

### Licensing Committee

#### Meeting held 5 October 2020

(NOTE: This meeting was held as a remote meeting in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.)

**PRESENT:** Councillors Karen McGowan (Chair), Andy Bainbridge, Roger Davison, Adam Hurst, Douglas Johnson, Ruth Mersereau, Joe Otten, Josie Paszek, Vickie Priestley, Bob Pullin, Sioned-Mair Richards, Mick Rooney, Jim Steinke and Cliff Woodcraft

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Dawn Dale.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETINGS**

4.1 The minutes of meetings of (a) this Committee held on 27<sup>th</sup> July 2020 and (b) the Licensing Sub-Committee held on 6<sup>th</sup>, 7<sup>th</sup> and 20<sup>th</sup> July, 3<sup>rd</sup>, 17<sup>th</sup> and 18<sup>th</sup> August, and 1<sup>st</sup> and 7<sup>th</sup> September 2020, were approved as correct records.

#### **5. GAMBLING ACT 2005 - SHEFFIELD JOINT TEST PURCHASING STRATEGY**

5.1 The Chief Licensing Officer submitted a report on the proposed implementation of a new joint multi-agency test purchasing strategy in gambling premises in the City.

5.2 Shimla Finch (Licensing Strategy and Policy Officer) introduced the report, which contained information on the purpose, objectives and aims of the proposed strategy, and attached the full strategy document, at Appendix 'A'.

5.3 Members of the Committee raised questions, and the following responses were provided:-

- There would be no accurate statistics available on the number of breaches involving children under 18 attending gambling premises until such time test purchases were carried out regularly throughout the City. Whilst the multi-agency task group, which included representatives from the Gambling

Commission, Sheffield Safeguarding Children Partnership, South Yorkshire Police, Sheffield Trading Standards and the Licensing Authority, would agree arrangements for local test purchase operations, this had not been possible due to Covid-19. It was hoped that when the strategy was implemented, and the test purchase operations commenced, the number of breaches would then become apparent. Whilst test purchasing in gambling premises was a new strategy, Licensing Officers ensured compliance by visiting such premises to undertake inspections.

- The reasoning behind the decision to implement review proceedings before the Licensing Sub-Committee if there was a third test purchase failure within a 12-month period was simply to keep the process in line with the Authority's other test purchasing schemes and enforcement strategies, which had worked well. Consideration would be given to taking action if the third failure was committed shortly after the 12-month period, if circumstances required it, with each case being determined on its own merits.
- The arrangements for mystery shoppers to undertake test purchase operations were agreed with the police and Trading Standards.
- If a premises failed on the first test purchase, it was more likely that visits would be made to the premises on the second and third occasions.
- Following the first test purchase failure, the Authority would prefer to offer advice and assistance to the licensee, including the offer of training, rather than make the training a requirement at this stage.
- More detailed discussions would be held with the multi-agency task group in connection with the number of test purchase operations of gambling premises as part of the implementation of the new strategy.

5.4 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the comments now made and the responses to the questions raised;
- (b) requests that the report be referred back for consideration by the members of the multi-agency task group, with the amended wording, as follows, and referred back to this Committee for final approval:-
  - (i) the substitution of the final sentence in paragraph 5.1 by the words "The licence holder be strongly advised to attend the training offered by the Sheffield Safeguarding Children's Board"; and
  - (ii) paragraph 5.3 be reworded as "If a third test purchase failure occurs within a 12 month period, or shortly after this time, taking the other failures into consideration, we would implement review proceedings

before the Licensing Sub-Committee, which could decide, among other decisions, to cancel the permit or impose conditions. Each case will be considered on its own individual merits and will be determined by the Licensing Committee”.

## **6. LICENSING ACT 2003 - DRAFT STATEMENT OF LICENSING POLICY**

6.1 The Chief Licensing Officer submitted a report on the draft, revised Statement of Licencing Policy, under the Licencing Act 2003

6.2 The report, introduced by Claire Bower (Licensing Strategy and Policy Officer) contained the draft Statement of Licensing Policy, information on the public consultation process undertaken, attaching the comments received as part of that process, at Appendix ‘A’, and set out details of the process and timetable followed. Ms Bower reported that the report would be submitted to the Cabinet in November 2020, and full Council in December 2020 for final approval.

6.3 Members of the Committee raised questions, and the following responses were provided:-

- The present policy on vaping, as set out under the Public Nuisance Policy in the draft Statement, indicated that vaping would be treated in the same way as smoking is, in line with the smoke free legislation. There had been discussions as to whether this should be included.
- In terms of Cumulative Impact Areas (CIA), the Authority would look at areas of stress, such as where there was a high number of licensed premises, in order to assess whether such an area could potentially reach a ‘tipping point’ and whether steps should then be taken to designate the area as a CIA. A considerable amount of work, specifically evidence-gathering, had been undertaken by the Authority and its partners with regard to the West Street/Division Street area, but it had not been possible to get sufficient tangible evidence to allow for the area’s designation as a CIA.
- External drinking areas were just a short-term measure to offer assistance to licensed premises during the Covid-19 pandemic.
- A number of areas in the City, such as Broomhill, had had their designations of areas of stress removed as they were no longer deemed to be an issue. This had followed the Authority taking enforcement action, where necessary, and/or offering help and advice, and providing training. It was believed that there were currently no areas of stress in the City.
- The only way the Authority could approve the designation of an area as a CIA was if there had been regular incidents of serious crime and disorder. There had not been a sufficient level of representations regarding the Abbeydale Road/Broadfield Road area to warrant any further investigations at this stage.

- Alcohol Exclusion Zones provided the police with powers to hand out penalty notices to people drinking alcohol and causing anti-social behaviour in such Zones. The legislation had since changed, and it was no longer dealt with by this Committee as it also addressed other issues, such as nuisance dogs and car parking.

6.4 RESOLVED: That the Committee:-

- (a) notes the information contained in the report now submitted, together with the comments now made and the responses to the questions raised; and
- (b) requests that the draft Statement of Licensing Policy be submitted to a future meeting, prior to its submission to the Cabinet, subject to the following suggestions, for approval:-
  - (i) the issue regarding vaping be further referred to the Health Protection Service and the Office of the Director of Public Health for further comment; and
  - (ii) the revised draft Statement to include tracked changes which clearly highlight what revisions have been made.

## **7. SPEARMINT RHINO QUARTERLY CCTV INSPECTION REPORT**

7.1 This item was withdrawn from consideration by the Committee.