/councillors](http://www.sheffield.gov.uk/councillors)

Or by telephoning 0114 273 4096.

### Sheffield Drugs and Alcohol Coordination Team (DACT)

A strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.

<b>Telephone</b>	Drugs: 0114 272 1481 Alcohol: 0845 345 1549
<b>Website</b>	<a href="http://www.sheffielddact.org.uk/drugs-alcohol/">www.sheffielddact.org.uk/drugs-alcohol/</a>

### Responsible Retailer Scheme

A free scheme run by Sheffield Trading Standards, the aim of which is to provide advice and training materials to help traders prevent the sale of age restricted products to underage customers.

<b>Telephone</b>	0114 273 6241
<b>Email</b>	<a href="mailto:Greg.ward@sheffield.gov.uk">Greg.ward@sheffield.gov.uk</a>

### Sheffield Licence Watch

An association of Sheffield licensees with a constituted committee - encouraged by Sheffield City Council and backed by South Yorkshire Police administered by People United Against Crime, the charitable arm of South Yorkshire Police.

<b>People United Against Crime</b>	<b>Telephone</b>	0114 275 8688
	<b>Email</b>	<a href="mailto:info@people-united.org">info@people-united.org</a>
	<b>Website</b>	<a href="http://www.people-united.org">www.people-united.org</a>

### Business First

A first point of contact to put you in touch with all the services relevant to your start up or developing business.

<b>Telephone</b>	0800 043 5522 or 0114 224 5000
<b>Website</b>	<a href="http://www.welcometosheffield.co.uk/business">www.welcometosheffield.co.uk/business</a>

### Security Industry Authority

The Security Industry Authority (SIA) is the organisation responsible for regulating the private security industry in the UK.

<b>Telephone</b>	0844 8921025
<b>Website</b>	<a href="http://www.sia.homeoffice.gov.uk">www.sia.homeoffice.gov.uk</a>

### GLOSSARY OF TERMS

This section explains the key terms used in the Licensing Policy. These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor are the definitions legally comprehensive. The Act stands as the legal reference for the terms.

#### Adult entertainment

It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants and responsible authorities need to apply common sense to this matter. However, such entertainment or services, for example, would generally include topless staff, striptease, lap dancing, table dancing or pole-dancing, performances involving significant violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

#### Children

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or over. The Act makes it an offence to allow unaccompanied children on premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence.

In Section 20, for the purposes of the exhibition of film, children means persons under 18.

#### Combined use premises

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

#### Cumulative Impact

The potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.

#### Designated Premises Supervisor (DPS)

If the licensable activities carried out at the premises include the sale or supply of alcohol, a designated premises supervisor must be specified on the premises licence.

He or she must hold a personal licence and will normally have been given day-to-day responsibility for running the premises by the premises licence-holder. There can only be one DPS per premises, although there can be more than one personal licence-holder per premises.

#### Other Persons

Persons who live, or are involved in a business in the relevant licensing authority's area.

#### Late night refreshment premises

A person providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises (Schedule 2, Licensing Act 2003)

## Licensable activities

Those activities under the Licensing Act 2003 which require a licence from the Licensing Authority (Council) include the following:

- (a) the sale by retail of alcohol;
- (b) the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- (c) the provision of regulated entertainment; and
- (d) the provision of late night refreshment.

## Licensing Authority

For the purposes of this statement, Sheffield City Council is the body responsible for licensing under this Act.

## Licensing objectives

The objectives are the basis of all licensing decisions. They are:-

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

## Operating schedule

The part of a licence application or current licence which describes in detail all the licensable activities to be carried out at the premises, and how the licensing objectives will be achieved.

## Personal licence

This is a licence which:

- (a) is granted by a Licensing Authority to an individual in the local authority area where they usually reside and
- (b) authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence (Part 6, section 111(1), Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a personal licence (Part 6, Section 120). Any individual is only permitted to hold one personal licence (Part 6, Section 118, Licensing Act 2003). Personal licences will need to be renewed every ten years (Part 6, Section 115, Licensing act 2003).

## Provisional Statement

Where premises are being or are about to be constructed, extended or otherwise altered, investors may be unwilling to commit funds unless they have some assurance that a premises licence would be granted when the work is completed.

A provisional statement can ensure some degree of certainty that a premises licence would be granted once the premises is completed to the satisfaction of all responsible authorities.

## Qualifying club

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been "licensed"; they have registered with the Magistrates' Courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to "qualify" to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

## Regulated entertainment

The types of entertainment regulated by the 2003 Act (as amended by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

As a result of amendments to the 2003 Act by the Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013, no licence is required for the following activities to the extent that they take place between **08:00 and 23:00 on any day**:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
  - a performance of unamplified live music;
  - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
  - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied.

## Representation

A comment submitted on the likely effect of the grant of an application or the operation of an existing licence.

Representations can include positive / supportive comments as well as adverse / negative.

Representations must be ‘relevant’ i.e. they must refer to one or more of the licensing objectives.

## Restaurant

Restaurant is defined as premises where alcohol is served only to seated customers who are dining, where any ancillary bar area is only for customers waiting to dine at those premises.

## Safer Clubbing

‘Safer Clubbing’ is guidance published by the Home Office. The key issues identified are:

- prevention of overcrowding
- air conditioning and ventilation
- availability of drinking water
- further measures to combat overheating
- overall safety

## Safety Advisory Group (SAG)

The Safety Advisory Group is made up of representatives from the local authority, emergency services and other relevant bodies. They meet at regular intervals, or when necessary, to review event applications and advise on public safety.

SAG’s do not have legal powers or responsibilities and are not empowered to approve or prohibit events from taking place.

They provide independent advice to event organisers, who retain the legal responsibility for ensuring a safe event.

## Security Industry Authority (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Sexual Entertainment Venue Licences

Premises that have any live performance or any live display of nudity for the purpose of sexually stimulating any member of the audience must hold a sexual entertainment venue licence.

## Sex establishment licences

These are defined in Schedule 3 of the Local Government Miscellaneous Provisions Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003.

## Stress Areas

Sheffield Licensing Authority consider certain areas to have concentrated pockets of licensed premises or activities which are showing signs of having the potential to undermine one or more of the licensing objectives or “nearing levels of stress”.

These areas are not yet at the stage where “cumulative impact” (see definition above) has been reached but are under scrutiny by the Licensing Authority as having the potential to if not carefully managed.

## Designated Public Place Order (DPPO)

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated areas, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a police officer’s requirements.

## Temporary event

An event where licensable activities will be carried out, but no premises licence is held to cover the activities. Certain constraints apply, such as:

- a maximum of 499 people can attend;
- The event can have a maximum duration of 168 hours (7 days);
- The premises user (usually the organiser) must be aged 18 or over.

## Temporary event notice (TEN)

The notice submitted to the Licensing Authority, police and Environmental Health Authority, before the event, which informs them about:

- The date/s the event will be held;
- The licensable activities that will be carried out.
- How the licensing objectives will be achieved.

## Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

## Vessels

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a “premises” situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regard to public safety, including fire safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

## **Vicinity**

The vicinity test was removed from the Act in 2012 however Sheffield City Council had previously chosen not to define vicinity as a fixed distance in relation to any premises. Instead its approach is to consider each matter individually, taking into account whether any individual's residence or business is being, or likely to be, directly affected by activities which occur on the premises or immediately outside it. The key consideration is the impact of issues on the licensing objectives.

DRAFT



## APPENDIX 'B' CONSULTATION/CONSULTEES

In developing this Licensing Policy, Sheffield City Council has consulted widely and given due consideration to the views of all those who responded to that consultation process.

There are many organisations and people who have a stake in the leisure industry, including providers, customers, residents, law enforcers and the emergency services, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.

The Council also consulted those involved and responsible for its local strategies on crime prevention, planning, transport, culture, tourism and economic development.

The City Council / Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Licensing Policy or any amendments in accordance with the Licensing Act 2003.

The Licensing Authority must in any case consult with the following:-

- (e) the Chief Officer of Police in the area;
- (f) the Fire Authority;
- (g) persons / bodies responsible for local holders of premises licences;
- (h) persons / bodies responsible for local holders of club premises certificates;
- (i) persons / bodies responsible for personal licensees; and
- (j) persons / bodies responsible for businesses and residents in its area.

The Act requires the Council to consult representatives of those persons who have a special interest in the Licensing Policy. In this Licensing Policy those with a special interest are called "stakeholders".

The Council is, however, able to go beyond the minimum statutory requirements. It has actively sought the views of all stakeholders on its proposals and not just those persons who are representative of them.

The Licensing Authority has conducted a full consultation of its Licensing Policy by way of writing / emailing all consultees, providing relevant information on its website, publishing a statement in the local press and attending meetings when requested.

The views of all our consultees will be considered and given proper weight when writing and / or reviewing the Licensing Policy.



## **GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (POLICY)**

At its meeting on 11 November 2015, the Cabinet considered a report of the Executive Director, Place setting out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that had been undertaken.

Approval of the Statement of Principles (Policy) under the Gambling Act 2005 is a function reserved to full Council.

The resolution passed by the Cabinet is set out below:-

“RESOLVED: That Cabinet approves the Statement of Principles (Policy) for referral to Full Council on 2nd December 2015.”

### **Recommendation**

That the Council approves the Statement of Principles (Policy) under the Gambling Act 2005, as set out in the attached report.

(NOTE: The report submitted to the Cabinet is attached for circulation to all Members of the Council, and an electronic version of the report has been published with this agenda.)

Simon Green  
Executive Director, Place

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# SHEFFIELD CITY COUNCIL

## Cabinet Report

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**Report of:** Executive Director, Place

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**Report to:** Cabinet

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**Date:** 11<sup>th</sup> November 2015

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**Subject:** Gambling Act 2005 - Statement of Principles (Policy)

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**Author of Report:** Shimla Finch

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**Key Decision:** YES

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**Reason Key Decision:** Affects 2 or more wards

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**Summary:**

The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.

The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.

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**Reasons for Recommendations:**

To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

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**Recommendations:**

That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

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**Background Papers:**

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**Category of Report:** OPEN

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## Statutory and Council Policy Checklist

<b>Financial Implications</b>
NO Cleared by: Anna Sanderson
<b>Legal Implications</b>
YES Cleared by: Marie-Claire Frankie
<b>Equality of Opportunity Implications</b>
NO Cleared by: Annemarie Johnston
<b>Tackling Health Inequalities Implications</b>
NO Cleared by: N/A
<b>Human Rights Implications</b>
NO Cleared by: N/A
<b>Environmental and Sustainability implications</b>
NO Cleared by: N/A
<b>Economic Impact</b>
NO Cleared by: N/A
<b>Community Safety Implications</b>
NO Cleared by: N/A
<b>Human Resources Implications</b>
NO Cleared by: N/A
<b>Property Implications</b>
NO Cleared by: N/A
<b>Area(s) Affected</b>
Whole of the City
<b>Relevant Cabinet Portfolio Lead</b>
Councillor Leigh Bramall
<b>Relevant Scrutiny Committee</b>
None
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO

## **REPORT OF THE EXECUTIVE DIRECTOR, PLACE**

### **GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES (POLICY)**

#### **1.0 SUMMARY**

- 1.1 The report sets out the details of the revised Statement of Principles (Policy) to be published under the Gambling Act 2005 and details of the consultation process that has been undertaken.
- 1.2 The report seeks approval on the final version of the Statement of Principles (policy) and for it to be referred to Full Council.
- 1.3 The report also gives background information as to the legal requirement to have a Statement of Principles (Policy).

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 The policy will assist the Licensing Service in administering and enforcing the Gambling Act in accordance with the promotion of the three licensing objectives:

- preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 2.2 The Statement of Principles (policy) will assist the Council in achieving the priorities outlined in the Corporate Plan 2015–2018 and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer as detailed below:

##### **2.2.1 An in touch organisation**

The Licensing Authority will listen and be responsive, and meet the increasingly diverse needs of the individuals of Sheffield by ensuring we are:

- Intelligent – making full use of information to inform decision making and drive service improvement
- Efficient – continually strive to provide value for money improving quality and outcomes

##### **2.2.2 Strong Economy**

As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues
- Support and develop the licensed business sector and build

relationships with businesses to encourage jobs and growth in the city

### 2.2.3 **Thriving Neighbourhoods and Communities**

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour.
- Recognises the needs of residents within the city for a safe and healthy environment, in which people want to live, learn, work, invest and visit and ensuring the policy recognises this.
- Ensuring licensees understand the importance of safe well run premises.
- Help local businesses provide well run and appropriate licensed activity.

### 2.2.4 **Better Health and Wellbeing**

The Licensing Authority will promote good health, and assist in preventing and tackling ill health:

- Provide information and education around the impact of alcohol and gambling.
- Whilst promoting inclusive, vibrant, thriving neighbourhoods and communities and supporting businesses the Licensing Authority will work closely with external partners to support the improvement of better health and wellbeing.
- The document recognises the need to protect children and the vulnerable from gambling addiction and gambling related harm etc. In this respect the Licensing Authority is working closely with the Safeguarding Children Service and other relevant Authorities in doing so.

### 2.2.5 **Tackling inequalities**

Help invest in the most deprived communities and support individuals to help themselves

- By providing early help, listening and being responsive.
- Promote equality, diversity and inclusion
- Continue to work with Schools, Colleges and Universities to deliver education around licensing

2.3 The revision of the document means that we can improve the content and design in a way that assists us in achieving our aspiration to be ‘the best we can be – as individuals and communities, as a council and as a city’.

## 3.0 **OUTCOME AND SUSTAINABILITY**

3.1 The expected outcomes are that:

- Sheffield City Council has an up-to-date and effective gambling policy.
- To provide applicants with a clear, consistent basis for submitting applications and notices in Sheffield.
- To provide a clear, consistent basis for determining licence

applications in Sheffield.

- Ensure the relevant views of those affected by licensed premises are taken into consideration.
- To support wider strategies of the City Council.
- The policy ensures that premises are well managed and that they integrate in to the local community.
- Children are protected from the potential harms of gambling;

3.2 Gambling premises are a significant part of the City's economy and the larger businesses such as bingo halls and casinos are a key part of the night time economy.

#### **4.0 BACKGROUND**

4.1 Section 349 (1) of the 2005 Act states:

“A licensing authority shall before each successive period of three years-

- (a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
- (b) publish the statement.”

4.2 Sheffield City Council's first Statement of Licensing Principles (Policy) was published on 2<sup>nd</sup> January 2007 and has then been revised every three years. The Licensing Authority has updated the policy as required under section 349 (1) of the 2005 Act and has followed the same process as it did when consulting with previous policies.

4.3 Revisions have been made in the policy following the changes in the Gambling Commissions 'Licence Conditions and Codes of Practice' (LCCP) which have strengthened the social responsibility aspects for operators.

4.4 The document has been produced in accordance with the 2005 Act; the guidance issued by the Gambling Commission and the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

#### **5.0 WHAT THE POLICY DEALS WITH**

5.1 The policy deals with all forms of gambling that are governed by the Gambling Act 2005 these include:

- Casinos
- Betting Shops
- Adult Gaming Centres
- Family Entertainment Centres
- Gaming Machines in Licensed Premises
- Temporary Use Notices
- Occasional Use Notices
- Bingo Halls
- Tracks
- Lotteries
- Club Gaming Machines

- 5.2 The policy deals with all types of applications including the grant, variation and transfer of licences as well as the review of a licence.
- 5.3 The policy sets out how the Licensing Authority intends to deal with applications under the Gambling Act and is also a guide to applicants, residents, responsible authorities, interested parties and the Licensing Committee.
- 5.4 It will provide new small businesses, current licensees and the residents of Sheffield with a reference document to assist them in understanding the Gambling Act processes.
- 5.5 The Statement of Principles (Policy) allows the discretion of the Council and for every application to be dealt with individually on its merits.
- 5.6 Whilst the document assists the Licensing Authority in carrying out its functions in a socially responsible manner, the Statement of Principles (Policy) also states how it will secure the proper integration with local crime prevention, child protection, planning and any other plans introduced for the management of the city as a whole or each individual area.
- 5.7 There is a firm commitment within the document to avoid duplication with other regulatory regimes such as Planning, Health & Safety and Fire Safety Legislation.

## **6.0 CONSULTATION**

- 6.1 The formal consultation process for the Statement of Principles commenced on the 11<sup>th</sup> June 2015, and concluded at 5:00pm on the 14<sup>th</sup> August 2015.
- 6.2 Section 349 (3) of the 2005 Act states:

“In preparing a statement or revision under this section a licensing authority shall consult –

  - (a) either-
    - (i) in England and Wales, the chief officer of police for the authority’s area, or
    - (ii) in Scotland, the chief constable of the police force maintained for the police area comprising that area,
  - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area, and
  - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the authority’s functions under this act.”
- 6.3 Approximately 3,000 letters and emails (where possible) regarding the consultation have been sent out which include those bodies listed above



in paragraph 6.2.

- 6.4 The letters and emails have included a link to our website where the draft Statement of Principles (Policy) can be viewed. Consultee's had the option of contacting the Licensing Service for a hard copy of the Policy if they do not have internet access. Officers also attended public meetings.
- 6.5 The Licensing Authority has received a total of 9 responses to the public consultation.
- 6.6 Amendments have been made where appropriate to the draft policy in response to the comments received following Counsel advice.
- 6.7 It is to be noted that the revised Statement of Principles (Policy) has been fully reviewed by Philip Kolvin QC who is a specialist barrister in licensing law.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The work on the revision of the Statement of Principles (Policy) is a statutory duty placed upon us as the Licensing Authority and the work is undertaken within the current resources of the Licensing Service and the costs are fully recovered through licence fees under the Gambling Act 2005.
- 7.2 Therefore there are no additional financial and resource implications to the Council.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 Failure to formally review or consult on a Statement of Policy within the timescales required by the Gambling Act 2005, Regulations and Associated Guidance would mean that the council would not be complying with its statutory duty and would leave itself open to legal challenge.
- 8.2 If the revised document referred to within this report is approved by full Council in December then the Council as the Licensing Authority have fulfilled its statutory duties.

## **9.0 ENVIRONMENTAL IMPLICATIONS**

- 9.1 There are no environmental implications arising from this report. The consultation has been carried out generally through electronic means where possible and the draft document was also available electronically.
- 9.2 The Statement of Principles (Policy) when approved will be available to download from the Councils website.

## **10.0 EQUALITY OF OPPORTUNITY IMPLICATIONS**

- 10.1 There is no equality of opportunity implications arising from this report. An

Equality of Impact Assessment has been prepared and retained.

**11.0 REASONS FOR RECOMMENDATIONS**

11.1 To comply with the Council's statutory obligations and in doing so promote the Council's Corporate Plan and support the Council's vision.

**12.0 RECOMMENDATIONS**

12.1 That Cabinet approve the Statement of Principles (Policy) for referral to Full Council on 2<sup>nd</sup> December 2015.

Shimla Finch  
Licensing Strategy & Policy Officer  
September 2015

**SHEFFIELD CITY COUNCIL'S**  
**STATEMENT OF PRINCIPLES**  
**Gambling Act 2005**

**Draft Consultation Document**  
**V2**

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## Foreword

The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling after its introduction in September 2007. It gave Local Authorities new and extended responsibilities, including licensing premises for gambling and transferred to Local Authorities' responsibilities for betting, gaming and bingo that previously lay with Local Licensing Justices.

Although, amongst other duties, the Gambling Commission is responsible for licensing operators and individuals who provide gambling and betting facilities. Sheffield City Council has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities such as registering small society lotteries.

Every Licensing Authority must develop, consult on and publish a Statement of its Licensing Principles. This Statement of Principles (Policy) sets out the principles which the Local Authority will apply in exercising its licensing functions under the Act.

The Council recognises how important this sector of the entertainment industry is within the city and well-run businesses will get the support of the Council. New gambling related developments that are well planned and can demonstrate initiatives that prevent gambling from being a source of crime and disorder, ensure that gambling is conducted in a fair and open way and protect people from being harmed or exploited by gambling are welcomed. However, the Council will not hesitate in dealing firmly with problems of gambling related crime and disorder.

This document sets out Sheffield City Council's Statement of Principles (Policy), which will guide the Licensing Committee when considering applications under the Gambling Act 2005 and aims to provide guidance to applicants, objectors, Responsible Authorities and all Interested Parties on the general approach to gambling in the City which also supports the Council's priorities:

- **An in touch organisation**
- **Strong economy**
- **Thriving neighbourhoods and communities**
- **Better health and wellbeing**
- **Tackling inequalities**

Although each and every application will be dealt with separately and on their own individual merits, the Council in writing this Statement of Principles (Policy) is offering guidance on the wider considerations that will be taken into account

## Part 1 – Overview

### 1.1 Key Definitions

The following terms are used frequently throughout this Statement of Principles (Policy) document:

<b>‘the Licensing Authority’</b>	refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary.
<b>‘the Council’</b>	refers to Sheffield City Council.
<b>‘Policy’</b>	refers to this Statement of Principles (Policy) as required under section 349(1) of the Gambling Act 2005.
<b>‘the Act’</b>	refers to the Gambling Act 2005.
<b>‘the Commission’</b>	refers to the Gambling Commission.
<b>‘Guidance to the Act’</b>	refers to the guidance issued by the Gambling Commission as required under section 25 of the Gambling Act 2005.
<b>‘Codes of Practice’ or ‘LCCP’</b>	refers to Licensed Conditions and Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### 1.2 Scope of Licensing Policy

Under section 349 of the Gambling Act 2005, the Licensing Authority is required to publish a statement of principles which it proposes to apply when exercising its functions under the Act at least every three years.

The aim of this Policy is to promote the following Licensing Objectives: -

- preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

This document should be read in conjunction with the Gambling Act 2005, the guidance issued by the Gambling Commission and the three Licensing Objectives.

The purpose of the licensing policy is to:

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

This Policy is not intended to limit the power or fetter the discretion of the Licensing Committee who will listen to and determine on its own individual merits any application placed before it.

### 1.3 Summary of matters dealt with in this statement

This introductory section is included in accordance with Regulation 4 of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006, and as required by that provision it summarises the matters dealt with under Sheffield City Council’s Statement of Principles.

Part 1, Section 1.4 contains a description of the geographical area in respect of which this Licensing Authority exercises its functions under the Act as required under Regulation 4.

Part 1, Section 1.5 states whom the Authority has consulted in preparing this Statement of Principles and required under Regulation 4.

The remainder of Part 1 details the scope; the monitoring and review of this Statement.

Part 2, Section 2.6 details the principles to be applied by the Authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act. This is detailed as a separate section to comply with Regulation 5.

Part 3 details the Authority's legal obligations and how the Authority will deal with the Gambling Act whilst adopting a multi-disciplinary approach to the integration of local and national strategies.

Part 4 of this Statement details the licensing objectives in more detail.

Part 5 deals with the Council's policy on location, area profiling and risk assessments.

Part 6, Section 6.2 details the principles to be applied by the Authority in exercising the powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. This is detailed as a separate section to comply with Regulation 5.

Part 6, Section 6.4 sets out the principles to be applied by the Authority in exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for, or in respect of a premises licence. This is detailed as a separate section to comply with Regulation 5.

Parts 7 and 8 details the authorisations available under the Gambling Act 2005 which include our local standards (policy) relevant to the specific types authorisation.

Part 11, Section 11.1 details the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section. This again is detailed as a separate section to comply with Regulation 5.

## **1.4 The Sheffield Area**

Sheffield is one of England's largest cities and a metropolitan borough in South Yorkshire, England. The city has grown from largely industrial roots to encompass a wide economic base.

Sheffield is located fairly centrally in Britain in the metropolitan county of South Yorkshire. Lying directly to the east is Rotherham, from which it is separated by the M1 motorway. On its northern border is Barnsley Metropolitan Borough and to the south and west is the county of Derbyshire. Sheffield is the only city to include part of a national park, the Peak District, within its borders.

With a population of 551,800, the City of Sheffield is England's third largest metropolitan authority.

Sheffield benefits from a rich mix of cultural diversity and is fast becoming one of the leading cities for the provision of a wide variety of entertainment and cultural activities.

Sheffield is at the cutting edge of new technology, with two internationally renowned universities, a city of young people which continues to grow in population, a friendly place with vibrant and friendly communities, a thriving city centre, and beautiful parks and green open spaces.

The below map shows Sheffield's boundary:



## 1.5 Consultation

The Licensing Authority is committed to consulting with as wide and varied an audience as possible regarding this and any future Policies or any amendments in accordance with the Gambling Act 2005.

Under section 349(3) the Licensing Authority must in any case consult with the following: -

- the Chief Officer of Police for the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

A list of all those persons consulted is attached at Appendix 2.

## 1.6 Monitoring and Review of this statement

This statement must be published at least every three years and will be reviewed and revised from time to time, subject to consultation on those parts that are revised and the statement then will be re-published.

This Statement of Principles will have effect from January 2016.



## Part 2 – General Principles

### 2.1 A summary of process

This Licensing Authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant codes of practice issues by the Gambling Commission under section 24;
- in accordance with any relevant guidance issued by the Gambling Commission under section 25;
- reasonably consistent with the licensing objectives; and
- in accordance with this Statement of Principles (policy).

Nothing in this Statement of Policy will:

- prevent any person from applying under the Gambling Act 2005 for any of the permissions and from having that application considered on its own individual merits; and
- prevent any person or stop any person from making representations on any application or from seeking a review of a licence or certificate where the Gambling Act 2005 permits them to do so.

The Licensing Authority will regulate gambling in the public interest and cannot take into account whether there is an unfulfilled demand for gambling facilities. Each application will be considered on its own individual merits without regard to demand.

### 2.2 Promotion of the licensing objectives

In exercising their functions under the Gambling Act 2005, Licensing Authorities must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are: -

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority expects applicants to offer their own measures to meet the licensing objectives. Neither demand nor moral objections will be taken into account when determining applications. Further information regarding the licensing objectives can be found at Part 4 of this Statement of Principles.

### 2.3 The Functions of the Licensing Authority

'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

Licensing Authorities are required under the Gambling Act 2005 to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- issue Provisional Statements;
- regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and / or Club Machine Permits;
- issue Club Machine Permits to Commercial Clubs;
- grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for use of two or fewer gaming machines;
- issue Licensed Premises Gaming Machine Permits for premises licensed to sell / supply alcohol for consumption on the licensed premises (under the Licensing Act 2003), where there are more than two machines;
- register small society lotteries;
- issue Prize Gaming Permits;
- receive and endorse Temporary Use Notices;

- receive Occasional Use Notices;
- provide information to the Gambling Commission regarding details of licences (see section 2.6 of this policy on “Exchange of Information”); and
- maintain registers of the permits and licences that are issued under these functions.

## 2.4 Applications

The Act places a duty on the Licensing Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:

- the Codes of Practice,
- the Commission’s Guidance,
- this Statement of Principles; and
- where the application is reasonably in accordance with the licensing objectives.

As these are the criteria against which an application is to be assessed, representations which address these issues are more likely to be accepted and given weight.

Applicants are advised to take into account the above when applying to the Licensing Authority.

This Statement of Principles will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Forms and notices relevant to activities within the Licensing Authority’s remit are available from the Licensing Service at the address given in at Part 13.

## 2.5 Fees

The Licensing Authority will set fees for premises licences from within fee bands prescribed by Regulation. Each premises type will have separate fee bands. The fees once set will be reviewed to ensure that the fees cover the costs of administering the Act.

A list of current fees can be obtained from our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing) or from the Licensing Service, contact details can be found at Part 13.

## 2.6 Exchange of information

Licensing Authorities are required to include in their Statement of Principles (Policy) the principles to be applied in exercising their functions under Sections 29 and 30 of the Act.

The principles are in respect of the exchange of information between the Licensing Authority and the Gambling Commission, and the functions under Section 350 of the Act with respect to the exchange of information between the Licensing Authority and those persons listed in Schedule 6 to the Act.

The Licensing Authority will apply the general principle of dealing with any exchange of information in accordance with the provisions of the Gambling Act 2005 and in accordance with the provisions of the Data Protection Act 1998.

Any information supplied must only be used for the purposes for which it is obtained, it must be securely retained whilst in the possession of the party that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant Regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## 2.7 Duplication

The Licensing Authority will so far as possible avoid duplication with other regulatory regimes.

The grant of a licence does not imply the approval of other legislative requirements.

## **2.8 Departure from Policy**

The Licensing Authority may depart from this Policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the Licensing Objectives and fairness. In the event of departure from this Policy the Licensing Authority will give full reasons for the decision to do so. (i.e. each case will be dealt with upon its own individual merits).

Any advice about this Policy and general advice about the Gambling Act 2005 can be obtained from the Licensing Service, see contact details at Part 13.

Please Note: The Licensing Service will be unable to give legal advice on the Gambling Act 2005. Any legal advice should be obtained from their own Solicitor or Legal Advisor.

## Part 3 – Integrating Strategies

There are a number of statutory provisions which apply to every action the Council takes as a public authority, including the work it undertakes in its capacity as the Licensing Authority. These include, for example:

- duty to have regard to the interest of Sheffield's tax payers;
- its Human Rights Act obligations;
- its duty to have due regard to the need to promote race equality (including the Equality Act 2010) and to the need to eliminate unlawful race discrimination and the statutory obligations in relation to disability age and gender.

The Council is committed to fulfilling all of its obligations when exercising licensing functions and will consider the use of its full range of powers in order to do so.

As well as the above legal obligations, the Licensing Authority is committed to ensure proper integration of local and national strategies to promote the Licensing Objectives

Sheffield's Statement of Principles (Policy) will work alongside existing Council strategies (e.g. local crime prevention, planning, transport, tourism, culture strategy and protection of children and vulnerable persons) and the Licensing Authority will ensure continuing co-ordination and integration of these policies to include the setting up of separate working groups.

Any developers and/or individuals that are looking to start a business in Sheffield that requires licensing are encouraged at the outset to consider the policies of all Council Services that are in place that may affect their business proposals. A good example of this is the many planning policies that are in place to assist you when considering investing in the City. Information about all these policies and many more can be found on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk).

It is essential that applicants are aware of and have regard in their risk assessments to these policies and strategies (including those that may not be listed) when considering making an application.

### 3.1 Sheffield City Councils' 'Corporate Plan 2015-2018'

The Corporate Plan sets out the overall direction and priorities of the Council for the next three years and focuses on helping people who live, work, learn and visit our city to enjoy what Sheffield has to offer.

The plan is structured around the five priorities of the administration that capture our long term ambitions for Sheffield:

1. **An in touch organisation**
2. **Strong economy**
3. **Thriving neighbourhoods and communities**
4. **Better health and wellbeing**
5. **Tackling inequalities**

In relation to the Gambling Act, the main priorities operators should focus on is 'Strong Economy' and 'Thriving neighbourhoods and Communities'

#### **Strong Economy:**

"A strong economy means creating the conditions for local businesses to grow and making Sheffield an attractive location to start a business. We want Sheffield to achieve our economic potential and for the pace of Sheffield's economic growth to quicken, particularly in the private sector. This means being well-connected, both physically and digitally, building on our success as a city that supports businesses to grow and playing a full, distinctive role in the global economy. We want local people to have the skills they need to get jobs and benefit from economic growth; and to make the most of the distinctive things Sheffield has to offer, such as cultural and sporting facilities"

As a Licensing Authority, we will contribute to help achieve our economic potential, be well connected, with skilled individuals and assist businesses by ensuring we have:

- Vibrant City – help get the right mix of business leisure and retail
- Distinctive cultural and sporting assets – assist in delivering and maintaining these venues

### Thriving neighbourhoods and communities

“This means neighbourhoods where people are proud to live, with communities that support each other and get on well together. We want people living in Sheffield to feel safe and will continue to join with other agencies in the city to make it easier for local people and communities to get involved, so we can spot and tackle issues early.”

As a Licensing Authority, we will assist people to have a good quality of life and feel proud and safe of where they live by:

- Assisting in improving community safety by reducing antisocial behaviour

Applicants should have regard to this plan to link in their business with the direction of this City.

This Corporate Plan assists in contributing to the delivery of the following City Strategy.

## 3.2 The Sheffield City Strategy 2010-2020

Sheffield First Partnership brings together the public, private, voluntary, community and faith sectors to work together to make Sheffield a successful city. In doing so a City Strategy was produced which outlines a vision for Sheffield by the year 2020.

The vision is

***‘It’s 2020: Sheffield is a city of global significance, distinctive, successful, inclusive, vibrant and sustainable. A great city, where people from across the world want to live, learn, work, invest and visit’.***

**In order to reach this vision, the strategy looks to focus on delivering five key ambitions for Sheffield:**

1. **Distinctive;** celebrating and communicating to people across the world the distinctive and authentic character of Sheffield, what the city has to offer and the sense of pride local people have in the city and its communities.
2. **Successful;** building a strong, internationally successful local economy, working with our partners within Sheffield City Region to ensure that local industry and businesses trade with companies from across the world.
3. **Inclusive;** a city which ensures that everyone has a chance to succeed and fulfil their potential, and where people feel welcomed, valued and can fully participate in the life of the city.
4. **Vibrant;** celebrating the diversity, creativity, energy and innovation in Sheffield and ensuring that the city continues to be an international destination of choice, offering the highest quality cultural, shopping and sporting activities.
5. **Sustainable;** a city where everyone plays their part to ensure that future generations can enjoy the city and its surrounding areas, and that Sheffield plays a role on the international stage in protecting our environment.

Particular attention should be focused by operators to promote and support the key ambitions of being ‘**successful**’ and ‘**vibrant**’ in relation to this policy.

## 3.3 Safer and Sustainable Communities Partnership Plan 2014/17

This plan takes its lead from the Sheffield City Strategy 2010-2020 and is written by the city’s Community Safety Partnership who has statutory responsibilities established under the Crime and Disorder Act 1998.

The partnership has a legal responsibility to produce a plan to tackle crime, anti-social behaviour and drug and alcohol misuse.

This plan is linked into the Police and Crime Commissioner plan with their priorities being :

- Protecting vulnerable people
- Tackling crime and anti-social behaviour
- Enabling fair treatment

The Licensing Authority supports such plans to reduce crime and disorder in local communities and protecting the vulnerable.

### 3.4 Sheffield Alcohol Strategy

The Sheffield Alcohol Strategy is a strategic document to guide the city's response to alcohol use which would link into some gambling licensed premises.

The 2010-2014 Sheffield Alcohol Strategy had an overall vision which focused alcohol work in the city. This vision was

- A responsible drinking culture is present and drinking is a positive, rather than damaging, aspect of social interaction;
- Alcohol is a positive part of the city entertainment offer and contributes to a vibrant economy, within both the city centre and neighbourhoods;
- Harm from alcohol is minimised through agencies and communities working effectively together to achieve cultural change in how alcohol is perceived and used.

The 2016-2020 strategy addresses five broad themes relating to alcohol in order to provide a wide reaching approach to alcohol use and misuse in the city. The five themes are:

1. Alcohol and Health
2. Alcohol, Treatment and Recovery
3. Licensing Trading Standards and the night time economy
4. Alcohol and Crime
5. Community responses and vulnerable groups

The Licensing Authority supports such strategies and plans for a safe and sustainable night time economy. To assist; licence holders should encourage access to information on drug and alcohol treatment services and domestic abuse services in regards to financial abuse.

Further information and website details for DACT can be found at Part 13 of this document.

### 3.5 Culture Strategy

Sheffield's Culture Strategy is a direct follow on from Sheffield's 2010 UK City of Culture bid. It stakes our claim to be a city of culture with creativity at the heart of everything we do.

### 3.6 Sheffield City Centre Master Plan

The City Centre Master plan outlines how the Council will take forward the regeneration of Sheffield City Centre. The Master plan sets out the vision for the city centre, with a focus on retail, economy and sustainability. It will guide future regeneration and will therefore have a large impact on the future shape of the city centre.

Applicants who wish to apply or vary their licenses are recommended to take into the master plan.

### 3.7 Accessible Sheffield

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

The partnership is supporting the development and delivery of an exciting new city Access Guide and Access Card scheme.

Inclusive information is an integral part of tourism, disabled people nationwide are accountable for an £80billion annual spend so promoting accessibility is part of building a vibrant economy for the city and ensuring that all of the city's attractions are promoted and well used.

Through working in partnership the project aims to:

- Promote good practice in terms of access and service provision via the Credibility Quality Assurance Systems

- Encourage providers and businesses within the city to use the Access Card scheme to offer discounts via the card.

For further information, please contact The Centre for Independent Living Tel: 0114 253 6750.

### **3.8 GamCare**

GamCare is the leading national provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. Their services are confidential, non-judgemental and expert.

They provide training and materials to the gambling industry to improve social responsibility and player protection. These programs provide attendees with vital insights on how to recognise the signs of problem gambling behaviour and advice on how to interact with players to achieve a positive outcome.

The Licensing Authority recommends that licence holders support and are in partnership with GamCare.

### **3.9 Integration with Planning**

The Licensing Authority recognises that there should be a clear separation of the Planning and Licensing Functions. Licensing applications will not be a re-run of the planning application.

While there is no obligation for an applicant to have planning permission before applying for a licence, it is strongly recommended that planning use be obtained first so that proper consideration can be given to the impact the use of the premises will have on the surrounding amenities, character and locality.

Licence holders, applicants and businesses should take into account local planning policies and the new Local Plan when adopted to ensure they fit into with the requirements for the plans of the city.

Businesses are also reminded to keep up to date with changes in usage and planning permission requirements (e.g. betting shop usage).

### **3.10 The Sheffield Local Plan**

This will be the statutory development plan for Sheffield. It will set out the overall spatial strategy for Sheffield and contain development management policies to help achieve these aims. Until the Local Plan is adopted in 2018, the strategic and development management policies are those in the Core Strategy and Unitary Development Plan, respectively.



## Part 4 – Licensing Objectives

### 4.1 Objective 1: Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

Anyone applying to the Licensing Authority for a premises licence will be required to hold an operating licence from the Gambling Commission before a licence can be issued. Therefore, the Licensing Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.

Sheffield City Council places considerable importance on the prevention of crime and disorder, and the Licensing Authority will fulfil its duty under the Crime and Disorder Act 1998. A high standard of control is therefore expected to be exercised over licensed premises.

### 4.2 Policy – Objective 1

The Licensing Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder or have any other impact in relation to this objective.

The following are considerations when determining this and would normally be expected to be in your risk assessments:

- The location of the premises (see location policy at Part 5)
- Whether the premises has a history of crime and disorder or has been associated with crime and/or disorder and whether there are potential future risks of this occurring (see location policy at Part 5).
  - The likelihood of any violence, public nuisance, public order or other crimes and policing problems if the licence was granted.
- The design, layout and fitting of the premises
  - Has it been designed to minimise conflict and opportunities of crime and disorder?
  - Physical security features installed in the premises. This may include matters such as the position of the cash registers or the standard of CCTV that is installed
- What sufficient management measures are proposed to promote this licensing objective and what other measures have been considered.
- Have local supporting strategies, schemes and plans been assessed and included in the risk assessments to promote this licensing objective? (see also Integrating Strategies at Part 3)
  - How are such plans and strategies supported by the applicant?
  - It is recommended that applicants seek advice from South Yorkshire Police when addressing this issue as well as taking in to account local Planning and Transport Policies, Tourism, Cultural and Crime Prevention Strategies. Information relating to crime reduction is available at the South Yorkshire Police website [www.southyorks.police.uk](http://www.southyorks.police.uk).

Conditions may be attached to Premises Licences in order to promote this licensing objective, and will, so far as possible, reflect local crime prevention strategies (also see conditions section 10.4).

All applicants will be expected to demonstrate to the satisfaction of the Licensing Authority how they intend to promote this objective

The steps to be taken to promote the objective will be a matter for each applicant to consider, depending upon the nature of the premises and the licensable activities for which a licence is sought. These steps will therefore differ from one premise to another and each application for a Premises Licence will be considered upon its own individual merits.



## Determining an opposed application

The Licensing Authority considers South Yorkshire Police to be the main source of advice on crime and disorder.

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

Where an applicant has omitted information on the above, the Licensing Committee will ask questions of the applicant on such and will consider attaching appropriate conditions.

### 4.3 Objective 2: Ensuring that gambling is conducted in a fair and open way

This Licensing Authority has noted that the Gambling Commission states that it generally does not expect Licensing Authorities to be concerned with ensuring that gambling is conducted in a fair and open way. This is because this will usually be concerned with either the management of the gambling business (and therefore subject to the operating licence), or the suitability and actions of an individual (and therefore subject to a personal licence). These permissions both fall within the remit of the Gambling Commission.

Licensing Authorities must consider factors relevant to any of the three licensing objectives.

The exception to the above is for occupiers of tracks who do not propose to offer gambling themselves. This means there will be more of a role for Licensing Authorities in this area which is explained in more detail in the 'tracks' section at 7.12.

### 4.4 Policy – Objective 2

The following are considerations when determining an application and would normally be expected to be in your risk assessments:

- Whether sufficient management measures are proposed to promote this licensing objective.
- The design, layout, lighting and fitting of the premises.
  - Has it been designed to ensure gambling is conducted in a fair and open way?
  - Physical security features installed in the premises. This may include matters such as the position and standard of CCTV that is installed
  - Separation of areas and adequate supervision
- Is the management and operation of the premises open and transparent?
  - Co-operation with enforcement agencies.
  - Ensuring correct protocols and procedures are in place to promote objective.
  - Compliance with the Gambling Commissions code of practice.

### 4.5 Objective 3: Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Act defines children as meaning an individual who is under 16 years old (persons under the age of eighteen are 'young persons'). The objective here is specific to protecting children from being harmed or being exploited by gambling.

The Licensing Authority will expect applicants to consider the measures necessary to promote this objective which includes preventing children and vulnerable people from being enticed to gamble or to take part in inappropriate gambling and how operators intend to prevent children from entering those gambling premises which are adult only environments.

The Licensing Authority is also aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises such as casinos.

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

#### 4.6 Policy – Objective 3

The following would normally be expected to be included and addressed in your risk assessments which in turn will be used in determining your application:

- The location of the premises (see location policy at Part 5) e.g.:
  - Are the premises located close to premises frequented by children or other vulnerable persons? E.g. Schools, substance misuse treatment services, youth services, play areas; are the premises near to social housing or a treatment centre for gambling addicts, hospitals etc. (See local area profiling)
  - Is a gambling premises suitable to be located there?
  - Are there sufficient controls, procedures and conditions in place to promote this licensing objective?
- Whether any promotional materials or advertising associated with the premises could encourage the use of the premises by children or vulnerable persons.
- Whether there are sufficient management measures in place to ensure adequate training and refresher training for staff is in place to protect children, young persons and vulnerable persons who may be harmed or exploited by gambling.
- The following measures are requirements that operators must address in Sheffield to promote this licensing objective; these would include but not be limited to the following:
  - a risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Safeguarding Children Board risk assessment guidance available at <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>.  
The outcome of the risk assessment should inform staff training and the operating policy.
  - a member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons (for a description of this role refer to <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>);
  - a recognised Proof Of Age Scheme to be operated in all areas of the premises where alcohol is on sale and at entrances to areas of the premises which give access to adult gambling facilities;
  - staff shall receive induction and refresher training in relation to procedures and operating systems for the protection of children and vulnerable people. Staff training records shall be maintained and be available for inspection at the reasonable request of the Responsible Authorities;
  - a written record shall be maintained of all staff interventions that are made with customers for the protection of children and other vulnerable persons including: refusals of service or admission, the provision of self-help information; membership records for the self-exclusion scheme including photographic ID; records of interventions with parents/carers who fail to behave responsibly at the premises; records of persons barred.
  - signage to be displayed in areas where children are admitted
  - A customer charter promoting the principles of acceptable behaviour at the premises including that adults must supervise their children at all times;
  - Self-testing procedures should be in place to identify training needs and staff competence in relation to age verification.

- Staff training should include techniques for identifying and engaging with vulnerable adults who gamble
- Staff training should include managing confrontation.
- Measures to be in place to prevent underage or vulnerable persons accessing online gambling if offered at a premises.
- areas for adult gambling must be clearly segregated and physically supervised to prevent underage admission. Signage must be displayed to promote the restrictions.
- signage displayed on age restricted games;
- bandit screens used;
- self-help notices and literature should be accessible to customers;
- staff to be trained to recognise vulnerable customers (for example, when people appear to be under duress when placing a bet or who appear to lack capacity (meaning they are unable at the time to understand the risks and likely implications of Gambling) such as becoming agitated, aggressive, attempting to breach agreed limits or self-exclusion agreements; engaging in superstitious type rituals);
- Operators are encouraged to establish links with the Sheffield Safeguarding Children Board as the Responsible Authority under the Gambling Act 2005 and with the Sheffield Adult Safeguarding Board as an advisory service regarding vulnerable adults.

The Licensing Authority will consider this licensing objective on a case by case basis and each application for a Premises Licence will be considered upon its own individual merits.

### **Determining an Opposed Application**

The Licensing Authority will give considerable weight to representations about child protection matters in licensed premises.

It will consider the Sheffield Safeguarding Children Board as a source of advice in relation to the protection of children and vulnerable adults.

## Part 5 – Location, Area Profiling and Risk Assessments

### 5.1 Location

In considering the location of premises, issues of demand cannot be considered. Considerations can however be made on the location of the premises in relation to promoting the licensing objectives.

The Licensing Authority sets out the following policy in relation to location.

### 5.2 Policy - Location

The licensing authority will pay particular attention to two of the three licensing objectives in considering location, that being: the protection of children and vulnerable persons from being harmed or exploited by gambling, and crime and disorder issues.

Whilst each application will be treated upon its own merits, applications which the authority feels is in close proximity or on route to the following sensitive locations will require applicants to provide further detailed information as to how their proposals will promote the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):

- a school, college, nursery or other similar premises substantially used by or for children or young persons (including children's homes and specialist units);
- a park or similar space used for children's play or young people's recreational activity;
- a Hospital, Mental Incapacity or Disability Centre or similar premises;
- vulnerable adult centres and community buildings (e.g. centre for gambling addicts)
- substance misuse treatment services
- youth or other children or vulnerable people specialist services.
- social housing for vulnerable adults
- locations known to attract unaccompanied vulnerable young people or criminals
- high crime and disorder hot spots

#### Areas Nearing Stress

In some areas of Sheffield, a concentration of licensed premises exist which are leading to problems effecting the licensing objectives. The following areas are causing 'stress' but are not, in the opinion of the licensing authority, at the level where we have adopted any form of a cumulative impact policy:

AREA
Fitzalan Square
Darnall Centre
Hillsborough Corner

Applicants making applications for a licence in these areas are advised to carefully think about the licensing objectives and consider what measures they would take in their risk assessments to minimise the addition of any further impact.

In considering any applications under this policy, the licensing authority will still take care to ensure the Act and guidance is applied and considers the merits of all individual cases.

### 5.3 Area Profiling and Risk Assessments

The Licensing Authority needs to be satisfied that there is sufficient evidence that the particular location of the premises would not be harmful to the licensing objectives.

From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

This Licensing Authority requests that these assessments are submitted from the 6<sup>th</sup> April 2016.

Licensees must review (and update as necessary) their local risk assessments:

- when applying for a variation of a premises licence;
- to take account of significant changes in local circumstance, including those identified in this policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks; and
- in any case, undertake a local risk assessment when applying for a new premises licence.

### 5.4 Policy - Risk

The Authority would normally expect applicants to consider the following in their local risk assessments:

- Whether the premises is in an area subject to high levels of crime and/or disorder
- Location of areas/buildings that attract or involve the presence of children and vulnerable people (e.g. schools, leisure centres, certain shops, children's homes, substance misuse treatment services or other specialist services for children and vulnerable people; money lending organisations etc)
- Demographics of the area and in particular to vulnerable groups (eg the location of the premises in deprived areas, level of social housing, or location in relation to money lending businesses)
- Location of services for vulnerable groups in the area
- Deprivation of local area (at the very least the Ward area)
- Local policies and strategies to assist in the promotion of the licensing objectives (see also Integrating Strategies at Part 3)

The above list is not exhaustive but shows a minimum requirement from this authority, applicants may wish to add anything additional to mitigate any risks to promote the licensing objectives.

To assist applicants with the above local area profiling and their risk assessment, the following links and information may assist:

- **Sheffield fact and figures:**  
<https://www.sheffield.gov.uk/your-city-council/sheffield-profile/introduction.html>
- **Ward profiles:**  
<https://www.sheffield.gov.uk/your-city-council/sheffield-profile/ward-profiles.html>  
This is an excel-based Ward Profile Tool that has been produced to provide analysis and statistics for a variety of key topics such as demographics, education, crime and the economy, as well as providing information from the census, at a local level.
- **South Yorkshire Police**  
[www.southyorks.police.uk](http://www.southyorks.police.uk)  
Information relating to crime reduction is available at the South Yorkshire Police website.

## 5.5 Policy - Area

The licensing Authority will consider the following factors when deciding if an application is appropriate in a location:-

- the possible impact a gambling premises may have on any premises that provide services to children, young people and vulnerable persons, i.e. a place of education, play, recreation or treatment or vulnerable adult centres in the area and any mitigating factors put in place by the applicant to reduce risk
- the possible impact a gambling premises may have on residential areas where there may be a high concentration of families with children and any mitigating factors put in place by the applicant to reduce risks
- the size of the premises and the nature of the activities taking place
- appropriate number of staff and supervision procedures
- levels of crime in the area and the impact of the grant of the licence
- If the applicant has offered any conditions which would mitigate risks and promote the licensing objectives.
- How the premises will operate to restrict access to children, young persons and vulnerable persons
- Details of any partnership working arrangements the operator has in place with police, social care or similar agencies).
- How the risk of online gambling will be managed if offered at a premises

This list is not exhaustive, but is a number of factors that will be taken into account regarding the suitability of location.

## Part 6 - Responsible Authorities, Interested Parties & Representations

### 6.1 Responsible Authorities

The Gambling Act 2005 sets out in Section 157 a list of bodies to be treated as Responsible Authorities under the Act.

Responsible Authorities are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, Premises Licences. All representations made by Responsible Authorities are likely to be relevant representations if they relate to the Licensing Objectives.

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children Board;
- HM Revenues & Customs; and
- any other person prescribed in Regulations by the Secretary of State.

### 6.2 Policy – Safeguarding Children Board Statement of Principles (Section 157(h) of the Act)

The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. Those principles are:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

The Licensing Authority has designated Sheffield Safeguarding Children's Board of Sheffield City Council for this purpose in relation to children and vulnerable people.

The contact details of all the Responsible Authorities are set out in Part 13 and available on the Licensing Authority's website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

### 6.3 Interested Party

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 sets out the persons to be treated as Interested Parties under the Act.

For the purpose of this part a person is an “Interested Party” in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)

### 6.4 Policy – Interested Party Statement of Principles (SI2006/636)

The Licensing Authority is required by Regulations to state the principles it applies in exercising its powers under the Gambling Act 2005 to determine whether a person is an Interested Party.

The Licensing Authority will apply the following principles in determining whether a person or body is an interested party for the purposes of the Gambling Act 2005:

- a) each case will be decided upon its own merits subject to the licensing objectives and to any requirements imposed by the Gambling Act 2005;
- b) the Licensing Authority will not apply a rigid rule to its decision making.

The Licensing Authority will:

- have regard to any guidance issued by the Gambling Commission with regard to the status and interpretation of ‘Interested Parties’.
- also consider the Gambling Commissions Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has also recommended that Licensing Authorities state that ‘Interested Parties’ are to include trade associations, trade unions, and residents and tenants associations. This Authority will not, generally view these bodies as ‘Interested Parties’ unless they have a member who can be classed as an ‘Interested Party’ under the terms of the Gambling Act 2005 (i.e. lives sufficiently close to the premises to be likely to be affected by the activities applied for).

This Authority will however, require written evidence that a person / body (e.g. an advocate or relative) “represents” someone who either lives sufficiently close to the premises so that they are likely to be affected by the authorised activities and / or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillor(s) are not part of the Licensing Committee dealing with the licence application. (Note: If there is any doubt then please contact the Licensing Service, see contact details at Part 13.



## 6.5 Making Representations

Representations to applications or requests for a review should be based on the licensing objectives of the Gambling Act which are set out at the start of this Statement.

Representations received outside the statutory period for making such representations or which otherwise does not comply with the regulations will be invalid and will not be taken into consideration when the application is determined.

## 6.6 Policy - How to make a representation

The Licensing Authority expects representations to include the following:

- a) the name, address and a contact number for the person making the representation.
- b) the capacity in which the representation is made (i.e. Interested Party or Responsible Authority) and if made as a representative should indicate who is being represented with their name and address.
- c) the name and address of the premises in respect of which the representation is being made.
- d) the licensing objective(s) relevant to the representation.
- e) why it is felt that the application:
  - is not reasonably consistent with the licensing objectives; or
  - is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or;
  - otherwise should not be granted or;
  - should only be granted subject to certain specified conditions  
**(one or more of the above reasons should be listed)**
- f) details of the evidence supporting the opinion in (e).

It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit, or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

The above criterion is to ensure that the representation is made by a Responsible Authority or Interested Party and that it is relevant and directly related to the premises the application refers to.

### Petitions

We understand that petitions are sometimes attached as a form of representation to an application. Should you wish to submit a petition, the Licensing Authority would expect that it entails the above listed information.

The Licensing Authority would also expect that there is:

- An organiser of the petition who will be the point of contact
- A spokesperson to discuss the views and answer questions on behalf of the petitioners at any Licensing Committee hearing

Whilst representations which are not in the preferred form or which do not fully comply with the above will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

Where valid representations are received the Authority will hold a hearing.

## Part 7 - Premises licences and Reviews

### 7.1 General principles

Gambling may be authorised in various ways dependant on the nature of the gambling activity involved. In general either a premises licence or permit will be needed, though certain activities may be authorised by way of notification. The involvement of Responsible Authorities, Interested Parties and the degree of control and discretion available to the Licensing Authority varies, dependent upon the type of authorisation necessary. Part 7 and 8 of this statement addresses the local standards applicable to the various types of authorisation.

The Licensing Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling as far as it thinks it is:

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- reasonably consistent with the Licensing Objectives; and
- in accordance with the Authority's Statement of Principles (Policy).

### 7.2 Policy - Premises

When considering applications for premises licences the Licensing Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission or building regulations approval being granted, except in the case of a Provisional Statement or an application to allow a track to be used for betting where other persons will provide the betting facilities.

Applicants for a premises licence will need to show to the satisfaction of the Authority that they

- have a right to occupy the premises concerned;
- hold a valid Operating Licence from the Commission or have applied for an Operating Licence and
- meet such other criteria set in this policy document.

The Premises Licence can be only issued once the Operating Licence is issued. In the case of a Provisional Statement where the applicant does not currently have a right to occupy the application premises, the Authority will require written confirmation that the applicant may reasonably expect to acquire that right within a reasonable time.

Applicants will need to demonstrate that the primary purpose of the premises will be fulfilled and are encouraged to provide to the Licensing Authority the precise arrangements for primary and ancillary gambling activities at the premises.

### 7.3 Definition of a 'Premises'

In the Act, "premises" is defined as including "any place".

Section 152 therefore prevents more than one premises licence applying to any one place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises.

This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or a shopping mall to obtain discrete premises licences, where appropriate safeguards are in place.

Particular attention will be paid if there are issues about sub-divisions of a single building or plot and licence holders should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean 32 High Street cannot be the subject of separate premises licences for

the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the decision is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises”.

#### **7.4 Policy - Divided premises**

The Licensing Authority takes particular care in considering applications for multiple licences for a building, as part of the consideration, applicant must demonstrate the following:

- that the premises are genuinely separate and have not been artificially divided to what is already identifiable as a single premises;
- separation between the premises is appropriate;
- that the licensing objectives and the authorities expectations on promoting the those are taken into consideration;
- the primary use of each area to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business
- that the Licensing Authority will take into particular regard the third licensing objective which seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating;
- steps have been taken in preventing unlawful direct access by customers between licensed premises –
  - entrances and exits from parts of a building covered by one or more premises should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- That any local schemes and strategies have been assessed and promoted where ever possible (see also Integrating strategies at Part 3)

The Licensing Authority may also consider the following factors listed in the Commissions guidance:

- Do the premises have separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or public passageway?
- Can the premises only be accessed from any other gambling premises?

These and other relevant factors will be considered when making a decision, depending on all the circumstances of the case.

## **7.5 Premises ready for Gambling**

A licence to use premises for gambling will only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready for gambling in the reasonably near future, consistent with the scale of the building or alterations required before the premises are brought into use.

If the construction of a premises is still not complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead (see below).

### **7.5.1 Policy – Premises ready for gambling**

In deciding whether a premises licence can be granted where there is outstanding construction or alteration works at a premises, the Licensing Authority will determine applications on their merits, applying a two stage consideration process:

- 1) whether the premises ought to be permitted to be used for gambling; and
- 2) whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

The Licensing Authority may request any other information they may feel relevant in determining the application.

Licensing Authorities are not obliged to grant a licence, where it does seem appropriate to grant a licence, it may do so by attaching conditions.

## 7.6 Types of Premises Licences and Provisional Statements

Premises licences are only necessary for the following types of gambling:

- Betting premises (including tracks)
- Casino premises
- Bingo premises
- Adult gaming centres
- Licensed family entertainment centres

The Gambling Act allows “Responsible Authorities” (identified in section 157 of the Act) and “Interested Parties” to make representations to applications relating to premises licences and provisional statements (see making representations at section 6.5). In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is restricted to specified bodies.

## 7.7 Provisional Statements

Developers may wish to apply for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to require the right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and Interested Parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of the provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.

The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow grant of a provisional statement, no further representations from Responsible Authorities or Interested Parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change to the applicant’s circumstances.

In addition, the Licensing Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the Authority’s opinion reflect a change in the operators circumstances; or
- where the premises have not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and the Licensing Authority notes that it can discuss any concerns it has with the applicant before making its decision.

The provisions set out below apply to provisional statements as they apply in relation to premises licences.

## 7.8 Adult Gaming Centres (AGC's)

These premises must be operated by persons holding a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Licensing Authority.

Section 172(1) of the Act permits the following on AGC's:

- category B machines; and
- unlimited category C and D machines.

The Category B machines are limited to B3 and B4 and the number of category B machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

### Access

- No one under the age of 18 is permitted to enter an Adult Gaming Centre.
- No customer must be able to access the premises directly from any other licensed gambling premises.

### 7.8.1 Policy - AGC

Factors for consideration by the Licensing Authority when determining the application for an Adult Gaming Centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling through risk assessments and in particular the location (see location policy at Part 5); and
- Applicants measures and procedures to minimise illegal access to the premises by under 18's

The Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant for an Adult Gaming Centre to satisfy to the Licensing Authority that there will be sufficient measures to control access to and participation in gambling by such persons.

The Authority will also expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures / licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- change machines
- self-barring schemes
- provision of information leaflets/helpline numbers for organisations such as GamCare
- staff training
- record keeping
- signage
- publicity or advertising.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

In addition to the mandatory conditions attached by regulations issued by the Secretary of State, conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary (see section 10.4 on conditions).

## 7.9 Licensed Family Entertainment Centres

There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence from the Licensing Authority
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits (see section 8.2 of this Statement)

This section deals with FEC's, and persons operating a licensed FEC must hold a gaming machine general operating licence from the Gambling Commission and must seek a premises licence from the Licensing Authority.

### Access

- No customer must be able to access an FEC premises directly from any of the following:
  - a casino;
  - an adult gaming centre; or
  - a betting premises, other than a track.
- Children and young persons are permitted to enter an FEC and may play on the Category D Machines only. There must be clear segregation between category C and D machines, to ensure children do not have access to the category C machines. Access and egress points must be monitored.

### 7.9.1 Policy - FEC

Factors for consideration by the Licensing Authority when determining an application for a licensed family entertainment centre will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Applicants measures and procedures to minimise illegal access to the premises by under 18's.
- Measures and procedures for any staff supervision requirements and ensuring any risk to this particular licensing objective (Objective 3) is being suitably managed.
- Suitability of the location through the applicants local area risk assessments:

In determining the suitability of the location, specific consideration will be given to the following factors:

- proximity of premises to places of education, play or recreation; specialist services for children or vulnerable adults (e.g. a centre for gambling addicts), and community buildings;
- proximity to residential areas where there may be a high concentration of families with children; and
- whether the premises is within a shopping area centre or within the edge of one.

Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary in addition to the mandatory conditions attached by regulations issued by the Secretary of State (see section 10.4 on conditions).

Applicants are encouraged to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-barring schemes

- provision of information leaflets / helpline numbers for organisations such as GamCare.
- measures / training for staff on how to deal with suspected truant school children on the premises
- arrangements for partnership working with relevant agencies such as social care, police or similar.

This list is neither mandatory nor exhaustive and is merely indicative of example measures.

## 7.10 Casinos

Sheffield City Council, as the Licensing Authority has not passed a “No Casino” resolution under Section 166 of the Gambling Act 2005, but is fully aware that it has the power to do so.

Should Sheffield City Council, as the Licensing Authority, decide to pass a “No Casino” resolution in the future it will update this statement with details of that resolution. Any such resolution will be made by the Full Council.

Sheffield City Council has a number of casinos licensed in its area. Although the authority cannot grant any new casino premises licences, existing casino premises licences can be varied to increase or decrease permitted gambling area, vary the default conditions, or any conditions imposed by the authority.

The Secretary of State has made regulations setting out both mandatory and default conditions (conditions which the Licensing Authority can choose to exclude) for attaching to casino premises licences. These conditions cover the layout, access arrangements, number of player positions and requirements concerning the display of information.

Casino premises licences will be monitored by the Licensing Authority so far as the Act, the guidance, and the codes of practice allow. Such licences are also subject to the review process.

### Access

- The principle access entrance to the premises must be from a street (as defined under the Commissions guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- No one under the age of 18 is permitted to enter a casino (including for the purpose of working or performing/entertaining).

### 7.10.1 Policy – Casino Variation

Factors for consideration by the Licensing Authority when determining the application to vary a casino licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority’s considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises
- Applicants measures and procedures to minimise illegal access to the premises by under 18’s

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

Local area profiling through risk assessments and in particular the location (see location policy at Part 5)

### 7.10.2 Casinos and competitive bidding

Where a Licensing Authority area is enabled to grant a premises licence for a new style casino (i.e. where the Secretary of State has made such regulations under section 175 of the Gambling Act 2005 applying to the particular Authority) there are likely to be a number of operators who will seek the right to run the



casino. In such situations the Local Authority will run a competition in line with any regulations / codes of practice issued under the Gambling act 2005.

## 7.11 Bingo Premises

Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain prescribed threshold. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit – see the section on prize gaming permits later in this Statement of Principles.

Other types of bingo will require a bingo operating licence from the Gambling Commission and in addition a premises licence from the Licensing Authority.

The holder of a bingo premises licence may make available for the use of category B machines (restricted to B3 or B4 machines) and any number of category C or D machines. Category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises.

Children and young persons are permitted on a bingo premises but are unable to participate in the bingo. If there are any category C or D machines made available for use on the premises, these must be separated from areas where children and young people are allowed. Mandatory Conditions apply in such circumstances to ensure that children cannot gain access to other types of gaming machines.

### Access

- Customers must not be able to access a bingo premises directly from any of the following:
  - a casino;
  - an adult gaming centre; and
  - a betting premises, other than a track

### 7.11.1 Policy - Bingo

Factors for consideration by the Licensing Authority when determining an application for a bingo licence will include the applicants demonstrating:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's considerations under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises (see location policy Part 5)
- Suitability and lay out of the premises (see below description)
  - plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence
  - plans are to be marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown
- Demonstrate to the Licensing Authority that bingo can be played in any bingo premises for which a premises licence is issued.
  - This is to ensure avoidance of a situation where a premises holds a bingo premises licence primarily to benefit from the gaming machine allowance
  - This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded.

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

## 7.12 Betting Premises

The Act contains a single class of licence for betting though there are different types of premises within this class which require licensing.

Licensable activities include:

- off-course betting;
- on-course betting for tracks (see below);
- betting by way of betting machines; and
- up to four class B2, B3, B4, C or D category gaming machines

### 7.12.1 Off course betting (Betting shops)

Off course betting is betting that takes place other than at a track, typically in a betting shop and includes an entitlement to operate up to four gaming machines if category B2, B3, B4, C or D.

Conditions may be applied by the Licensing Authority in support of the licensing objectives if it is felt necessary and such licences are subject to mandatory and default conditions applied by regulations issued by the Secretary of State (see also section 10.4 on conditions).

#### Access

- Access must be from a street or from other premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- No one under the age of 18 is permitted to enter a betting premises.

### 7.12.2 Policy – Off course (Betting Shops)

Factors for consideration by the Licensing Authority when determining an application for a betting premises licence (other than a track) will consider how the applicant has demonstrated the:

- Promotion of the licensing objectives in Part 4 of this policy and the Authority's principles under this part
- Local area profiling of the applicant through their risk assessments
- Location of the premises in particular to young and/or vulnerable persons (see location policy Part 5)
- Procedures in place to prevent access to young people under the age of 18
- Suitability and lay out of the premises
- Size of the premise in relation to the number of betting machines
- The ability of staff to monitor the use or abuse of machines
- Self-exclusion systems
- Staff training in relation to responding to underage or vulnerable people

This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

### 7.12.3 Tracks

The Gambling Act 2005 defines a track as “a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place”.

Tracks may be subject to one or more premises licence provided each licence relates to a specified area of the track.

Track operators are not required to hold an operator’s licence granted by the Gambling Commission unless they are operating gambling activities themselves. Therefore premises licences for tracks issued by the Authority are likely to contain requirements for premises licence holders relevant to their responsibilities in relation to the proper conduct of betting.

The Licensing Authority recognises that track operators will have an important role to play in the regulation of gambling activities and expect that they will take proactive action appropriate to that role. For example in ensuring that betting areas are properly administered and supervised.

#### Access

- Customer should not be able to access a track premises directly from any of the following:
  - a casino; or
  - an adult gaming centre.
- There must be clear segregation between category C and D machines. Tracks will be required to have policies to ensure under 18’s do not participate in gambling other than on category D machines.

### 7.12.4 Policy - Tracks

The Licensing Authority will expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult-only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) in the determination of premises licence applications for tracks and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

Applicants are encouraged to offer their own measures to meet the licensing objectives. Appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes;
- CCTV;
- supervision of entrances / machine areas;
- physical separation of areas;
- location of entrances;
- notices / signage;
- specific opening hours;
- self-barring schemes; and
- provision of information leaflets / helpline numbers for organisations such as GamCare.
- Customer charter to promote responsible behaviour and supervision of children

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### **7.12.5 Policy - Applications and plans for Tracks**

Regulations set out specific requirements for applications for premises licences. In accordance with the Gambling Commission's suggestion to ensure that Licensing Authorities gains a proper understanding of what it is being asked to licence, the Authority requests the following information:

- detailed plans for the racetrack itself and the area(s) that will be used for temporary "on-course" betting facilities (often known as the "betting ring");
- in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the "Tote" or "Track Operator", as well as any other proposed gambling facilities;
- plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

The Licensing Authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this Authority can satisfy itself that the plan indicates the main areas where betting might take place.

It would be helpful to the Authority and the Responsible Authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown.

### **7.12.6 Policy - Rules being displayed**

Licensing Authorities will attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that measures are taken to ensure that they are made available to the public. For example; the rules could be printed in the race-card or made available in leaflet form from the track office.

## **7.13 Gaming Machines used on Tracks**

Guidance from the Gambling Commission addresses where such machines may be located on tracks and any special considerations that should apply in relation, for example, the location and supervision of the machines and preventing children from playing them.

The Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

## **7.14 Betting Premises on Tracks**

A track may hold a betting premises licence allowing betting to take place within defined areas, there may also be a number of subsidiary licences authorising other gambling activities to take place including off-course betting. Unlike betting offices (bookmakers), a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

Pool betting may also take place on certain types of tracks and the appropriate operating licence to enable this will be required before a premises licence authorising this activity may be determined by the Authority.

In line with the Commission's Guidance the Licensing Authority will expect operators of self-contained units on tracks to seek an ordinary betting premises licence to ensure that there is clarity between the respective

responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **7.15 Betting Machines on Tracks**

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of these machines by children and vulnerable people (it is an offence for those under 18 to bet), when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for Track Betting Premises Licences.

When considering whether to exercise its power to restrict the number of betting machines at a track the Council will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines especially if they are scattered around the site, and the ability of the track operator to prevent children and vulnerable people betting on the machines.

## 7.16 Reviews

Requests for a review of a premises licence can be made by 'Interested Parties' or 'Responsible Authorities', which include the Licensing Authority.

### 7.16.1 Policy – Reviews

It is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's Statement of Principles.

Due consideration will be given to all relevant representations unless they fit the following:-

1. the grounds are frivolous;
2. the grounds are vexatious;
3. the grounds are irrelevant;
4. the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence (i.e. where the Licensing Authority will not have any power to effect the licence) ;
5. the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
6. the grounds are substantially the same as representations made at the time the application for a premises licence was considered.

The onus will be on the Responsible Authority/Interested Party initiating the review to provide evidence in support of the matters for concern.

#### Applications by Responsible Authorities

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

The Licensing Authority considers the action planning approach an acceptable tool for demonstrating attempts at working together to achieve the licensing objectives.

#### Review applications by 'Interested Parties'

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

Before a review of a licence is requested, the licensing authority would expect to see evidence of:

- Talking to those who manage the premises to let them know about the problem and give them the opportunity to address the issues;
- Asking the licensing department to talk to those who manage the premises on your behalf; or
- Talking to the relevant "responsible authority" about the problem.

The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken but will seek to establish that all options have been considered.

## Part 8 - Permits, Notices and Lottery Registrations

### 8.1 Permits

Permits regulate gambling and the use of gaming machines on premises which do not require a premises licence under this Act where either the stakes are very low or gambling is not the main function of the premises.

Premises with this option include family entertainment centres, alcohol serving premises, members clubs, miners welfare institutes and those premises wishing to offer prize gaming can apply to the Licensing Authority.

Applications for permits are not required to be notified to the public in the same way as applications for premises licences and the right to make representations is limited to certain specified Responsible Authorities.

The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore the Authority will consider a number of factors before determining an application for a permit to ensure the permit holder and the premises are suitable for the proposed to carry out gambling activities.

The Licensing Authority is responsible for issuing the following permits:

- Unlicensed family entertainment centre gaming machine permits
- Alcohol licensed premises gaming machine permits
- Prize gaming permits
- Club gaming permits and club machine permits

Applicants are required to consider the licensing objectives in Part 4 of this policy and apply the general principles in Part 2 of this statement.

### 8.2 Unlicensed Family Entertainment Centre (UFEC) Gaming Machine Permits

Unlicensed family entertainment centres are those premises which provide category D gaming machines only and possibly other amusements such as computer games or penny pushers.

The premises are 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide category D machines. It should not be confused with a 'licensed family entertainment centre' which requires a premises licence because it provide both category C and D gaming machines (please see section 7.9 for further details of licenced family entertainment centres).

#### 8.2.1 General Principles

As per Section 238 of the Gambling Act 2005 the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use and may only offer category D machines (which can be played by a young person).

The Licensing Authority will require applicants to demonstrate:

- The premises will be used as an unlicensed FEC.
- The Police have been consulted on the application.
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's.
- That the applicant has no relevant convictions (see schedule 7 of the Act and below statement of principles regarding convictions)
- Staff are trained to have a full understanding of the maximum stakes and prizes
- A risk management plan is in place in relation to protecting children and vulnerable people

The Licensing Authority will in relation to an application for an unlicensed family entertainment centres take into account the following statement of principles when determining an application:

## **8.2.2 Policy – UFEC Statement of Principles (Schedule 10 paragraph 7 of the Act)**

Applicants are to use the prescribed application form when applying for such permit and attach the required fee and all supporting documentation requested.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be given to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed.

As well as the Police, Sheffield Safeguarding Children’s Board will also be consulted on the application.

The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

In doing so, the Licensing Authority will expect applicants to demonstrate to the Authority as part of the application:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm (harm in this context is not limited to gambling and includes wider issues around the protection of children and vulnerable others);
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions (i.e. submit a criminal record);
- that there are measures set out to promote the Licensing Objectives (see licensing objectives policy at Part 4);
- the location of premises (in relation to schools, substance misuse or other specialist services for children and vulnerable adults etc. – see locations policy at Part 5);
- local area profiling of the applicant through their risk assessments
- that a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- there are policies and training available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- provide details of the supplier of the machines and licence number
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; and
- that staff are appropriately trained to have a full understanding of the maximum stakes and prizes.

The efficiency of such policies and procedures will each be considered on their merits, however, they should include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children or vulnerable others causing perceived problems on / around the premises or children or vulnerable others perceived to be engaging in risk-taking or dangerous behaviour.

## **8.3 Alcohol Licensed Premises Gaming Machine Permits**

### **8.3.1 Automatic Entitlement for up to two gaming machines**

The Act provides for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D.

To rely on this automatic entitlement the person who holds the premises licence under the Licensing Act 2003 must formally notify the Licensing Authority and pay the prescribed fee.



Failure to give notification means that the gambling is unauthorised and the premises user or any person who makes the machine available for use commits an offence.

Notification must be given on the form provided for by this Authority and can be found on our website at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Applicants are reminded to comply with the Gambling Commissions code of practice on gaming machines which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The applicant will be expected to ensure that persons under the age of 18 years do not have access to the adult only gaming machines. This could include positioning the machines in sight of the bar, or in sight of staff who can monitor that the machines are not used by those under 18, or in an area designated for adults only

The Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises in breach of the automatic entitlement provisions contained in Section 282 of the Act;
- the premises are mainly used for gaming; or
- an offence under the Gambling Act 2005 has been committed on the premises.

### 8.3.2 Permit for three or more machines

If a premises wishes to have more than two machines of category C or D they would be required to apply for a 'licensed premises gaming machine permit'.

In determining such an application, regard will be given to the licensing objectives and any guidance issued by the Gambling Commission. In particular, the applicant must satisfy the Licensing Authority that there will be sufficient measures to ensure that persons under the age of 18 years do not have access to the adult only gaming machines.

### 8.3.3 Policy - LPGMP

Measures which will help satisfy the Authority of the applicant's commitment to prevent persons under the age of 18 years access to adult machines will be to ensure those machines are in sight of the bar and that suitable notices and signage will be on display.

Premises are encouraged to put into effect procedures intended to prevent underage gambling. This should include procedures for:

- operating a recognised age verification scheme, including checking the age of apparently underage customers, maintaining refusal records and training staff to operate the scheme; and
- refusing access to anyone who appears to be underage, and who tries to use category B or C gaming machines and cannot produce any acceptable form of identification.

As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare are available, clearly positioned and maintained at or near to gaming machines. Staff should be trained to recognise and report concerns about children and vulnerable people.

### Policy - 6 Machines or more

Any applications or variations for 6 machines or more will require producing the following with the appropriate application form:

- Plan of the premises indicating where the machines will be located
- Measures and procedures put in place regarding supervision of the machines
- A risk assessment for safeguarding children and vulnerable people at gambling premises to be undertaken with reference to the Sheffield Safeguarding Children Board risk assessment guidance available at

<https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>

The outcome of the risk assessment should inform staff training and the operating policy.

- A member of staff to be designated to have lead responsibility for the operating systems relating to the protection of children and other vulnerable persons. For a description of this role refer to <https://www.safeguardingsheffieldchildren.org.uk/welcome/sheffield-safeguarding-children-board/children-licensed-premises/gambling-act-2005.html>

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application will need to be dealt with under the relevant provisions of the Act and this Policy.

It should be noted that the Licensing Authority can decide to grant the application for a licensed premises gaming machine permit with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

Alcohol licensed premises are able to provide some limited equal chance gaming. Licence holders are to refer to the advice and guidance issued by the Gambling Commission.

## 8.4 Prize Gaming Permits

These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming on specified premises.

It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

Although a Licensing Authority cannot attach conditions, Section 293 of the Gambling Act 2005 set out four conditions that permit holders must comply with to lawfully offer prize gaming. These are:

- the limits on participation fees, as set out in Regulations, must be complied with;
- all chances to participate in gaming must be allocated on the premises on which the gaming is taking place and on the day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in Regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

The Licensing Authority will also in relation to an application for prize gaming permits take into account the following statement of principles when determining an application:

### 8.4.1 Policy – Prize Gaming Statement of Principles (Schedule 14 para 8 of the Act)

The Licensing Authority has a prescribed form which it requires applicants to use which is available from the Licensing Service or at our website [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

The Licensing Authority will expect the applicant to set out the types of gaming that they are intending to offer and be able to demonstrate:

- that the applicant is over 18 years of age;
- that proper and appropriate procedures are in place to protect children and vulnerable persons from harm;
- that all staff have been fully trained in all the relevant issues;
- that the applicant has no relevant convictions;
- that there are measures set out to promote the Licensing Objectives;

- the location of premises and a local area profile risk assessment (in relations to schools etc – see location policy at Part 5);
- that a member of staff is designated with lead responsibility for safeguarding children and other vulnerable others;
- there are policies available for safeguarding children and vulnerable others;
- that the application has been copied to South Yorkshire Police and the Sheffield Safeguarding Children Board;
- the premises will be inspected before it opens by relevant authorities the Licensing Authority sees fit;
- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

Applicants are required to obtain an enhanced disclosure from the Disclosure and Barring Service as part of the application process and regard will be taken to any “Relevant Convictions” (defined by Schedule 7 of the Act) which may be revealed. In addition the Safeguarding Children Board and Police will also be consulted on the application. The Licensing Authority has determined that regard will be given to the licensing objectives when determining such applications notwithstanding the Authority’s wide discretion when considering such matters.

## 8.5 Club Gaming Permits & Club Machine Permits

These permits are required where members clubs and Miners’ Welfare Institutes provide a gambling facility but either the stakes and prizes are low or gambling is not the main function of the premises.

Club gaming permits allow the provision of no more than three gaming machines in total. Each of the three machines must be from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Club gaming permits also allow equal-chance gaming (for example, poker) and games of chance (for example, pontoon, chemin-de-fer) under certain restrictions.

Club machine permits allow the holder to have no more than three gaming machines in total. Members’ clubs and miners’ welfare institutes may site up to three machines from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Applicants are reminded to comply with the Gambling Commissions code of practice for equal chance gaming which can be found on the Commissions website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).

The Authority may only refuse an application on the following grounds:

- a) the applicant does not fulfil the requirements for a members’ or commercial club or Miners’ Welfare Institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant’s premises are used wholly or mainly by children and / or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years; or
- e) an objection has been lodged by the Commission or the Police; and in the case of (a) or (b) must refuse the permit.

There is also a ‘fast-track’ procedure available for premises where the club holds a Club Premises Certificate under Section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for an objection to be made by the Commission or the Police, and the grounds upon which an Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are that:

- the club is established primarily for gaming, other than gaming of a prescribed kind;
- in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- a club machine permit issued to the applicant in the last ten years has been cancelled.

The Authority may grant or refuse a permit, but it may not attach conditions to a permit. The Authority expects that operators will observe the Code of Practice and guidance provided by the relevant agencies in relation to this type of premise.

## NOTICES

### 8.6 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence, but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

The limitations to the use of a TUN are:

- it can only be used to offer gambling of a form authorised by the operator's operating licence
- gambling under a TUN may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
- it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
- gaming machines may not be made available under a TUN.

The reference to a "set of premises" in the Act prevents large premises from having Temporary Use Notices for more than 21 days in a 12 month period by giving notification in regard to different parts of the same premises.

The definition of a "set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Licensing Authority will need to consider amongst other things the ownership / occupation and control of the premises.

Key points for operators:

- A Temporary Use Notice (TUN) can only be used to provide facilities for equal chance gaming, and the gaming must be intended to produce a single overall winner
- Cash games are not permitted under a Temporary Use Notice (TUN)
- The Gambling Commission-licensed operator which notifies the Temporary Use Notice (TUN) bears full responsibility for the compliance of any event run under that TUN
- All relevant licence conditions and code of practice provisions, that apply to the Gambling Commission-licensed operator responsible for the TUN, apply to the temporary premises just as if they were the operator's usual licensed premises

#### 8.6.1 Policy - TUN

The Licensing Authority in considering Temporary Use Notices, will consider whether gambling should take place or should only take place with modification under the TUN.

In doing so, the Licensing Authority will consider:

- Promotion of the licensing objectives (see Part 4)
- Suitability of the premises (see Part 5)
- Suitability of the location (see Part 5)
- Measures put in place for safeguarding
- Any guidance issued by the Gambling Commission or relevant authorities

### 8.7 Occasional Use Notices

Betting may be permitted by an occasional use notice without the need of a full premises licences for up to 8 days in a calendar year by the occupier of the track or the person responsible for the administration of the event.

The Licensing Authority has very little discretion as regards these notices apart from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Licensing authority will though need to consider the definition of a "track" and whether the applicant is permitted to avail themselves of the notice.

## 8.8 Travelling Fairs

Travelling fairs have traditionally been able to provide various types of low stake gambling without the need for a licence or permit, provided that certain conditions are met.

It is the duty of the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit are made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will carefully consider whether an operator falls within the statutory definition of a travelling fair (provided by section 286 of the Act) and be 'wholly or principally' providing amusements.

It is noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that this applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority shall endeavour to work with neighbouring authorities to ensure that land which crosses their boundaries is monitored so that the statutory limits are not exceeded.

## 8.9 Registration of Small Society Lotteries

The purpose of permitted lotteries is to raise money for causes that are non-commercial and therefore the Act requires that a minimum proportion of the money raised by the lottery is channelled to the goals of the society that promoted the lottery.

Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.

Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located. A society with its principle office within Sheffield must register with the Authority if it is a 'non-commercial' lottery; for example, if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- below the permitted maximum financial limits; or
- for any other non-commercial purpose other than for private gain.

Application forms are available from the Licensing Service or from our website at: [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

Refusal of registration shall be in accordance with the Act and Guidance and in particular a registration may be refused or revoked if it is believed that:

- the applicant is not a non-commercial society;
- a person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence;
- information provided in or with the application for registration is false or misleading; or
- an operating licence held by the applicant for registration has been revoked or an application for an operating licence has been refused.

### 8.9.1 Policy – Small society lottery application

As part of the application the Authority will ask applicants to set out the purposes for which the society is established in order to ensure that they represent a bona fide non-commercial society and have no relevant convictions.

The Authority will also request the following additional information:

- A copy of the society's constitution

- Names, address and date of birth of all committee members and any other person promoting the society
- Details of any relevant convictions from committee members including any other person promoting the society

Where the Authority feels it appropriate on the circumstances of each case it will consider whether there are factors which suggest that further enquiry is needed before registration occurs.

The Authority will only refuse an application to register after the society has had the opportunity to make representations. The Authority will inform the society of the reasons why it is minded to refuse registration and the evidence on which it has reached that preliminary conclusion. Persons wishing to make representation about an application for registration may request a copy of the procedures that will be followed by contacting the Licensing Service. A copy will also be on the Licensing Service web site at [www.sheffield.gov.uk/licensing](http://www.sheffield.gov.uk/licensing).

A registration may be revoked if the Authority would have been entitled to refuse an application for registration had it been made at that time. No revocation can take place unless the society has had the opportunity to make representations.

Schedule 11 of the Act details the information that must be returned to the Authority no later than 3 months after the lottery. The returns required to be made must be sent to the Licensing Authority. Operators are recommended to send these by recorded delivery to ensure receipt. Statements submitted over the previous 18 months must be available for inspection. Failure to provide a statement is an offence (see below).

The Commission recommends that operators maintain written records of unsold and returned tickets for a period of one year. The Licensing Authority is permitted to inspect the records of the lottery for any purpose related to the lottery and expect operators to maintain the aforementioned written records.

The Act sets out a number of offences that apply to lotteries, as follows:

Section of the Act	Offence
s.258	Promoting a non-exempt lottery without a licence
s. 259	Facilitating a non-exempt lottery without a licence
s.260	Misusing the profits of a lottery
s.261	Misusing the profits of an exempt lottery
s.262	Purporting to operate a small society lottery when not registered, or failing to make the required, or making false or misleading returns in respect of such lotteries
S.326	Without reasonable excuse, obstructing or failing to co-operate with an authorised person exercising his/hers powers
s.342	Without reasonable excuse, giving false or misleading information to the Commission or a licensing authority

If a registered society fails to comply with any of the other conditions of a small society lottery, laid down in Part 4 of Schedule 11, it will be operating in an illegal manner. Under these circumstances the society may be prosecuted by the Commission, the Police or the Licensing Authority.



## Part 9 - Ongoing Responsibilities of Licensed Premises

The responsibility to promote the licensing objectives does not stop when an authorisation is granted. In fact it is only just beginning. Operators must continue to tackle the risks associated with the activities they provide.

We expect all customer-facing and management staff in licensed premises to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling.

Amongst other elements, staff knowledge should include (where appropriate):

1. The importance of social responsibility (premises may wish to seek an audit from GamCare in order to obtain a certificate of Social Responsibility);
2. Partnership engagement with local agencies (for example, police, local safeguarding children board) so that staff are familiar with the necessary services, are furnished with contact details and know how to report concerns.
3. Causes and consequences of problem gambling;
4. Identifying and communicating with vulnerable persons; primary intervention and escalation;
5. Dealing with problem gamblers; exclusion (mandatory and voluntary) and escalating for advice / treatment;
6. The importance of maintaining records (refusals, self-exclusion, incident logs including under 18's interventions etc)
7. Refusal of entry (alcohol and drugs);
8. Age verification procedures and need to return stakes / withdraw winnings if underage persons found gambling;
9. Importance and enforcement of time / spend limits;
10. The conditions of the licence;
11. Offences under the Gambling Act;
12. Categories of gaming machines and the stakes and odds associated with each machine;
13. Types of gaming and the stakes and odds associated with each;
14. Staff exclusions from gambling at the premises where they are employed and reasons for restriction;
15. Ability to signpost customers to support services with respect of problem gambling, financial management, debt advice etc;
16. Safe cash-handling / payment of winnings;
17. How to identify forged ID and report it and procedures in relation to the offender (for example, report to police; bar those using forged ID from the premises;
18. Knowledge of a problem gambling helpline number (for their own use as well as that of customers); and
19. The importance of not encouraging customers to:
  - increase the amount of money they have decided to gamble;
  - enter into continuous gambling for a prolonged period;
  - continue gambling when they have expressed a wish to stop;
  - re-gamble winnings; or
  - chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

### 9.1 Self-exclusion scheme

Following updates in the Gambling Commissions Licence Conditions and Codes of Practice, the Licensing Authority expect all premises to operate a voluntary exclusion scheme. This means that wherever a customer requests to be excluded from the premises, they are excluded for an agreed time-frame taking into account the LCCP minimum requirements.

A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant Codes of Practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period.

Licensees are encouraged to share information with other operators and encourage customers to consider extending their self-exclusion to other licensed premises.

The Licensing Authority would request licensee's to share this information/records with them to assist with tackling issues in a particular area.



## Part 10 – Hearings, Conditions and Appeals

### 10.1 Delegation of Functions

The Licensing Authority has established a Licensing Committee to administer the wide range of licensing decisions and functions which the Council will be involved in.

The Licensing Committee has delegated certain decisions and functions to a number of sub-committees. However, where no representations are received in respect of an application; officers will deal with the application under delegated authority without the need for a hearing.

The table below sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers.

Matter to be dealt with	Licensing Committee	Sub Committee	Officers
Three year licensing policy	✓		
Policy not to permit casinos	✓		
Fee setting (when appropriate)	✓		
Application for Premises Licences		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application to vary a licence		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the commission	Where no representations have been received from the Commission
Application for a provisional statement		If a relevant representation made and not withdrawn	If no relevant representation made / representations have been withdrawn
Review of a Premises Licence		✓	
Applications for club gaming / club machine permits		Where objections have been made and not withdrawn	Where no objections made / objections have been withdrawn
Cancellation of club gaming / club machine Permits		✓	
Applications for other permits			✓
Cancellation of licensed gaming machine permits			✓
Consideration of temporary use notice			✓
Decision to give counter notice to a temporary use notice		✓	

### 10.2 Rights of the Applicant

This policy does not override anybody's right to make an application, make representations about an application, or apply for a review of a licence. Each application will be considered on its own individual merits in accordance with the requirements of the Gambling Act 2005.

## 10.3 Hearings

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

Each case will be considered on its own individual merits.

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

Every determination of a Licensing decision by the Licensing Committee or a Licensing Sub-Committee shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

All other licensing applications where either no representation has been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary, will be dealt with by the Council's Licensing Officers under delegated powers.

Sheffield City Council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant.

Where we receive an application for a gambling premises licence, the Licensing Committee will aim to permit the use of premises for gambling where it is considered:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
- b) in accordance with any relevant guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives (subject to (a) and (b)); and
- d) in accordance with this policy (subject to (a) – (c)).

Please note: The Licensing Committee has no discretion to either grant or refuse premises licences in circumstances that would mean departing from the above e.g. the Committee cannot reject applications on moral grounds.

## 10.4 Conditions

The majority of premises licences will have mandatory and / or default conditions attached to the licence. These conditions are detailed in the Gambling Act 2005 (Mandatory and Default conditions) Regulations 2007.

The Act provides that conditions may be attached to premises licences in a number of ways:

- automatically by the Act;
- through regulations made by the Secretary of State;
- by the Commission through operating and personal licences; or
- by Licensing Authorities.

Conditions may be general in nature and attached to all licences or all licences of a particular class, or they may be specific to a particular licence.

### 10.4.1 Policy – Imposing Conditions

The Authority will not normally interfere with default conditions which apply by reason of regulations unless an applicant can demonstrate that alternative controls will be operated by him that achieve the same or similar effect or where the Authority is of the opinion that a more stringent condition should be imposed.

In both cases the Authority will give notice of its reasons for departing from the default conditions to the applicants and all parties making representation on the matter.

The Authority will not generally impose conditions that limit the use of premises for gambling unless it is considered necessary as a result of the requirement to act in accordance with the Codes of Practice,

Gambling Commission's guidance, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.

Conditions imposed by the Authority will be proportionate to the circumstances they are intended to address and:

- relevant to the need to make the premises suitable as a gambling facility;
- directly relevant to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

The Authority will not consider imposing conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission.
- relating to gaming machine categories or method of operation.
- which specify that membership of a club or other body is required.
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each application will be determined on its own merits

## **10.5 Appeals against Licensing Authority decisions**

Appeals against Licensing Authority decisions must be made within 21 days of notice of the decision being received by the appellant (with the exception of appeals in relation to Temporary Use Notices which must be made within 14 days) and will be heard by the Magistrates Courts.

## Part 11 - Enforcement

Licensing Authorities are required by Regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising its functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of offences specified.

### 11.1 Policy – Enforcement - Statement of Principles (Section 346 and Part 15 of the Act)

The Licensing Authorities principles are that:

- It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

<b>Proportionate</b>	Regulators should only intervene when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
<b>Accountable</b>	Regulators must be able to justify decisions, and be subject to public scrutiny;
<b>Consistent</b>	Rules and standards must be joined up and implemented fairly;
<b>Transparent</b>	Regulators should be open, and keep regulation simple and user friendly; and
<b>Targeted</b>	Regulation should be focused on the problem, and minimise side effects.

- It will adopt a risk based inspection programme, and endeavour to avoid duplication with other regulatory regimes so far as possible.
- It will ensure compliance with the premises licences and other permissions which it authorises.
- It will be guided by complaints from Responsible Authorities and Interested Parties in establishing the level of risk from any premises in the City.
- It will investigate complaints about licensed premises where appropriate. In the case of a valid representation the Licensing Authority where appropriate will endeavour to seek a resolution through mediation.

Where considered appropriate, the Licensing Authority may pass a complaint on for investigation to any other statutory agent under whose enforcement responsibility the complaint falls.

The Licensing Authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Licensing Authority a single named point of contact, who should be a senior individual and whom the authority will contact first should any compliance queries or issues arise.

### 11.2 Test Purchasing

It is the responsibility of operators to manage risks to the licensing objectives that their activities may present.

Test purchasing is a method which can measure the effectiveness of licensee's efforts to control risks to the licensing objectives. Examples could include the effectiveness of self-exclusion procedures, controls on underage gambling and anti-laundering policies and procedures.

Licence holders are encouraged to conduct their own test purchasing to manage their risks. Results of any test purchasing conducted by the licensee must be shared with the Licensing Authority including any improvement programme or measures and to demonstrate later the effectiveness of such a programme.

Test purchasing may also be operated by the Gambling Commission or jointly with the Licensing Authority. Any such operations will be in accordance with the *Better Regulation Delivery Office's (BRDO) Code of Practice on age Restricted Products*.

## Part 12 – Equality, Diversity and Inclusion

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

Below lists some of the statutory requirements under this part, applicants/licensees and businesses are reminded of the below and we strongly recommend everyone works towards compliance with relevant legislation.

### 12.1 The Equality Act 2010

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

The Licensing Authority will at all times have regard to the Equality Act 2010 and Sheffield City Council's Equality, Diversity and Inclusion Policy Statement 2012.

### 12.2 Equality Impact Assessment (EIA)

An EIA is the chosen vehicle for Sheffield City Council to assess equality impacts. It is a systematic way of assessing the effects that a proposed policy or project is likely to have on different groups within the city. Policies will affect different people in different ways and it is possible that they have the potential to discriminate against certain groups, even if this is not an intention.

EIA's are carried out within the licensing service to consider the equality impacts of any proposed projects, new and revised policies, strategies and budget proposals.

An EIA has been carried out throughout the formulation of this policy. If you are interested in viewing this document, please contact the licensing service.

### 12.3 Disability

The Licensing Authority will at all times have due regard to the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005 (the duty on Public Authorities to promote disability equality) or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

Sheffield City Council are working collaboratively and in partnership with Disabled Go, Disability Sheffield and Nimbus Disability to support the ambitions of Sheffield to become an accessible and fairer city for all who live, work, study and or visit Sheffield.

Licensees are encouraged to support the development and delivery of this scheme (Accessible Sheffield).

### 12.4 Racial Equality

The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2003 or any subsequent and similar legislation including the Equality Act 2010, and the need to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different black and minority ethnic groups.

### 12.5 Sex Equality

The Licensing Authority will at all times have due regard to the Sex Discrimination Act 1975 and the Gender Equality Act 2006 (the duty on Public Authorities to promote Gender Equality) or any subsequent and similar legislation including the Equality Act 2010 and the need to eliminate unlawful discrimination; and to promote equality of opportunity.

## Part 13 - Useful Information and Contact Details

### RESPONSIBLE AUTHORITIES:

Licensing Authority		
Licensing Service Block C, Staniforth Road Depot Staniforth Road Sheffield S9 3HD	Telephone	0114 2734264
	Email	<a href="mailto:licensing@sheffield.gov.uk">licensing@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/licensing">www.sheffield.gov.uk/licensing</a>

Gambling Commission		
Victoria Square Birmingham B2 4BP	Telephone	0121 230 6666
	Email	<a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
	Website	<a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>

South Yorkshire Police		
The Licensing Team 1 <sup>st</sup> Floor Attercliffe Police Station 60 Attercliffe Common Sheffield S9 2AD	Telephone	0114 252 3617
	Email	<a href="mailto:Sheffield.liquor-licensing@southyorks.pnn.police.uk">Sheffield.liquor-licensing@southyorks.pnn.police.uk</a>
	Website	<a href="http://www.southyorks.police.uk">www.southyorks.police.uk</a>

South Yorkshire Fire and Rescue		
Sheffield Fire Safety Office (Licensing) 197 Eyre Street Sheffield S1 3FG	Telephone	0114 272 7202
	Email	
	Website	<a href="http://www.syfire.gov.uk">www.syfire.gov.uk</a>

The Planning Authority		
Head of Planning Services Licensing Applications Sheffield City Council Howden House Sheffield S1 2SH	Telephone	0114 273 4218
	Email	<a href="mailto:planning@sheffield.gov.uk">planning@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/planning">www.sheffield.gov.uk/planning</a>

Health Protection (Health & Safety)		
The Information Officer Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	Telephone	0114 273 5774
	Email	<a href="mailto:healthprotection@sheffield.gov.uk">healthprotection@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

Environmental Protection Service		
The Information Officer Sheffield City Council 2-10 Carbrook Hall Road Sheffield S9 2DB	Telephone	0114 203 7410
	Email	<a href="mailto:epsadmin@sheffield.gov.uk">epsadmin@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk">www.sheffield.gov.uk</a>

<b>Sheffield Safeguarding Children Board</b>		
Sheffield City Council Floor 3 South, Howden House Union Street Sheffield S1 2SH	Telephone	0114 273 4450
	Email	<a href="mailto:sscb@sheffield.gov.uk">sscb@sheffield.gov.uk</a>
	Website	<a href="http://www.safeguardingsheffieldchildren.org.uk">www.safeguardingsheffieldchildren.org.uk</a>

<b>HM Revenue &amp; Customs</b>		
National Registration Unit (Betting and Gaming) Portcullis House 21 India Street Glasgow G2 4PZ	Telephone	03000 516023
	Email	<a href="mailto:nrubetting&amp;gaming@hmrc.gsi.gov.uk">nrubetting&amp;gaming@hmrc.gsi.gov.uk</a>
	Website	

<b>The Navigation Authority</b>		
Association of Inland Navigation Authorities Middle Level Office 85 Whittlesey Road March, Cambridgeshire PE15 0AH	Telephone	0844 335 1650
	Email	
	Website	<a href="http://www.aina.org.uk">www.aina.org.uk</a>

<b>Canal and River Trust</b>		
Head Office First Floor North Station House 500 Elder Gate Milton Keynes MK9 1BB	Telephone	0303 040 4040
	Email	
	Website	<a href="http://www.canalrivertrust.org.uk">www.canalrivertrust.org.uk</a>



## OTHER USEFUL CONTACTS:

<b>Business Sheffield</b>		
Business Sheffield's Gateway provides a point of contact for all business needs. Working with a key advisor you will be directed to the services that are appropriate to your needs, such as Planning, Licensing, Building Standards, and Business Rates amongst others.		
	Telephone	0800 043 5522 or 0114 224 5000
	Email	
	Website	<a href="http://www.welcometosheffield.co.uk/business">http://www.welcometosheffield.co.uk/business</a>

<b>First Point for Business</b>		
First Point for Business is a first point of contact to put you in touch with all the services relevant to your new or changing business.		
Town Hall Pinstone Street Sheffield S1 2HH	Telephone	0114 224 5000
	Email	<a href="mailto:Firstpointforbusiness@sheffield.gov.uk">Firstpointforbusiness@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/firstpointforbusiness">www.sheffield.gov.uk/firstpointforbusiness</a>

<b>GamCare</b>		
GamCare provides support, information and advice to anyone suffering from a gambling problem.		
Head Office 2 <sup>nd</sup> Floor 7-11 St John's Hill London SW11 1TR	Telephone	020 7801 7000
	Email	<a href="mailto:info@gamcare.org.uk">info@gamcare.org.uk</a>
	Website	<a href="http://www.gamcare.org.uk">www.gamcare.org.uk</a>

<b>Gamble Aware</b>		
Gamble Aware provides a gateway to information about gambling in the UK encompassing regulation, social responsibility and industry funding of research education and treatment. It also explains how to get advice for gambling related problems.		
C/O Responsible Gambling Trust 35 Piccadilly London W1J 0DW	Telephone	020 7287 1994
	Email	<a href="mailto:info@gambleaware.co.uk">info@gambleaware.co.uk</a>
	Website	<a href="http://www.gambleaware.co.uk/">www.gambleaware.co.uk/</a>

<b>Ward Councillors</b>		
Councillors are democratically accountable to the residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.		
	Telephone	0114 273 4096
	Email	
	Website	<a href="http://www.sheffield.gov.uk/councillors">www.sheffield.gov.uk/councillors</a>

<b>Locality Management Teams</b>		
Sheffield Wards are grouped into seven Service Delivery Areas, each made up of four wards. Each area has a Local Area Partnership, which encourages partnership work between Councillors, the public sector, the private sector, the voluntary sector and community and faith sectors.		
Locality Team Ground Floor New Bank House 100 Queen Street Sheffield S1 2WA	Telephone	0114 273 6849
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
	Website	<a href="http://www.sheffield.gov.uk/in-your-area/your-local-area/about">www.sheffield.gov.uk/in-your-area/your-local-area/about</a>

Information for specific wards.		
Northern	Telephone	0114 205 3598
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
North East	Telephone	0114 203 7562
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
East	Telephone	0114 273 5708
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
Central	Telephone	0114 205 3049
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South	Telephone	0114 205 3281
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South East	Telephone	0114 273 6929
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>
South West	Telephone	0114 203 7212
	Email	<a href="mailto:localitymanagement@sheffield.gov.uk">localitymanagement@sheffield.gov.uk</a>

Sheffield Drugs and Alcohol / Domestic Abuse Co-ordination Team (DACT)		
Sheffield DACT is a strategic team responsible for commissioning drug and alcohol treatment services in Sheffield.		
Sheffield DACT c/o Sheffield Town Hall Sheffield City Council Pinstone Street Sheffield S1 2HH	Telephone	Drug misuse: 0114 272 1481 Alcohol misuse: 0845 345 1549 Domestic abuse: 0808 808 2241
	Email	<a href="mailto:help@sheffielddact.org.uk">help@sheffielddact.org.uk</a>
	Website	<a href="http://www.sheffielddact.org.uk">www.sheffielddact.org.uk</a>

## Appendix 1 – Glossary Of Terms

This section explains the key terms used in the Statement of Principles (Policy). These terms are all defined in the Act and the Guidance to the Act.

This glossary is only intended to clarify the general meaning of each of the terms. The list is not exhaustive, nor is the definitions legally comprehensive. The Act stands as the legal reference for the terms.

### Adult Gaming Centre

The holder of an adult gaming centre premises licence may make available for use category B machines; any number of category C machines; and any number of category D machines. In regulations, the Secretary of State will specify that the category B machines should be restricted to subcategory B3 and B4 machines (category B gaming machines must not exceed 20% of the total number of gaming machines which are available for use on the premises). They require an operating licence and a premises licence. No one under the age of 18 years is permitted to enter an Adult Gaming Centre.

### Authorisation

Refers to all licences, permits, notices and registrations under the Gambling Act 2005.

### Betting

Making or accepting a bet on the outcome of a race, competition, or any other event or process; the likelihood of anything occurring or not occurring; or whether anything is true or not.

### Betting machines

Means a machine designed or adapted for use to bet on future real events.

### Betting Premises

Betting premises are premises for off-course betting. They will be able to make category B2, B3, C or D gaming machines (a maximum of 4) available to their customers. They will also be able to provide betting machines for use to bet on live or future events.

### Bingo Premises

Bingo premises are premises that will be able to offer both cash and prize bingo. They will also be able to make category B3 or B4, C or D gaming machines available to their customers. (Category B machines must not exceed 20% of the total number of gaming machines which are available for uses on the premises). Children are allowed to enter premises licensed for bingo but not allowed access to areas where category C or above gaming machines are situated.

### Casino

Casinos are premises where people can participate in one or more casino games. These are games of chance which are not equal chance gaming (i.e. they may involve playing or staking against a bank and the chances may not be equally favourable to all participants. Casinos can also make category B, C or D machines available to their customers.

### Children

Section 45(1) defines a 'child' as an individual who is less than 16 years old.

### Christmas Day Period

The period of 24 hours from midnight on 24 December.

### Club Gaming Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B C or D), equal chance gaming and games of chance.

### Club Gaming Machine Permit

A permit to enable the premises to provide gaming machines (three machines of Categories B, C or D)

### Codes of Practice

Any relevant Codes of Practice issued by the Gambling Commission under section 24 of the Gambling Act 2005.

### Default Condition

A specified condition provided by Regulations to be attached to a licence, unless excluded by Sheffield City Council.

### **Equal Chance Gaming**

Games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants

### **Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centres –

- Licensed: which provide category C and D gaming machines and require a premises licence
- Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit  
No one under the age of 18 is permitted to enter areas where category C machines are being used.

### **Gaming**

Playing a game of chance for a prize

### **Gaming Machine**

A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act

### **Guidance**

Guidance issued to Licensing Authorities by the Gambling Commission as required by section 25 of the Gambling Act.

### **Interested Party**

For the purpose of the Gambling Act 2005 a person is an Interested Party in relation to an application for, or in relation to a Premises Licence if in the opinion of the Licensing Authority issuing the licence, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities; or
- c) represents persons who satisfy paragraph (a) or (b)

### **Licensed Premises Gaming Machine Permit**

The Licensing Authority can issue such permits for any number of category 'C' or 'D' machines in licensed premises. There is an automatic entitlement for alcohol on-licence holders to make available 2 gaming machines of category 'C' or 'D' for use in alcohol licensed premises.

### **Licensing Authority**

Refers to Sheffield City Council which carries out its functions as Licensing Authority under the Gambling Act 2005 in the Sheffield City boundary

### **Licensing Committee**

A committee of 10 to 15 Councillors appointed by the Council to represent the Licensing Authority.

### **Licensing Sub-Committee**

A sub-committee of members appointed from the Licensing Committee to whom the functions of the Licensing Committee can be delegated under the Act to determine applications.

### **Lottery**

Where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

### **Mandatory Conditions**

Conditions that must be attached to a licence. This may apply to all premises licences, to a class of premises licences or licences for specified circumstances.

### **Members Club**

A club that must:

- Have at least 25 members;
- Be established and conducted "wholly or mainly" for purposes other than gaming;
- Be permanent in nature;

- Not established to make commercial profit; and
- Controlled by its members equally.

### **Notification**

Notifications of temporary and occasional use notices

### **Occasional Use Notice**

Provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. Licensing Authorities and track operators and occupiers should note that the processes set out in the Act for applying for an occasional use notices are different to those for temporary use notices.

### **Off Course Betting**

Betting that takes place other than at a track, i.e. at a licensed betting shop.

### **Off Course Betting – Tracks**

Betting that takes place in self-contained betting premises within the track premises providing facilities for off course betting, i.e. on other events, not just those taking place on the track. Normally operate only on race days.

### **On Course Betting - Tracks**

Betting that takes place on a track while races are taking place

### **Operating Licence**

Authorises individuals or companies to provide facilities for certain types of remote or non-remote gambling. These licences are issued by the Gambling Commission and generally cover the principal commercial forms of gambling operation. A single licence cannot authorise both remote and non-remote activities; separate operating licences are needed for this. Conditions may be attached.

### **Personal Licence**

Except for small scale operations, each operating licence, at least one person who holds a specified management office must hold a personal licence. These licences are issued by the Gambling Commission with the aim of ensuring that individuals who control facilities for gambling or are able to influence the outcome of gambling are suitable to carry out those functions. These licences are not transferable and cannot be held by companies but companies are likely to want their key staff to hold a personal licence.

### **Pool Betting – Tracks**

Betting offered at a horse racecourse by the Tote and at a dog track by the holder of the premises licence for the track.

### **Premises**

Any place, including a vehicle, vessel or moveable structure.

### **Premises Licence**

Authorises the provision of facilities for gambling on premises for casinos, bingo, betting including tracks, adult gaming centres and family entertainment centres. The premises licence may also include details of conditions. These licenses will be valid for the life of the premises, subject to any review that may be triggered and lapse in certain circumstances, with no annual renewal required, although there is an annual fee. These licences are transferable to someone else holding a valid operating licence.

### **Prize Gaming**

Where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

### **Prize Gaming Permit**

This permit allows the provision of facilities for gaming with prizes on specified premises.

### **Provisional Statement**

Where an applicant can make an application to the Licensing Authority in respect of premises that he:

- Expects to be constructed
- Expects to be altered

- Expects to acquire a right to occupy.

## Regulations

Regulations made under the Gambling Act 2005

## Remote Gambling

Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act

## Representation

Representations that relate to the Gambling Licensing Objectives, or that raise issues under the Licensing Policy or the Gambling Commissions Guidance or Codes of Practice.

## Responsible Authorities

The bodies identified as Responsible Authorities are:

- the Licensing Authority in England and Wales in whose area the premises are wholly / partly situated;
- the Gambling Commission;
- the Chief Officer of Police for the area in which the premises is wholly / partly situated;
- the Fire and Rescue Service for the same area;
- the local Planning Authority;
- the Environmental and Regulatory Services;
  - Noise Pollution; and
  - Health & Safety
- the local Safeguarding Children Board;
- HM Revenues & Customs; and
- Any other person prescribed in Regulations by the Secretary of State

## SIA (Security Industry Authority)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at [www.the-sia.org.uk](http://www.the-sia.org.uk).

## Small Lottery

Where the total value of tickets in a single lottery is £20,000 or less and the aggregate value of the tickets in a calendar year is £250,000 or less.

## Small Society Lottery

A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

## Statement of Licensing Principles

Policy statement issued by the Licensing Authority which indicate those matters which will be taken into account when considering an application for a licence or permit.

## Temporary Use Notice

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice would include hotels, conference centres, and sporting venues.

## Tracks

Tracks are sites, including horse racecourses and dog tracks, where races or other sporting events take place. There is no automatic entitlement to provide gaming machines but if the track operator holding the premises licence also holds a pool betting operator's licence up to 4 gaming machines in categories B2,B3,B4, C or D may be provided.

## Travelling Fair

A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and On a site used for fairs for no more than 27 days per calendar year.

**Unlicensed Family Entertainment Centre**

These allow the use of category „D“ gaming machines in these premises to a person who occupies or plans to occupy the premises to be used as an unlicensed family entertainment centre. An application for this permit cannot be made where a premises licence is in effect on the same premises.

**Vessel**

Anything (other than a seaplane or amphibious vehicle) designed or adapted for use on water; a hovercraft; or anything, or part of any place, situated on or in water.

**Vulnerable Person**

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition, but states that “it will for regulatory purposes assume that this group of people includes those who gamble more than they want to; those who gamble beyond their means; and those who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.”

**Young Person**

Section 45(2) of the Gambling Act 2005 defines a young person as an individual who is not a child but who is less than 18 years old, i.e. 16 or 17 years old.

## Appendix 2 – List of Consultees

### Responsible Authorities

Licensing Authority  
The Gambling Commission  
South Yorkshire Police  
South Yorkshire Fire and Rescue  
The Planning Authority  
Health Protection Service (Health & Safety)  
Environmental Protection Service (Noise Nuisance)  
Sheffield Safeguarding Children Board  
HM Revenue & Customs  
The Navigation Authority  
Canal and River Trust

### Local Authorities

Barnsley Metropolitan Borough Council  
Doncaster Metropolitan Borough Council  
Rotherham Metropolitan Borough Council

### Solicitors

DLA Piper Rudnick Gray Cary UK LLP  
John Gaunt and Partners  
Popleston Allen  
Ford and Warren  
Goschalks  
Law Society  
Maitland Walker  
Irwin Mitchell  
Parker Rhodes Hickmotts  
HLW Keeble Hawson LLP

### Sheffield City Council Contacts

Brian Messider, Access Officer  
Sheffield Schools  
Jayne Ludlam, Executive Director, Children and Young People  
Sheffield City Council Councillors  
Locality Management Team  
Business Sheffield  
First Point for Business  
Local Members of Parliament  
Angela Smith  
Paul Blomfield  
Nick Clegg  
Louise Haigh  
Clive Betts  
Harry Harpham

### Religious Contacts

Central United Reformed Church  
Father D Sexton, Cathedral Church of St. Marie  
Diocesan Secretary, Diocesan Church House  
The Right Reverend Jack Nicholls, Bishop of Sheffield  
The Very Reverend Peter Bradley. The Cathedral Church of St. Peter and St. Paul  
St John The Baptist C Of E Church

### Gambling Industry Contacts

Amusement Caterers (Sheffield) Limited  
British Association of Leisure Park, Piers and Attractions  
Casino Machines Manufacturers Group (CMMG)  
Gamblers Anonymous  
Independent Bookmakers Association (IBA)  
Racecourse Promoters Association (RCPA)  
Rails Bookmakers Association Ltd  
BBPA Midland Counties  
Northern Bookmakers Protection Association  
Association of British Bookmakers  
Betting Exchange Trade Association  
Bingo Association  
British Amusement Catering Trades Association (BACTA)  
British Beer and Pub Association  
British Casino Association  
Casino Operators Association (COA)  
GamCare  
National Association of Bookmakers  
British Beer and Pub Association  
Scottish Beer and Pub Association

### Others

CIU  
BBPA North  
British Beer and Pub Association  
Scottish Beer and Pub Association  
Scouts Association  
Sheffield Chamber of Commerce  
DACT  
Sheffield First Partnership  
Sheffield Licence Watch  
Sheffield Primary Care Trust  
South East Sheffield Citizens Advice Bureau  
Institute of Licensing  
NALEO  
The Scouts Association  
Yorkshire Forward  
Accessible Sheffield  
Bradfield Parish Council  
Ecclesfield Parish Council  
Stocksbridge Town Council  
SCCRAG  
Casinos / Operators  
Betting Offices / Operators  
Tracks / Pool Betting Licence Holders  
Bingo Hall / Operators  
Premises Licence Holders  
Club Premises Certificate Holders  
Holders of Small Lotteries Registrations