

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

**Under the Licensing Act 2003**

**2016**

# CONTENTS

	Page No.
<b>Part 1 - Foreword</b>	<b>3</b>
<b>Part 2 – Overview</b>	<b>4</b>
Legislative Background	4
Key Definitions	5
Scope of Licensing Policy	5
Process of applying for a licence	6
Supporting and Integrating Strategies	7
Relationship with Planning	10
<b>Part 3 – SHEFFIELD CITY COUNCIL’S STATEMENT OF LICENSING POLICY</b>	<b>12</b>
<b>Policy paragraphs are highlighted throughout the document by shaded text boxes.</b>	
The Licensing Objectives:	13
<ul style="list-style-type: none"><li>• The Prevention of Crime and Disorder</li><li>• Public Safety</li><li>• The Prevention of Public Nuisance</li><li>• The Protection of Children from Harm</li></ul>	14 16 18 20
Representations made by other persons	23
Applications for: Premises Licences/Club Premises Certificates/Provisional Statements	25
Applications for: Personal Licences	26
Designated Premises Supervisors	27
Temporary Event Notices	28
Events to be held on Council Land	29
Large Scale Events	30
Applications for: Minor Variations	31
Applications for: Reviews	32
Applications for: Summary Reviews	34
Cumulative Impact	35
Other methods for controlling Cumulative Impact	35
Areas Nearing Levels of Stress in Sheffield	36
Early Morning Restriction Orders (EMROs)	37
<b>Part 4 - Licensing Committee</b>	<b>38</b>
Hearings	38
Delegation of Functions	38
Appeals	38
<b>Part 5 - Equality, Diversity and Inclusion</b>	<b>39</b>
The Equality Act 2010	39
Equality Impact Assessment (EIA)	39
<b>Part 6 - Parallel Consent Schemes</b>	<b>40</b>
<b>Part 7 - Useful Contact Details</b>	<b>41</b>
<b>Appendix ‘A’ - Glossary of Terms</b>	<b>43</b>
<b>Appendix ‘B’ - Consultation / Consultees</b>	
<b>Appendix ‘C’ – Map of City Centre Boundary</b>	

# 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. It may be 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.